

# STATE OF NEW YORK

2292

2025-2026 Regular Sessions

## IN SENATE

January 16, 2025

Introduced by Sen. HARCKHAM -- 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 and the navigation law, in relation to establishing whale strike reduction policies for large vessels

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

1 Section 1. This act shall be known and may be cited as the "whale  
2 awareness act".

3 § 2. Article 13 of the environmental conservation law is amended by  
4 adding a new title 9 to read as follows:

### TITLE 9

#### WHALE STRIKE REDUCTION POLICIES FOR LARGE VESSELS

7 Section 13-0901. Whale interaction reduction policy requirements.

8 13-0903. Policy review; determination of compliance.

9 § 13-0901. Whale interaction reduction policy requirements.

10 The department shall establish standards and requirements for whale  
11 interaction reduction policies as required pursuant to section one  
12 hundred fifty of the navigation law. In developing such standards and  
13 requirements, the department shall consult with the office of parks,  
14 recreation, and historic preservation, the port authority of New York  
15 and New Jersey and any other relevant agencies, and such agencies shall  
16 provide appropriate assistance to the department. In furtherance of the  
17 foregoing, the department shall also seek input from the United States  
18 coast guard and the national oceanic and atmospheric administration.  
19 Such standards and requirements shall require, at minimum, that each  
20 whale interaction reduction policy shall include:

21 1. Consideration of federal and relevant international organization  
22 policies and best practices;

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

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1 2. Consideration of the latest scientific understanding about whale  
2 interactions, as such term is defined in section one hundred fifty of  
3 the navigation law, and timing and location of whale presence;

4 3. Consideration of the latest technology to avoid whale interactions;

5 4. Speed reduction measures to reduce the risk of whale strikes;

6 5. Crew training and education;

7 6. Vessel-specific considerations, including maneuverability, draft,  
8 and size;

9 7. Consideration of modifications in vessel design and operation;

10 8. Consideration of sea states;

11 9. Consideration of the efficacy of various measures to reduce the  
12 risk of whale interactions;

13 10. Any other considerations particular to the owner or the owner's  
14 vessel; and

15 11. Such other factors as may be required by the department.

16 § 13-0903. Policy review; determination of compliance.

17 The department, in cooperation with the office of recreation and  
18 historic preservation, the port authority of New York and New Jersey,  
19 and any other relevant agencies, shall review all whale interaction  
20 reduction policies submitted pursuant to section one hundred fifty of  
21 the navigation law for compliance. If the department determines that a  
22 whale interaction reduction policy does not meet the standards and  
23 requirements established pursuant to this section, then the department  
24 shall give notice of such determination and provide the responsible  
25 person with a sixty-day period to submit an amended whale interaction  
26 reduction policy which meets the standards and requirements of this  
27 section. If the owner of a public vessel subject to section one hundred  
28 fifty of the navigation law is given a notice of determination that a  
29 whale interaction reduction policy does not meet the standards and  
30 requirements established pursuant to this section and does not submit a  
31 revised whale interaction reduction policy which meets such standards  
32 and requirements within the sixty-day period, then such owner shall be  
33 in violation of this section and subject to the provisions of subdivi-  
34 sion thirteen of section 71-0923 of this chapter.

35 § 3. Section 71-0923 of the environmental conservation law is amended  
36 by adding a new subdivision 13 to read as follows:

37 13. A violation of title nine of article thirteen of this chapter  
38 shall be punishable by a fine of not less than one thousand dollars and  
39 not more than ten thousand dollars for each new violation of such title  
40 and a fine of not less than one thousand dollars and not more than  
41 fifteen thousand dollars per day for each day on which such violation  
42 continues.

43 § 4. The navigation law is amended by adding a new article 11-A to  
44 read as follows:

#### 45 ARTICLE 11-A

#### 46 PUBLIC VESSEL WHALE INTERACTION REDUCTION

47 Section 150. Whale interaction reduction policies.

48 § 150. Whale interaction reduction policies. (a) For the purposes of  
49 this section, "whale interaction" means an act that constitutes harass-  
50 ment within the meaning of 16 U.S.C. 1362.

51 (b) The owner of a public vessel which such owner operates or intends  
52 to operate on the waters of the state shall, beginning with the year  
53 following the year on which this article first takes effect, annually  
54 submit to the commissioner and the commissioner of the department of  
55 environmental conservation a whale interaction reduction policy. Such

1 policy shall describe the actions taken and planned by the owner to  
2 reduce the likelihood that the public vessel has a whale interaction.

3 (c) Every whale interaction reduction policy shall cover all public  
4 vessels owned by an owner of a public vessel subject to subdivision (b)  
5 of this section and shall comply with the requirements of title nine of  
6 article thirteen of the environmental conservation law. The office shall  
7 consult and cooperate with the department of environmental conservation  
8 in determining compliance with this section.

9 (d) Each failure to comply with the provisions of this section shall  
10 result in a penalty of not less than one thousand dollars and not more  
11 than ten thousand dollars for each new violation of this section and a  
12 penalty of not less than one thousand dollars and not more than fifteen  
13 thousand dollars per day for each day on which such failure to comply  
14 continues.

15 § 5. Severability. If any clause, sentence, paragraph, subdivision,  
16 section or part of this act shall be adjudged by any court of competent  
17 jurisdiction to be invalid, such judgment shall not affect, impair, or  
18 invalidate the remainder thereof, but shall be confined in its operation  
19 to the clause, sentence, paragraph, subdivision, section or part thereof  
20 directly involved in the controversy in which such judgment shall have  
21 been rendered. It is hereby declared to be the intent of the legislature  
22 that this act would have been enacted even if such invalid provisions  
23 had not been included herein.

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