

# STATE OF NEW YORK

1725--A

2023-2024 Regular Sessions

## IN SENATE

January 13, 2023

Introduced by Sens. HARCKHAM, FERNANDEZ, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 2 of section 15-0501 of the environmental  
2 conservation law, as amended by chapter 233 of the laws of 1979, is  
3 amended to read as follows:  
4 2. For the purposes of this section, stream shall mean that portion of  
5 any fresh surface watercourse, except lakes or ponds having a surface  
6 area greater than ten acres at mean low water level, for which the  
7 department has adopted or may hereafter adopt pursuant to section  
8 17-0301, any of the following classifications or standards:  
9 AA and AA (T),  
10 A and A (T),  
11 B and B (T),  
12 C and C (T)  
13 Small ponds or lakes with a surface area at mean low water level of  
14 ten acres or less, located in the course of a stream, shall be consid-  
15 ered a part of the stream and subject to regulation under this section.  
16 § 2. Subdivision 4 of section 15-0501 of the environmental conserva-  
17 tion law, as amended by chapter 233 of the laws of 1979, is amended to  
18 read as follows:  
19 4. a. No permit under this section shall be required of any local  
20 public corporation which has entered into a written memorandum of under-  
21 standing with the department establishing the plan of operation to be

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

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1 followed in carrying out projects or work affecting water courses so as  
2 to afford proper protection to the public beneficial uses of such water  
3 courses.

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

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