STATE OF NEW YORK

857

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

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

AN ACT to amend the environmental conservation law, in relation to establishing the Flax Pond tidal wetlands sanctuary; and to repeal section 39-b of the navigation law relating 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:

Section 1. Section 11-0306-a of the environmental conservation law, as added by a chapter of the laws of 2022 amending the environmental conservation law relating to establishing the Flax Pond tidal wetlands sanctuary; and amending the navigation law relating to prohibiting the use of motor boats in the Flax Pond tidal wetlands sanctuary, as proposed in legislative bills numbers S. 9140 and A. 10187, is amended to read as follows:

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

1. There is established a Flax Pond tidal wetlands sanctuary for the purpose of protecting areas of special ecological significance within the Flax Pond tidal marsh. The sanctuary shall be composed of the tidal wetlands located in the village of Old [~~Fields~~] **Field**, county of Suffolk as designated on the March tenth, nineteen hundred sixty-six survey filed in the Suffolk County Clerk's office as file number 136899 and including a permanent easement for the State University of New York as designated on the March ninth, nineteen hundred sixty-six survey filed in the Suffolk County Clerk's office as file number 81558, and including acreage of 146.162 acres. The sanctuary shall be managed by the department in cooperation with the state university at Stony Brook. The sanctuary shall be managed as a long-term field laboratory for research and education to provide:

a. a natural area for academic research across a wide variety of disciplines including, but not limited to, the fields of community ecol-

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

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ogy, population ecology, predator-prey relationships, food chain and web dynamics, nutrient and energy flow, hydrology, ornithology, botany, and forestry management;

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

c. opportunities for students, faculty, and the public to connect with the natural world around them; [~~and~~]

d. a meaningful contribution toward protection of local and regional biodiversity[~~.~~

~~2. Hunting, fishing, trapping and the use of motor boats are not compatible with the primary purposes and management goals of the sanctuary.~~];

e. lawful recreational angling, however no commercial fishing or shellfishing, nor the taking of invertebrates for bait shall be permitted within the sanctuary;

f. lawful waterfowl hunting during the appropriate open season following receipt of a tidal wetlands access permit issued pursuant to department regulations; and

g. boating by sail, human propelled oar or paddle, or mechanically propelled vessels having a source of power less than ten horsepower.

§ 2. Section 39-b of the navigation law, as added by a chapter of the laws of 2022 amending the environmental conservation law relating to establishing the Flax Pond tidal wetlands sanctuary; and amending the navigation law relating to prohibiting the use of motor boats in the Flax Pond tidal wetlands sanctuary, is REPEALED.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the environmental conservation law relating to establishing the Flax Pond tidal wetlands sanctuary; and amending the navigation law, relating to prohibiting the use of motor boats in the Flax Pond tidal wetlands sanctuary, as proposed in legislative bills numbers S. 9140 and A. 10187, takes effect.