

# STATE OF NEW YORK

9140

## IN SENATE

May 11, 2022

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the Flax Pond tidal wetlands sanctuary; and to amend the navigation law, in relation to prohibiting the use of motor boats in the Flax Pond tidal wetlands sanctuary

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 11-0306-a to read as follows:

3 § 11-0306-a. The Flax Pond tidal wetlands sanctuary.

4 1. There is established a Flax Pond tidal wetlands sanctuary for the  
5 purpose of protecting areas of special ecological significance within  
6 the Flax Pond tidal marsh. The sanctuary shall be composed of the tidal  
7 wetlands located in the village of Old Fields, county of Suffolk as  
8 designated on the March tenth, nineteen hundred sixty-six survey filed  
9 in the Suffolk County Clerk's office as file number 136899 and including  
10 a permanent easement for the State University of New York as designated  
11 on the March ninth, nineteen hundred sixty-six survey filed in the  
12 Suffolk County Clerk's office as file number 81558, and including acre-  
13 age of 146.162 acres. The sanctuary shall be managed by the department  
14 in cooperation with the state university at Stony Brook. The sanctuary  
15 shall be managed as a long-term field laboratory for research and educa-  
16 tion to provide:

17 a. a natural area for academic research across a wide variety of  
18 disciplines including, but not limited to, the fields of community ecol-  
19 ogy, population ecology, predator-prey relationships, food chain and web  
20 dynamics, nutrient and energy flow, hydrology, ornithology, botany, and  
21 forestry management;

22 b. opportunities for instruction between teaching faculty and students  
23 by using the property as an "outdoor classroom";

24 c. opportunities for students, faculty, and the public to connect with  
25 the natural world around them; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14946-01-2

1 d. a meaningful contribution toward protection of local and regional  
2 biodiversity.

3 2. Hunting, fishing, trapping and the use of motor boats are not  
4 compatible with the primary purposes and management goals of the sanctu-  
5 ary.

6 § 2. The navigation law is amended by adding a new section 39-b to  
7 read as follows:

8 § 39-b. Motor boat regulation on Flax Pond tidal wetlands sanctuary.

9 1. The term "motor boat" shall mean and include a mechanically propelled  
10 vessel having a source of power other than propulsion by wind propelled  
11 sail or human propelled oar or paddle. The term shall also include a  
12 craft temporarily or permanently equipped with a detachable motor,  
13 commonly known as an "outboard" motor boat.

14 2. No motor boat shall be operated on the Flax Pond tidal wetlands  
15 sanctuary established pursuant to section 11-0306-a of the environmental  
16 conservation law. Signs shall be posted warning that motor boats are  
17 prohibited in the tidal wetlands.

18 3. The provisions of this section shall not apply to emergency and  
19 rescue vessels and vessels operated for the official functions of a  
20 federal, state or local governmental agency.

21 4. A person violating any of the provisions of this section shall be  
22 deemed guilty of a violation and punishable by a fine of not more than  
23 one hundred dollars or imprisonment for not more than ten days or by  
24 both such fine and imprisonment.

25 § 3. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law.