

Amend Senate 993, Assembly 1923, A BUDGET BILL, AN ACT to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983 amending executive law relating to community services block grant programs, in relation to the effectiveness of such chapters...

Page 66,

Lines 14-42,

After "shall" strike out

", as soon as practicable, conduct a study to identify and map those individual freshwater wetlands in the state of New York which shall have an area of at least twelve and four-tenths acres or more, or if less than twelve and four-tenths acres, (a) have, in the discretion of the commissioner, [and subject to review of his action by the board created pursuant to title eleven of this article,] unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 or (b) are located within the Adirondack park and meet the definition of wetlands contained in subdivision sixty-eight of section eight hundred two[of article twenty-seven] of the executive law, and shall determine their characteristics. This study shall, in addition to such other data as the commissioner may determine to be included, consist of the freshwater wetlands inventory of the department [of environmental conservation], currently being made, together with other available data on freshwater wetlands, whether assisted by the state of New York under the tidal wetlands act or otherwise, or assembled by federal or local governmental or private agencies, all of which information shall be assembled and integretated, as applicable, into a map of freshwater wetlands of the state of New York. Such study may, in the discretion of the commissioner, be carried out on a sectional or regional basis, as indicated by need, subject to overall completion in an expeditious fashion subject to the terms of this chapter. This map, and any orders issued pursuant to the provision of this article, shall comprise a part of the statewide environmental plan as provided for in section 3-0303 of this chapter. As soon as practicable the commissioner shall file with the secretary of state a detailed description of the technical methods and requirements to be utilized in compiling the inventory, and he shall afford the public an opportunity to submit comments thereon."

Page 66,

Line 14,

After "shall"
insert

"maintain maps of freshwater wetlands as defined in this article."

Page 67,

Lines 15-22,

Strike out

"Provided, however, if during the course of a more precise delineation as provided for in subdivision seven of this section, the department determines that errors occur on the map as currently filed, and that an adjustment to the map is needed immediately so to protect the values and meet the policies set forth in section 24-0105 of this article, the department shall provide notice to the landowner that such land is thereby subject to jurisdiction, to be followed expeditiously thereafter with a map adjustment as provided in this subdivision."

Page 67,

Line 15,

and insert

"Provided, however, that when the department is notified that a proposed activity subject to regulation may affect any freshwater wetlands as defined in this article, whether mapped or not, the department shall determine whether wetlands are present and whether an adjustment on the map, as currently filed, is needed immediately so as to protect the values or meet the policies set forth in section 24-0105 of this article, and if so, the department shall provide notice to the landowner that such land is thereby subject to its jurisdiction and the landowner shall obtain a permit pursuant to sections 24-0701 and 24-0703 prior to conducting a regulated activity upon any freshwater wetland, to be followed expeditiously thereafter with a map adjustment as provided in this subdivision."