

NRCS NEW YORK FIELD OFFICE TECHNICAL GUIDE

Section I - General Resources – State Laws

INTRODUCTION

This section contains a listing of some of the state laws which have potential effect(s) on Natural Resources Conservation Service activities in New York. Three state laws have specifically been cited due to their emphasis on natural resources. They are the:

- County Law (pertaining to drainage and small watershed protection districts).
- Environmental Conservation Law (ECL);
- **SOIL AND WATER CONSERVATION LAW**

There are additional state laws which affect NRCS operations which are not found in the FOTG. These would include traffic and civil codes, and other statutes designed to protect the general welfare of the state and its citizens. The laws referenced later in this section have possible application to field office, construction, soil survey, and RC&D activities affecting or utilizing New York's natural resources. Some of them are included for their potential effect(s) on the wide array of activities pursued in RC&D and construction offices.

- **LAW CITATIONS - LIMITATIONS**

The list which follows is by no means complete. It simply represents an outline of some of the more obvious laws which should, if necessary be consulted. In the event that more detail is required, or other sections of a law need to be reviewed, personnel are to seek direction from their supervisor.

If additional research is required, personnel should be able to locate complete copies of McKinney's Consolidated Laws of New York in county offices, through local attorneys, or in larger public libraries.

- **LOCAL TOWN, CITY, AND VILLAGE LAWS**

Field office personnel are directed to add applicable county, town, village, or city laws which may affect NRCS operations in their area.

- **A NOTE ABOUT THE LAW CITATIONS**

The laws referenced in the list are cited according to chapter; article; title (where applicable); and section (a one to six figure designation).

The chapters cited in this section include by order of citation:

Chapter 43B	Environmental Conservation Law
Chapter 69	Agriculture and Markets Law
Chapter 9B	Soil Conservation District Law
Chapter 11	County Law

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- 9-1501 Removal of evergreen trees.
- 9-1503 Removal of protected plants.

- **ARTICLE 11 - FISH AND WILDLIFE**

- **TITLE 1 - SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS**

- 11-0103 Definition.

- **TITLE 5 - FISH AND WILDLIFE MANAGEMENT PRACTICES COOPERATIVE PROGRAM; PROHIBITIONS; TAKING OF FISH, WILDLIFE, SHELLFISH AND CRUSTACEA FOR SCIENTIFIC OR PROPAGATION PURPOSES; DESTRUCTIVE WILDLIFE; RABIES CONTROL; GUIDES ENDANGERED SPECIES**

- 11-0501 Fish and Wildlife Management Practices Cooperative Program.
- 11-0503 Polluting streams prohibited.
- 11-0505 Interference with fish and wildlife.
- 11-0507 Liberation of fish and wildlife.
- 11-0515 License to collect, possess or sell for propagation, scientific or exhibition purposes.
- 11-0535 Endangered and threatened species.
- 11-0539 New York Natural Heritage Program

- **TITLE 19 - PROPAGATION; SHOOTING PRESERVES; FARM FISH PONDS; FISHING PRESERVES**

- 11-1911 Farm fishponds.

- **ARTICLE 15 - WATER RESOURCES**

- **TITLE 1 - SHORT TITLE; STATEMENT OF POLICY; DEFINITIONS; GENERAL PROVISIONS**

- 15-0105 Declaration of policy.
- 15-0107 Definitions as used in this article.

- **TITLE 5 - PROTECTION WATER**

- 15-0501 Protection of certain streams; disturbances of stream beds; permit.
- 15-0505 Protection of navigable waters; excavation or fill; permit.
- 15-0507 Structures impounding waters; inspection.

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- 15-0511 Alterations to watercourses and lakes; inspection and correction; illegal impounding of waters.
- 15-0513 Liability of subcontractor, employee, or agent.
- 15-0514 Prohibition of certain incompatible uses over federally designated sole source aquifers.

- **TITLE 7 - PRIVATE RIGHTS IN WATERS**

- 15-0701 Harmless alterations in water courses and lakes; prescriptive rights or privileges; action for declaratory judgement; limitations of time.

- **TITLE 11 - LOCAL AND REGIONAL WATER RESOURCES PLANNING AND DEVELOPMENT**

- 15-1105 Regional planning and development board; meetings; quorum; powers and duties.
- 15-1107 Plans; approval; changes, modifications and rescission.
- 15-1111 Duties of county; county charge; counties included within a city.

- **TITLE 19 - DRAINAGE**

- 15-1903 General provisions and definitions.
- 15-1905 Drainage improvement districts.
- 15-1907 Drainage improvement associations.
- 15-1911 Petition for formation of a district.
- 15-1913 Proceedings on petition.
- 15-1915 Proceedings for formation of a district.
- 15-1919 Drainage enhancements.
- 15-1933 Construction.
- 15-1935 Contracts.
- 15-1937 Operation and maintenance.
- 15-1941 Major repairs of drainage works.
- 15-1943 Minor repairs in drainage districts.
- 15-1945 Minor repairs in existing drainage ditches.
- 15-1947 Unlawful interference with drainage works.
- 15-1949 Removal of beaver.
- 15-1961 Drainage district with federal aid.

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- 15-1963 Formation of district with federal aid.
- 15-1983 Drainage of agricultural lands; procedure.
- **TITLE 23 - RIVER IMPROVEMENT**
 - 15-2301 Legislative purpose.
 - 15-2303 River improvement districts.
 - 15-2305 River improvement associations.
 - 15-2307 Construction contracts.
 - 15-2313 Operation, maintenance, repair and extension of river improvements.
 - 15-2315 Unlawful interference with improvement works.
 - 15-2321 River improvement district with federal aid.
- **TITLE 27 - WILD, SCENIC AND RECREATIONAL RIVER SYSTEMS**
 - 15-2703 Definitions.
 - 15-2707 Classes of river areas includable in system, criteria; management objectives.
 - 15-2710 Moratorium on development along the Carmens and Connetquot rivers.
 - 15-2717 Cooperation with the federal government.
 - 15-2719 Cooperation clause.
- **ARTICLE 16 - FLOOD CONTROL**
 - **NO TITLES ASSIGNED**
 - 16-0101 State participation in federal flood control program.
 - 16-0107 Acquirement of property for flood control.
 - 16-0109 Projects authorized.
 - 16-0117 Maintenance of projects.
 - 16-0119 Use of lands acquired for other purposes for flood control; transfer by commissioner; dual purpose use.
- **ARTICLE 17 - WATER POLLUTION CONTROL**
 - **TITLE 5 - PROHIBITIONS**
 - 17-0501 General prohibition against pollution.

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- 17-0503 Prohibition against pollution of waters of marine district.
- 17-0505 Prohibition against certain acts without permit.
- 17-0511 Restrictions on discharge of sewage, industrial waste or other wastes.

- **TITLE 7 - PERMITS AND CERTIFICATES**

- 17-0701 Permit for outlet, point source and for disposal system required.
- 17-0703 Issuance, denial, and revocation of permits.

- **TITLE 8 - STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

- 17-0801 Purpose.
- 17-0803 SPDES permits; application.
- 17-0804 Rules and regulations.
- 17-0807 Prohibited discharges.
- 17-0809 Effluent limitations.
- 17-0811 Application of effluent standards and limitations; water quality standards; other requirements.
- 17-0815 SPDES permits; additional terms and conditions.
- 17-0817 SPDES permits; duration reissuance.
- 17-0826 Notification of discharges affecting groundwaters.
- 17-828 Discharges affecting groundwaters.

- **TITLE 14 – NONPOINT SOURCE WATER POLLUTION CONTROL**

- 17-1401 Purpose
- 17-1403 Definitions
- 17-1407 Priority Nonpoint Source Pollution
- 17-1409 State Assistance for Non-Agricultural Nonpoint Source Abatement and Control Projects
- 17-1411 Regulations

- **ARTICLE 19 - AIR POLLUTION CONTROL**

- **TITLE 1 - SHORT TITLE; STATEMENT OF POLICY; DEFINITIONS; GENERAL PROVISIONS**

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- 19-0103 Declaration of policy.
- 19-0105 Declaration of purpose.
- 19-0107 Definitions.

- **ARTICLE 21 - POLLUTION CONTROL COMPACTS**

- **TITLE 1 NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMPACT**
- **TITLE 3 OHIO RIVER VALLEY WATER SANITATION COMPACT**
- **TITLE 5 TRI-STATE COMPACT AND INTERSTATE SANITATION COMMISSION**
- **TITLE 7 DELAWARE RIVER BASIN COMPACT**
- **TITLE 9 GREAT LAKES BASIN COMPACT**
- **TITLE 11 CHAMPLAIN BASIN COMPACT**
- **TITLE 13 SUSQUEHANNA RIVER BASIN COMPACT**
- **TITLE 15 MID ATLANTIC STATES AIR POLLUTION CONTROL COMPACT**
- **TITLE 17 DELAWARE RIVER BASIN WATER COMMISSION COMPACT**

- **ARTICLE 24 - FRESHWATER WETLANDS**

- **TITLE 1 - GENERAL PROVISIONS AND PUBLIC POLICY**
 - 24-0103 Declaration of policy.
 - 24-0107 Definitions.
- **TITLE 3 - FRESHWATER WETLANDS STUDIES; NOTIFICATION AND MAPS**
 - 24-0301 Commissioner's study.
- **TITLE 5 - LOCAL IMPLEMENTATION**
 - 24-0501 Local freshwater wetlands protection procedures.
 - 24-0503 Transfer of function to county; suppression by department.

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24-0511 Local freshwater wetlands protection procedures in the Adirondack Park.

○ **TITLE 7 – FRESHWATER WETLAND REGULATIONS**

24-0701 Permits

24-0703 Application for Permits

24-0705 Granting Permits

○ **TITLE 8 - REGULATION OF WETLANDS IN THE ADIRONDACK PARK**

24-0801 Permits for wetlands in the Adirondack Park.

24-0805 Land use regulations for freshwater wetlands in the Adirondack Park.

○ **TITLE 9 - FRESHWATER WETLANDS PRESERVATION PROGRAM**

24-0901 Cooperative agreements.

24-0903 Land use regulations for freshwater wetlands.

● **ARTICLE 25 - TIDAL WETLANDS**

○ **TITLE 1 - GENERAL PROVISIONS AND PUBLIC POLICY**

25-0103 Definitions.

○ **TITLE 2 - WETLANDS INVENTORY**

25-0201 Inventory of tidal wetlands.

25-0202 Moratorium on alteration of tidal wetlands.

○ **TITLE 3 - PROGRAM AND LAND USE REGULATION FOR TIDAL WETLANDS**

25-0301 Program and cooperative agreements for the protection of tidal wetlands.

25-0302 Land use regulation of tidal wetlands.

○ **TITLE 4 - REGULATED ACTIVITIES**

25-401 Regulated activities.

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- **ARTICLE 33 - PESTICIDES**

- **TITLE 1 - DEFINITIONS**

- 33-0101 Definitions.
- 33-0103 Exemptions.

- **TITLE 7 - REGISTRATION OF PESTICIDES**

- 33-0701 Scope of registration..
- 33-0707 Disclosure of pesticide formulas.
- 33-0714 Water Quality Monitoring for Pesticides
- 33-0719 Suspension of pesticide registration.
- 33-0723 Experimental use permits.
- 33-0725 Approved Agricultural Uses

- **TITLE 9 - PERMITS AND CERTIFICATIONS**

- 33-0903 Purchase permits.
- 33-0905 Pesticide applicator certification.
- 33-0907 Pesticide Business and Agency Registration
- 33-0909 Denial or revocation of certification or registration.
- 33-0911 Certification and registration fees.

- **TITLE - 11 - PROTECTION OF GRAPE GROWING AREAS**

- 33-1101 Petition for protection of grape growing area.

- **TITLE 12 – PESTICIDE SALES AND USE DATABASE AND RECORDKEEPING AND REPORTING**

- 33-1205 Recordkeeping and Reporting

- **TITLE 13 - UNLAWFUL ACTS**

- 33-1301 Unlawful acts.
- 33-1303 Registration not a defense.

- **TITLE 15 - SEIZURE**

- 33-1501 Pesticides which may be seized.

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- **ARTICLE 34 - COASTAL EROSION HAZARD AREAS**

- **No TITLES ASSIGNED**

- 34-0102 Declaration of policy.
- 34-0103 Definitions.
- 34-0104 Identification of coastal erosion hazard areas.
- 34-0105 Local regulation of coastal erosion hazard areas.
- 34-0106 County regulation of coastal erosion hazard areas.
- 34-0107 Department regulation of coastal erosion hazard areas.
- 34-0108 Rules and regulations.

- **ARTICLE 36 - PARTICIPATION IN FLOOD INSURANCE PROGRAMS**

- **No TITLES ASSIGNED**

- 36-0101 Declaration of findings.
- 36-0103 Definitions.

- **ARTICLE 37 - SUBSTANCES HAZARDOUS TO THE ENVIRONMENT**

- **TITLE 1 - SUBSTANCES HAZARDOUS TO THE ENVIRONMENT**

- 37-0101 Definitions.
- 37-0103 List of substances hazardous or acutely hazardous to public health, safety, or the environment.
- 37-0105 Rules and regulations.
- 37-0107 Prohibition against storage or release.

- **ARTICLE 45 – STATE NATURE AND HISTORICAL PRESERVE TRUST.**

- **No TITLES ASSIGNED**

- 45-0101 Declaration of findings and purpose
- 45-0103 Short Title
- 45-0105 Definitions

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45-0107 State Nature and Historical Preserve Trust; Continuation.

• **ARTICLE 47 - COUNTY AND REGIONAL ENVIRONMENTAL MANAGEMENT COUNCILS**

◦ **NO TITLES ASSIGNED**

47-0103 Declaration of policy.

47-0105 Establishment of county environmental management councils; members and officers.

47-107 Powers of council.

47-113 Regional Environmental Management Councils.

ARTICLE 49 – PROTECTION OF NATURAL AND MAN-MADE BEAUTY

◦ **TITLE 1 – NATURAL AND MAN-MADE BEAUTY.**

◦ **TITLE 3 – CONSERVATION EASEMENTS.**

• **ARTICLE 51 - IMPLEMENTATION OF ENVIRONMENTAL QUALITY BOND ACT OF 1972**

◦ **TITLE 1 - GENERAL PROVISIONS**

51-0101 Definitions.

51-0105 State assistance application procedure.

51-0109 Powers and duties of municipality.

◦ **TITLE 3 - WATER QUALITY IMPROVEMENT PROJECTS**

51-0303 Definitions.

51-0305 Contracts for water quality improvement projects.

◦ **TITLE 5 - AIR QUALITY IMPROVEMENT PROJECTS**

51-0503 Definitions.

51-0505 Approval of projects.

51-0507 Contracts for municipal air quality improvement projects.

◦ **TITLE 7 - LAND PRESERVATION AND IMPROVEMENT PROJECTS**

51-0703 Definitions.

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- 51-0713 Restriction of alienation of wetlands.
- **TITLE 9 - SOLID WASTE RECOVERY AND MANAGEMENT**
 - 51-0903 Definitions.
- **TITLE 11 - PARK LANDS PRESERVATION PROJECTS**
 - 51-1103 Definitions.
- **ARTICLE 52 – IMPLEMENTATION OF ENVIRONMENTAL QUALITY BOND ACT OF 1986**
 - **TITLE 1 – GENERAL PROVISIONS**
 - 52-0101 Definitions.
- **ARTICLE 53 - TREE CONSERVATION AND URBAN FORESTRY**
 - **TITLE 1 - TREE CONSERVATION**
 - 53-0101 Legislative purpose.
 - 53-0103 General functions of the department.
 - **TITLE 3 - URBAN FORESTRY PROGRAMS**
 - 53-0301 Legislative purpose.
 - 53-0303 Definitions.
 - 53-0307 Funding of department; municipal authorization for local urban forestry and arboricultural programs.
- **ARTICLE 55 SOLE SOURCE AQUIFER PROTECTION**
 - **No TITLES ASSIGNED**
 - 55-0101 Declaration of policy.
 - 55-0105 Purpose.
 - 55-0107 Definitions.
- **ARTICLE 56 – IMPLEMENTATION OF THE CLEAN AIR/CLEAN WATER BOND ACT OF 1996.**
 - **TITLE 1 – GENERAL PROVISIONS.**
 - 56-0101 Definitions.

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NEW YORK STATE CONSOLIDATED LAWS
CHAPTER 69
AGRICULTURE AND MARKETS LAW

- **ARTICLE 1. - SHORT TITLE; DEFINITIONS; MATTERS OF PUBLIC INTEREST.**

- **RECORDED AS SECTIONS**

- Section 1 Short title.
- Section 2 Definitions.
- Section 3 Declaration of policy and purposes.

- **ARTICLE 11 - INTEGRATED PEST MANAGEMENT PROGRAM**

- **RECORDED AS SECTIONS**

- Section 148 Establishment of integrated pest management program.
- Section 148-a Integrated pest management program; specific proposals.
- Section 148-b Livestock/forage pest management.
- Section 148-c Fruit pest management.
- Section 148-d Vegetable and potato pest management.
- Section 148-e Ornamentals pest management.

- **ARTICLE 11-A - AGRICULTURAL ENVIRONMENTAL MANAGEMENT**

- **RECORDED AS SECTIONS**

- Section 150. Definitions.
- Section 151 Agricultural environmental management program.
- Section 151-a Planner certification.
- Section 151-b Education and training.
- Section 151-c Program participation.
- Section 151-d Local regulation.

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Section 151-e Coordination with the state pollutant discharge elimination system (SPDES) permit program.

Section 151-f Program funds.

Section 151-g Confidentiality.

Section 151-h Report.

Section 151-i Rules and regulations.

- **ARTICLE 14 - PREVENTION AND CONTROL OF DISEASE IN TREES AND PLANTS; INSECT PESTS; SALE OF FRUIT-BEARING TREES**

- **RECORDED AS SECTIONS**

- Section 161 Definitions.

- Section 163 Prevention of introduction of injurious insects, noxious weeds, and plant diseases.

- Section 164 Control and eradication of injurious insects, noxious weeds, and plant diseases.

- **ARTICLE 25-AAA - AGRICULTURAL AND FARMLAND PROTECTION PROGRAMS**

- **RECORDED AS SECTIONS**

- Section 321 Statement of legislative findings and intent.

- Section 322 Definitions.

- Section 323 State agricultural and farmland protection program.

- Section 324 County agricultural and farmland protection plans.

- Section 325 Agricultural protection.

- **ARTICLE 26 – ANIMALS**

- **RECORDED AS SECTIONS**

- Section 350 Definitions.

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- Section 356 Failure to provide proper food and drink to impounded animal.
- Section 357 Selling or offering to sell or exposing diseased animal.
- Section 377 Disposal of dead animals.

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NEW YORK STATE CONSOLIDATED LAW
SOIL AND WATER CONSERVATION DISTRICTS
CHAPTER 9B

- **ARTICLE 1 - SHORT TITLE; DECLARATION OF POLICY; DEFINITIONS**
 - 1 Short Title.
 - 2 Declaration of Policy.
 - 3 Definitions.

- **ARTICLE 2 - STATE SOIL CONSERVATION COMMITTEE; SOIL CONSERVATION DISTRICTS, AND OTHER FUNCTIONS**
 - 4 State Soil Conservation Committee.
 - 5 Creation of soil conservation districts.
 - 6 Designation of district directors.
 - 7 Appointment, qualifications, compensation and tenure of directors.
 - 8 Organization of directors.
 - 9 Powers of districts.
 - 10 Cooperation between districts.
 - 11 State agencies to cooperate.
 - 11-a State Aid to Districts
 - 11-b Agricultural Nonpoint Source abatement and Control Projects.
 - 12 Discontinuance of districts.

- **ARTICLE 3 - SEPARABILITY CLAUSE; INCONSISTENCY WITH OTHER ACTS; EFFECTIVE DATE**
 - 13 Separability clause.
 - 14 Inconsistency with other acts.
 - 15 Effective Date.

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**NEW YORK STATE CONSOLIDATED LAWS
COUNTY LAW
CHAPTER 11**

• **ARTICLE 5A - COUNTY WATER, SEWER, DRAINAGE AND REFUSE DISTRICTS**

- 250 Purpose.
- 256 Establishment of a county district.
- 280 Declaration of policy and purposes.
- 280-a Definitions.
- 280-b County agency.
- 280-d Preparation of maps and plans.
- 280-g Establishment of a county district.
- 280-x Contracts with public authorities for county hurricane protection, flood and shoreline erosion control districts.

• **ARTICLE 5D - COUNTY SMALL WATERSHED PROTECTION DISTRICTS**

- 299-l Declaration of policy and purposes.
- 299-m County small watershed protection districts.
- 299-t Joint construction and operation of projects.