

# STATE OF NEW YORK

3917

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. BURKE, NIOU -- read once and referred to the  
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
shoreline hardening

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

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 16-0121 to read as follows:

3 § 16-0121. Shoreline hardening.

4 1. For purposes of this section, the following terms shall have the  
5 following meanings:

6 (a) "Shoreline" shall mean the line along which a large body of water  
7 meets the land.

8 (b) "Shoreline resident" or "resident" shall mean any resident of the  
9 state who owns property which is situated on a shoreline on Lake Erie or  
10 any of its tributaries which are prone to flooding.

11 (c) "Shoreline hardening" shall mean the process of adding materials  
12 or structures to property located on a shoreline on Lake Erie or any of  
13 its tributaries in order to minimize damage caused by flooding.

14 2. (a) The department shall provide oversight and assist with the  
15 implementation of shoreline hardening construction plans for shoreline  
16 residents along Lake Erie and any of its tributaries. Shoreline resi-  
17 dents shall work in conjunction with the department to develop a design  
18 plan for each property located on a shoreline along Lake Erie and its  
19 tributaries. Such design plan shall be subject to final approval by the  
20 department prior to any construction work being commenced on a property.

21 (b) The department shall be responsible for assisting and providing to  
22 shoreline residents all necessary and required permits for all approved  
23 shoreline hardening proposals.

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

LBD07447-01-1

1     3. (a) Each shoreline resident shall be responsible for the costs  
2 related to the implementation of their approved shoreline hardening  
3 plan.

4     (b) After a shoreline hardening plan has been implemented and  
5 completed, the department shall ensure the completed work complies with  
6 the department's approved plan.

7     (c) If the department determines that the approved plans for shoreline  
8 hardening have been satisfied, the department shall provide reimburse-  
9 ment to each resident for up to fifty percent of such resident's shore-  
10 line hardening costs.

11     § 2. This act shall take effect immediately.