STATE OF NEW YORK

3650

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. MANKTELOW, JENSEN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a moratorium on the building or placing of any permanent or semi-permanent wind turbine on bodies of freshwater located within the state or off the coastline

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

Section 1. The environmental conservation law is amended by adding a new section 13-0107 to read as follows:

§ 13-0107. Moratorium on building or placing wind turbines.

1. For purposes of this section, "federal waters" shall mean those waters and submerged lands lying seaward to the state waters of New York that appertain to the United States and are subject to federal jurisdiction and control.

2. (a) Notwithstanding any provision of law to the contrary, there is hereby established a moratorium, for an indefinite period of time, upon the building or placing of any permanent or semi-permanent wind turbine on all bodies of freshwater located within the state and within the jurisdiction and control of the state.

(b) Notwithstanding any provision of law to the contrary, there is hereby established a moratorium, for an indefinite period of time, upon the building or placing of any infrastructure used to support a permanent or semi-permanent wind turbine located in federal waters or waters under the jurisdiction and control of another state, when such infrastructure enters or passes through a body of freshwater within the jurisdiction and control of the state.

3. This section shall be subject to any applicable provisions of the state environmental quality review act, article ten of the public service law, and any local zoning or permitting laws or ordinances.

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

LBD03936-01-3

4. Such moratorium shall not be lifted without the consent of both houses of the legislature by a majority vote in each house. The legislature may require any additional data or information that it deems necessary to make a decision if such moratorium shall be lifted.

§ 2. This act shall take effect immediately.