STATE OF NEW YORK

4601--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. GLICK, KELLES, L. ROSENTHAL, SIMONE, STECK, REYES, SIMON, JACOBSON -- read once and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the protection of certain streams

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

Section 1. Subdivision 2 of section 15-0501 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

2. For the purposes of this section, stream shall mean that portion of any fresh surface watercourse, except lakes or ponds having a surface area greater than ten acres at mean low water level, for which the department has adopted or may hereafter adopt pursuant to section 17-0301, any of the following classifications or standards:

AA and AA (T),

A and A (T),

B and B (T),

C and C (T)

Small ponds or lakes with a surface area at mean low water level of ten acres or less, located in the course of a stream, shall be considered a part of the stream and subject to regulation under this section.

§ 2. Subdivision 4 of section 15-0501 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

4. **a.** No permit under this section shall be required of any local public corporation which has entered into a written memorandum of understanding with the department establishing the plan of operation to be followed in carrying out projects or work affecting water courses so as

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

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to afford proper protection to the public beneficial uses of such water courses.

b. No permit under this section with respect to any stream with a classification of C shall be required of a soil and water conservation district as defined in subdivision one of section three of the soil and water conservation districts law which has entered into a written memorandum of understanding with the department establishing the plan of operation to be followed in carrying out projects or work affecting such water courses so as to afford proper protection to the public beneficial uses of such water courses.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.