

Revised Express Terms

High Volume Hydraulic Fracturing

A new Part 52 of 6 NYCRR is adopted to read as follows:

Part 52

Use of State Lands Administered by the Division of Fish, Wildlife and Marine Resources

(Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 11-0303, 11-0305, 11-2101, 45-0117)

52.1 Applicability

The provisions of this Part shall apply to all State lands under the Department's jurisdiction that are administered by the Division of Fish, Wildlife and Marine Resources, including but not limited to such lands designated as wildlife management areas, multiple use areas, unique areas, natural resources management areas, fishing access sites, boat launch sites, hatcheries, game farms and tidal wetlands.

52.2 Definitions

(a) Definitions. As used in this Part, the following words shall have the indicated meanings:

(1) 'Department' means the New York State Department of Environmental Conservation.

(2) 'State lands' shall mean all real property interests owned by the State of New York under the Department's jurisdiction that are administered by the Division of Fish, Wildlife and Marine Resources, including but not limited to such lands designated as wildlife management areas, multiple use areas, unique areas, natural resources management areas, fishing access sites, boat launch sites, hatcheries, game farms and tidal wetlands.

(3) 'Surface disturbance' shall mean any actions taken to alter the existing vegetation or soil of a site, such as clearing, grading, filling, and excavating.

52.3 Prohibitions

Notwithstanding any other provision of this title, surface disturbance associated with the drilling of a natural gas well subject to Part 560 of this Title on State lands is prohibited and no permit shall be issued authorizing such activity. This prohibition shall apply to any pre-existing leases and any new leases issued for oil and gas development on State lands. This prohibition shall not apply to subsurface access to subsurface resources located under State lands from adjacent private areas.

52.4 Severability

If any provision of this Part or its application is held to be invalid, the remainder of this Part and the application of that provision will not be affected.

Part 190

Paragraphs (14) and (15) of subdivision 190.0(b) of 6 NYCRR are renumbered as (15) and (16) and a new paragraph (14) is added to subdivision 190.0(b) of 6 NYCRR to read as follows:

(14) ‘Surface disturbance’ shall mean any actions taken to alter the existing vegetation or soil of a site, such as clearing, grading, filling, and excavating.

A new subdivision (ag) is added to section 190.8 of 6 NYCRR to read as follows:

(ag) Notwithstanding any other provision of this title, surface disturbance associated with the drilling of a natural gas well subject to Part 560 of this Title on State owned lands is prohibited and no permit shall be issued authorizing such activity. This prohibition shall apply to any pre-existing and new leases issued for oil and gas development on State owned lands. This prohibition shall not apply to subsurface access to subsurface resources located under State owned lands from adjacent private areas.