

S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to coastal risk management zones; to amend the environmental conservation law, in relation to the assessment and protection of coastlines against coastal hazards; and to amend the village law, the town law, the general city law and the public service law, in relation to coastal protection

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Coastal Risk Management Zone Protection Act."
3 S 2. Legislative findings and intent. The legislature hereby finds
4 that sea level rise and coastal flooding from storm surge are already
5 affecting and will increasingly affect New York's entire ocean and
6 estuarine coastline.
7 The legislature also finds that coastal areas in New York are of
8 tremendous economic and social importance to the state, that large
9 numbers of residences and businesses are located along the shoreline,
10 with each shoreline area constituting a unique and essential part of the
11 character of New York, and that shoreline areas are diverse and inter-
12 connected and share New York's rich agriculture, commercial, economic
13 and environmental history and resources. The likelihood that powerful
14 storms will hit New York State's coastline is very high, as is the asso-
15 ciated threat to human life and coastal infrastructure. This vulnerabil-
16 ity will increase in area and magnitude over time.
17 The legislature further finds that natural shoreline features, such as
18 wetlands, aquatic vegetation, dunes and barrier beaches, currently
19 provide large-scale services, such as flood protection, storm buffering,
20 fisheries habitat, recreational facilities and water filtration, at
21 almost no cost. These services would be prohibitively expensive to

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

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1 replicate with human-built systems. New York is losing tidal marshes at
2 a rapid pace and with them the natural infrastructure that protects the
3 shore from floods, wave attack and erosion. Sea level rise and coastal
4 hazards will cause all shoreline ecosystems to become more frequently
5 inundated. Low-lying locations will become permanently submerged. Habi-
6 tats and the species associated with them may migrate landward; this
7 migration, however, will be impeded by the density of development on
8 much of the state's shoreline and the widespread hardening of that
9 shoreline.

10 The legislature also finds that current investment and land-use plan-
11 ning practices by both New York state and local governments are encour-
12 aging development in areas at high risk of coastal flooding and erosion.

13 The legislature further finds that existing maps of New York state's
14 coast that identify communities, habitats and infrastructure at greatest
15 risk of flooding and erosion, including those of the Federal Emergency
16 Management Agency, are inaccurate, out of date, not detailed enough for
17 planning and regulatory purposes and fail to incorporate historic and
18 projected sea level rise.

19 The legislature finds that there are low-cost, high-benefit actions,
20 including those recommended in the report by the New York state Sea
21 Level Rise Task Force, commissioned by the New York state legislature,
22 that can be taken now to reduce vulnerability along New York state's
23 coastline.

24 Therefore, the legislature finds that the purpose of this act is to
25 provide guidance and to encourage public and private interests to act
26 collectively to: integrate and coordinate existing efforts to address
27 sea level rise and coastal hazards; identify and make recommendations to
28 mitigate harms from sea level rise and coastal hazards; make recommenda-
29 tions on methods to protect the value of existing public and private
30 investment that has already been made in vulnerable coastal regions; and
31 provide direction for state and local governments to protect, preserve
32 and properly manage the unique challenges of sea level rise and coastal
33 hazards along New York state's coastline for the benefit of existing and
34 future generations.

35 S 3. Section 911 of the executive law is amended by adding three new
36 subdivisions 8, 9 and 10 to read as follows:

37 8. "SEA LEVEL RISE" MEANS THE MEAN INCREASE IN SEA LEVEL RELATIVE TO
38 SHORELINE, CALCULATED YEARLY, WITHIN A DEFINED AREA.

39 9. "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
40 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF
41 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS.
42 COASTAL RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF
43 STATE ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
44 HUNDRED FOURTEEN-A OF THIS ARTICLE, AND ARE AS SHOWN ON THE COASTAL RISK
45 MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE AS
46 REQUIRED IN SECTION NINE HUNDRED FOURTEEN-A OF THIS ARTICLE.

47 10. "COASTAL HAZARDS" MEANS THE RANGE OF ENVIRONMENTAL PROCESSES AND
48 EVENTS THAT MAY AFFECT COASTLINES OR HUMAN ACTIVITY NEAR COASTLINES, AND
49 IT INCLUDES BUT IS NOT LIMITED TO SEA LEVEL RISE, RISING GROUNDWATER,
50 COASTAL FLOODING, STORM SURGE, COASTAL STORMS, OR SALTWATER INTRUSION.

51 S 4. Section 912 of the executive law is amended by adding a new
52 subdivision 17 to read as follows:

53 17. TO FACILITATE ADAPTATION TO SEA LEVEL RISE AT THE STATE AND LOCAL
54 LEVEL, PARTICULARLY WITHIN COASTAL AREAS.

55 S 5. The executive law is amended by adding a new section 914-a to
56 read as follows:

1 S 914-A. COASTAL RISK MANAGEMENT ZONES. 1. THE COASTAL RISK MANAGEMENT
2 ZONE IS HEREBY ADOPTED AS PART OF THIS ARTICLE AS THOUGH FULLY INCORPO-
3 RATED HEREIN. SUCH ZONES DELINEATE THE AREA WITHIN WHICH THE COASTAL
4 RISK MANAGEMENT POLICIES AND PURPOSES SHALL APPLY.

5 2. THE COASTAL RISK MANAGEMENT ZONE SHALL INCLUDE, AT A MINIMUM, THOSE
6 AREAS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO
7 INCLUDE COASTAL HIGH-HAZARD AREAS AS IDENTIFIED BY FEMA AND DEFINED BY
8 SECTION 9.4, CHAPTER ONE, IN TITLE 44 OF THE CODE OF FEDERAL REGU-
9 LATIONS, AS SUCH DESIGNATIONS ARE AMENDED FROM TIME TO TIME; HOWEVER,
10 NOTHING IN THIS SECTION LIMITS THE COASTAL RISK MANAGEMENT ZONE TO AREAS
11 SO DESIGNATED.

12 3. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL IDENTIFY WITHIN
13 THE COASTAL RISK MANAGEMENT ZONE:

14 (A) COASTAL AREAS AT GREATEST RISK FROM SEA LEVEL RISE,
15 (B) AREAS AT RISK FROM STORM SURGE WITH CURRENT SEA LEVELS, AND
16 (C) AREAS THAT ARE LIKELY TO BE AT RISK FROM STORM SURGE DUE TO SEA
17 LEVEL RISE IN THE FUTURE THROUGH YEAR TWO THOUSAND ONE HUNDRED.

18 A REPRESENTATION OF THESE AREAS OF RISK, ALONG WITH THE METHODOLOGY
19 AND CRITERIA FOR ASSIGNING GIVEN LEVELS OF RISK, SHALL BE MADE AVAILABLE
20 TO LOCAL GOVERNMENTS AND THE PUBLIC.

21 4. A REPRESENTATION OF THE COASTAL RISK MANAGEMENT ZONES SHALL BE ON
22 FILE IN THE OFFICE OF THE SECRETARY OF STATE. THE SECRETARY OF STATE
23 SHALL FILE WITH THE CLERK OF EACH COUNTY AND LOCAL GOVERNMENT WHICH HAS
24 ANY PORTION OF ITS JURISDICTION WITHIN THE ZONE, A COPY OF THE REPRESEN-
25 TATION OF SUCH AFFECTED PORTION OF THE ZONE AND A COPY OF THE REPRESEN-
26 TATION OF THE ZONE OF THE AFFECTED PORTION OF ANY ADJACENT MUNICIPALITY.
27 THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE REPRESENTATION OF THE
28 COASTAL RISK MANAGEMENT ZONE TO EACH STATE AGENCY HAVING JURISDICTION
29 OVER PROGRAMS IDENTIFIED PURSUANT TO THIS ARTICLE AND THE REPRESENTATION
30 OF THE COASTAL RISK MANAGEMENT ZONES SHALL BE MADE AVAILABLE TO THE
31 PUBLIC ON A GOVERNMENT WEBSITE. THE SECRETARY OF STATE, ON ITS OWN
32 INITIATIVE OR ON PETITION SUBMITTED FROM ANY PERSON, MAY AMEND THE COAS-
33 TAL RISK MANAGEMENT ZONE TO CORRECT ERRORS, REFLECT NEW INFORMATION OR
34 EVENTS, OR MAKE CHANGES THAT ARE IN FURTHERANCE OF THE POLICIES AND
35 PURPOSES OF THIS ARTICLE. ALL SUCH CHANGES SHALL BE FILED WITH THE CLERK
36 OF EACH COUNTY AND LOCAL GOVERNMENT AFFECTED THEREBY.

37 S 6. The executive law is amended by adding a new section 915-a to
38 read as follows:

39 S 915-A. COASTAL RESILIENCE PLANS. 1. IT IS THE INTENTION OF THIS
40 ARTICLE TO OFFER THE FULLEST POSSIBLE SUPPORT BY THE STATE AND ITS AGEN-
41 CIES TO THOSE LOCAL GOVERNMENTS THAT DESIRE TO PROTECT THEIR COASTLINES
42 FROM COASTAL HAZARDS. ACCORDINGLY, ANY LOCAL GOVERNMENT OR TWO OR MORE
43 LOCAL GOVERNMENTS ACTING JOINTLY WHICH HAS ANY PORTION OF ITS JURISDIC-
44 TION WITHIN THE COASTAL RISK MANAGEMENT ZONE AND WHICH DESIRES TO
45 PARTICIPATE MAY SUBMIT A COASTAL RESILIENCE PLAN TO THE SECRETARY OF
46 STATE AS HEREIN PROVIDED.

47 2. THE SECRETARY OF STATE MAY PROVIDE TECHNICAL AND FINANCIAL ASSIST-
48 ANCE AS PROVIDED IN SECTIONS NINE HUNDRED SEVENTEEN AND NINE HUNDRED
49 EIGHTEEN OF THIS ARTICLE TO ANY LOCAL GOVERNMENT FOR THE PREPARATION OF
50 A WATERFRONT REVITALIZATION PROGRAM FOR THE PURPOSES OF THIS ARTICLE.

51 3. A LOCAL GOVERNMENT OR TWO OR MORE LOCAL GOVERNMENTS ACTING JOINTLY
52 WHICH INTENDS TO SUBMIT A COASTAL RESILIENCE PLAN FOR THE PURPOSES OF
53 THIS ARTICLE IS STRONGLY ENCOURAGED TO CONSULT, DURING ITS PREPARATION,
54 WITH OTHER ENTITIES THAT MAY BE AFFECTED BY ITS PROGRAM, INCLUDING LOCAL
55 GOVERNMENTS, COUNTY AND REGIONAL AGENCIES, APPROPRIATE PORT AUTHORITIES,
56 COMMUNITY BASED GROUPS AND STATE AND FEDERAL AGENCIES. ON REQUEST BY THE

1 LOCAL GOVERNMENT, THE SECRETARY OF STATE SHALL TAKE APPROPRIATE ACTION
2 TO FACILITATE SUCH CONSULTATION.

3 4. THE SECRETARY OF STATE SHALL PREPARE AND DISTRIBUTE GUIDELINES AND
4 REGULATIONS FOR LOCAL GOVERNMENTS DESIRING TO PREPARE, OR CAUSE TO BE
5 PREPARED, A COASTAL RESILIENCE PLAN (HEREINAFTER REFERRED TO AS THE
6 "PLAN"). SUCH GUIDELINES SHALL PROVIDE THAT THE PLAN WILL BE CONSISTENT
7 WITH THE POLICIES AND PURPOSES OF THIS ARTICLE GENERALLY, AND SHALL
8 PROMOTE PLANS THAT IDENTIFY NON-STRUCTURAL ALTERNATIVES TO STRUCTURAL
9 MEASURES TO REDUCE VULNERABILITY IN THE COASTAL RISK MANAGEMENT ZONE
10 WHEREVER USE OF NON-STRUCTURAL MEASURES IS FEASIBLE; IDENTIFY AREAS
11 WHERE STRUCTURAL PROTECTION IS NEEDED TO PROTECT SIGNIFICANT PUBLIC
12 INVESTMENT, WATER DEPENDENT USES AND/OR CRITICAL INFRASTRUCTURE; AND
13 IDENTIFY OPPORTUNITIES TO FURTHER REDUCE VULNERABILITY THROUGH
14 NON-STRUCTURAL MEASURES IN THE RECOVERY AND RESTORATION PROCESS FOLLOW-
15 ING HIGH-INTENSITY COASTAL STORMS.

16 5. THE SECRETARY OF STATE OR HIS OR HER DESIGNEE SHALL APPROVE ANY
17 LOCAL GOVERNMENT COASTAL RESILIENCE PLAN AS ELIGIBLE FOR THE BENEFITS
18 SET FORTH IN SECTION NINE HUNDRED SIXTEEN OF THIS ARTICLE IF HE OR SHE
19 FINDS THAT SUCH PROGRAM WILL BE CONSISTENT WITH COASTAL RISK MANAGEMENT
20 POLICIES AND WILL ACHIEVE THE COASTAL RESILIENCE PURPOSES OF THIS ARTI-
21 CLE.

22 6. BEFORE APPROVING ANY SUCH COASTAL RESILIENCE PLAN, OR ANY AMEND-
23 MENTS THERETO, AS ELIGIBLE FOR THE BENEFITS OF THIS ARTICLE, THE SECRE-
24 TARY OF STATE SHALL CONSULT WITH POTENTIALLY AFFECTED STATE AND FEDERAL
25 AGENCIES; THE SECRETARY OF STATE SHALL NOT APPROVE ANY SUCH PLAN IF HE
26 OR SHE FINDS AFTER SUCH CONSULTATION THAT THERE IS A CONFLICT WITH ANY
27 STATE OR FEDERAL POLICIES.

28 7. WHERE THERE IS A CONFLICT BETWEEN A SUBMITTED COASTAL RESILIENCE
29 PLAN AND ANY STATE OR FEDERAL POLICY, AT THE REQUEST OF THE LOCAL
30 GOVERNMENT OR THE STATE OR FEDERAL AGENCY AFFECTED, THE SECRETARY OF
31 STATE SHALL ATTEMPT TO RECONCILE AND RESOLVE THE DIFFERENCES BETWEEN THE
32 SUBMITTED PLAN AND SUCH POLICIES AND SHALL MEET WITH THE LOCAL GOVERN-
33 MENT AND INVOLVED STATE AND FEDERAL AGENCIES TO THIS END.

34 8. SUBSEQUENT TO APPROVAL OF THE LOCAL PLAN BY THE SECRETARY OF STATE,
35 STATE AGENCY ACTIONS SHALL BE CONSISTENT TO THE MAXIMUM EXTENT PRACTICA-
36 BLE WITH THE LOCAL PROGRAM. PROVIDED, HOWEVER, THAT NOTHING IN THIS
37 ARTICLE SHALL BE CONSTRUED TO AUTHORIZE OR REQUIRE THE ISSUANCE OF ANY
38 PERMIT, LICENSE, CERTIFICATION, OR OTHER APPROVAL OR THE APPROVAL OF ANY
39 GRANT, LOAN OR OTHER FUNDING ASSISTANCE WHICH IS DENIED BY THE STATE
40 AGENCY HAVING JURISDICTION, PURSUANT TO OTHER PROVISIONS OF LAW OR WHICH
41 IS CONDITIONED BY SUCH AGENCY PURSUANT TO OTHER PROVISIONS OF LAW UNTIL
42 SUCH CONDITIONS ARE MET.

43 WHERE IMPLEMENTATION OF AN APPROVED LOCAL PLAN DEPENDS UPON THE AVAIL-
44 ABILITY OF OTHER THAN LOCAL FUNDS AND PROGRAM ACTIONS, THE SECRETARY OF
45 STATE SHALL MEET WITH THE INVOLVED STATE AND FEDERAL AGENCIES TO EXPLORE
46 THE POSSIBILITY OF PROGRAMMING OF SUCH ASSISTANCE IN A MANNER THAT WOULD
47 PROVIDE THE MAXIMUM PRACTICABLE ASSISTANCE TOWARD THE IMPLEMENTATION OF
48 THE LOCAL PLAN.

49 9. BEFORE UNDERTAKING ANY ACTION PURSUANT TO ANY PLANS THE AFFECTED
50 STATE AGENCY SHALL SUBMIT, THROUGH APPROPRIATE EXISTING CLEARING HOUSE
51 PROCEDURES INCLUDING BUT NOT LIMITED TO THE STATE ENVIRONMENTAL QUALITY
52 REVIEW LAW, INFORMATION ON THE PROPOSED ACTION TO LOCAL GOVERNMENT. THE
53 LOCAL GOVERNMENT SHALL IDENTIFY POTENTIAL CONFLICTS AND SO NOTIFY THE
54 SECRETARY OF STATE. UPON NOTIFICATION OF THE CONFLICT, THE SECRETARY OF
55 STATE WILL CONFER WITH THE AFFECTED STATE AGENCY AND THE LOCAL GOVERN-
56 MENT TO MODIFY THE PROPOSED ACTION TO BE CONSISTENT WITH THE LOCAL PLAN.

10. ANY LOCAL GOVERNMENT WHICH HAS HAD A COASTAL RESILIENCE PLAN APPROVED PURSUANT TO THIS SECTION MAY WITHDRAW ITS PROGRAM AT ANY TIME BY FILING WITH THE SECRETARY OF STATE A COPY OF A RESOLUTION OF ITS LEGISLATIVE BODY PROVIDING FOR SUCH WITHDRAWAL. UPON RECEIPT OF SUCH RESOLUTION, THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY ALL AFFECTED STATE AGENCIES.

S 7. Subdivision 7 of section 964-b of the executive law, as added by chapter 556 of the laws of 1993, is amended to read as follows:

7. To adopt a comprehensive management plan for the Long Island South Shore Estuary Reserve which the state and local governments may implement. Estuary segmentation or partitioning of the estuary into spatial units may be necessary at times for summarizing data for geographic areas, for the development of certain scientific models, or for interim management measures. The council shall prioritize problems and opportunities within the estuary based upon use impairments, resource management needs and areas experiencing intense recreational use. THE PLAN SHALL CONSIDER METHODS OF ADAPTATION TO SEA LEVEL RISE AND OTHER COASTAL PROCESSES, BASED ON GUIDANCE DEVELOPED BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND SHALL DEVELOP REGIONAL POLICIES TO GUIDE ADAPTATION BY COMMUNITIES WITHIN THE RESERVE;

S 8. The opening paragraph of subdivision 1 of section 966 of the executive law, as added by chapter 556 of the laws of 1993, is amended to read as follows:

The purpose of the plan is to make recommendations to integrate and coordinate existing programs and studies; mitigate pollution; balance preservation, recreation and economic development; protect appropriate existing investment; FACILITATE ADAPTATION TO COASTAL HAZARDS; and protect the natural resources. The plan shall include but not be limited to the following, to the extent possible, considering financial resources and technological limitations:

S 9. Section 8-0105 of the environmental conservation law is amended by adding a new subdivision 9 to read as follows:

9. "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW AND ARE AS SHOWN ON THE COASTAL RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE AS REQUIRED BY THE SAME ARTICLE.

S 10. Subdivision 2 of section 8-0109 of the environmental conservation law is amended by adding a new paragraph (k) to read as follows:

(K) REASONABLY FORESEEABLE IMPACTS ON OR FROM THE PROPOSED PROJECT OR ACTION BASED ON THE RISK OF COASTAL HAZARDS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, THROUGHOUT THE LIFETIME OF THE ACTIVITIES OR THE PHYSICAL EXISTENCE OF ANY STRUCTURE OR FACILITY THAT IS CREATED OR MODIFIED IN CONNECTION WITH THE ACTION, IF SUCH PROJECT WILL BE LOCATED WITHIN THE COASTAL RISK MANAGEMENT ZONE.

S 11. Subdivision 2 of section 8-0113 of the environmental conservation law, as added by chapter 612 of the laws of 1975, paragraph (b) as amended and paragraphs (j), (k), and (l) as added by chapter 252 of the laws of 1977, paragraph (f) as amended by chapter 641 of the laws of 2005, is amended to read as follows:

2. The rules and regulations adopted by the commissioner specifically shall include:

- 1 (a) Definition of terms used in this article;
- 2 (b) Criteria for determining whether or not a proposed action may have
3 a significant effect on the environment, taking into account social and
4 economic factors to be considered in determining the significance of an
5 environmental effect. THE CRITERIA FOR DETERMINING SIGNIFICANCE SHALL
6 INCORPORATE THE POTENTIALLY SIGNIFICANT ADVERSE IMPACTS RELATED TO COAS-
7 TAL HAZARDS IN THE DETERMINATION PROCESS AND GIVE SUFFICIENT WEIGHT TO
8 THE IMPORTANCE OF COASTAL RESILIENCE IN THE REVIEW PROCESS;
- 9 (c) Identification on the basis of such criteria of:
 - 10 (i) Actions or classes of actions that are likely to require prepara-
11 tion of environmental impact statements;
 - 12 (ii) Actions or classes of actions which have been determined not to
13 have a significant effect on the environment and which do not require
14 environmental impact statements under this article. In adopting the
15 rules and regulations, the commissioner shall make a finding that each
16 action or class of actions identified does not have a significant effect
17 on the environment;
 - 18 (III) AREAS IN WHICH THE ENVIRONMENTAL IMPACT REVIEW PROCESS IS LIKELY
19 TO REQUIRE ADDITIONAL CONSIDERATIONS OF THE IMPACT FROM AS WELL AS TO
20 ENVIRONMENTAL CONDITIONS, TO INCLUDE COASTAL RISK MANAGEMENT ZONES;
- 21 (d) Typical associated environmental effects, and methods for assess-
22 ing such effects, of actions determined to be likely to require prepara-
23 tion of environmental impact statements;
- 24 (e) Categorization of actions which are or may be primarily of state-
25 wide, regional, or local concern, with provisions for technical assist-
26 ance including the preparation or review of environmental impact state-
27 ments, if requested, in connection with environmental impact review by
28 local agencies.
- 29 (f) Provision for the filing and circulation of draft environmental
30 impact statements pursuant to subdivision four of section 8-0109 OF THIS
31 ARTICLE, and environmental impact statements pursuant to subdivision six
32 of section 8-0109 OF THIS ARTICLE, including, in addition to any other
33 circulation and public availability requirements, making such statements
34 available free of charge to the public and government agencies on the
35 publicly-available Internet website, unless impracticable. Printed
36 filings and public notices shall clearly indicate the address of the
37 website at which such filing is posted;
- 38 (g) Scope, content, filing and availability of findings required to be
39 made pursuant to subdivision eight of section 8-0109 OF THIS ARTICLE;
- 40 (h) Form and content of and level of detail required for an environ-
41 mental impact statement, TO INCLUDE A SECTION REQUIRING AN EVALUATION OF
42 IMPACTS FROM OR TO THE PROPOSED ACTION BASED ON COASTAL HAZARDS OVER THE
43 LIFE OF THE PROJECT, STRUCTURE, OR FACILITY; and
- 44 (i) Procedures for obtaining comments on draft environmental impact
45 statements, holding hearings, providing public notice of agency deci-
46 sions with respect to preparation of a draft environmental statement;
47 and for such other matters as may be needed to assure effective partic-
48 ipation by the public and efficient and expeditious administration of
49 the article.
- 50 (j) Procedure for providing applicants with estimates, when requested,
51 of the costs expected to be charged them pursuant to subdivision seven
52 of section 8-0109 of this article.
- 53 (k) Appeals procedure for the settlement of disputed costs charged by
54 state agencies to applicants pursuant to subdivision seven of section
55 8-0109 of this article. Such appeal procedure shall not interfere or

1 cause delay in the determination of environmental significance or
2 prohibit an action from being undertaken.

3 (1) A model assessment form to be used during the initial review to
4 assist an agency in its responsibilities under this article.

5 S 12. Section 8-0113 of the environmental conservation law is amended
6 by adding a new subdivision 5 to read as follows:

7 5. AGENCY ACTIONS LOCATED WITHIN COASTAL RISK MANAGEMENT ZONES SHALL
8 RECEIVE PARTICULAR CONSIDERATION TO DETERMINE THE SIGNIFICANCE OF THEIR
9 POTENTIAL IMPACT ON THE ENVIRONMENT. ENVIRONMENTAL IMPACT STATEMENTS FOR
10 ACTIONS PLANNED WITHIN COASTAL RISK MANAGEMENT ZONES SHALL BE REQUIRED
11 TO EVALUATE THE IMPACTS TO AND FROM COASTAL HAZARDS REGARDING THE
12 ACTION. THE VULNERABILITY OF THE PROJECT TO COASTAL HAZARDS AND AVAIL-
13 ABLE RESILIENCE EFFORTS SHALL BE EVALUATED.

14 S 13. Subdivision 1 of section 24-0301 of the environmental conserva-
15 tion law, as amended by section 37 of part D of chapter 60 of the laws
16 of 2012, is amended to read as follows:

17 1. The commissioner shall, as soon as practicable, conduct a study to
18 identify and map those individual freshwater wetlands in the state of
19 New York which shall have an area of at least twelve and four-tenths
20 acres or more, or if less than twelve and four-tenths acres, (a) have,
21 in the discretion of the commissioner unusual local importance for one
22 or more of the specific benefits set forth in subdivision seven of
23 section 24-0105 of this article OR FOR THEIR PRESENCE IN A COASTAL RISK
24 MANAGEMENT ZONE or (b) are located within the Adirondack park and meet
25 the definition of wetlands contained in subdivision sixty-eight of
26 section eight hundred two of the executive law, and shall determine
27 their characteristics. This study shall, in addition to such other data
28 as the commissioner may determine to be included, consist of the fresh-
29 water wetlands inventory of the department of environmental conserva-
30 tion, currently being made, together with other available data on fresh-
31 water wetlands, whether assisted by the state of New York under the
32 tidal wetlands act or otherwise, or assembled by federal or local
33 governmental or private agencies, all of which information shall be
34 assembled and integrated, as applicable, into a map of freshwater
35 wetlands of the state of New York. Such study may, in the discretion of
36 the commissioner, be carried out on a sectional or regional basis, as
37 indicated by need, subject to overall completion in an expeditious fash-
38 ion subject to the terms of this chapter. This map, and any orders
39 issued pursuant to the provisions of this article, shall comprise a part
40 of the statewide environmental plan as provided for in section 3-0303 of
41 this chapter. As soon as practicable the commissioner shall file with
42 the secretary of state a detailed description of the technical methods
43 and requirements to be utilized in compiling the inventory, and he shall
44 afford the public an opportunity to submit comments thereon.

45 S 14. Section 25-0102 of the environmental conservation law, as added
46 by chapter 790 of the laws of 1973, is amended to read as follows:

47 S 25-0102. Declaration of policy.

48 It is declared to be the public policy of this state to preserve and
49 protect tidal wetlands, and to prevent their despoliation and
50 destruction, giving due consideration to the OCCURRENCE OF COASTAL
51 HAZARDS THAT WILL RESULT IN WETLANDS LOSS AND MIGRATION, AND TO THE
52 reasonable economic and social development of the state.

53 S 15. Section 25-0103 of the environmental conservation law is amended
54 by adding a new subdivision 6 to read as follows:

55 6. "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
56 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF

1 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS
2 DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL
3 RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE
4 ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
5 HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW AND ARE AS SHOWN ON THE COASTAL
6 RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE
7 AS REQUIRED BY SUCH ARTICLE.

8 S 16. Section 27-0701 of the environmental conservation law is amended
9 by adding a new subdivision 5 to read as follows:

10 5. "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
11 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF
12 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS
13 DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL
14 RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE
15 ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
16 HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW AND ARE AS SHOWN ON THE COASTAL
17 RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE
18 AS REQUIRED BY THE SAME ARTICLE.

19 S 17. Subparagraph 4 of paragraph c of subdivision 2 of section
20 27-0707 of the environmental conservation law, as amended by chapter 70
21 of the laws of 1988, is amended and a new subparagraph 5 is added to
22 read as follows:

23 (4) the applicant has received or will receive the written opinion of
24 counsel to each [municipality] MUNICIPALITY or public authority which has
25 entered into a contract, lease or rental agreement with the proposed
26 facility that such contract, lease or rental agreement is in compliance
27 with the applicable requirements of sections one hundred one, one
28 hundred three and one hundred twenty-w of the general municipal law.

29 (5) IN CONNECTION WITH THE SITING AND DESIGN OF SOLID WASTE FACILITIES
30 LOCATED WITHIN, OR RELYING UPON INFRASTRUCTURE LOCATED WITHIN, THE COAS-
31 TAL RISK MANAGEMENT ZONE, APPLICANT HAS FULLY CONSIDERED THE IMPACTS OF
32 COASTAL HAZARDS OVER THE LIFETIME OF THE PROJECT.

33 S 18. Paragraph a of subdivision 3 of section 27-1313 of the environ-
34 mental conservation law, as amended by chapter 857 of the laws of 1982,
35 is amended to read as follows:

36 a. Whenever the commissioner finds that hazardous wastes at an inac-
37 tive hazardous waste disposal site constitute a significant threat to
38 the environment, he may order the owner of such site and/or any person
39 responsible for the disposal of hazardous wastes at such site (i) to
40 develop an inactive hazardous waste disposal site remedial program,
41 subject to the approval of the department, at such site, and (ii) to
42 implement such program within reasonable time limits specified in the
43 order. Provided, however, that in the event the commissioner of health
44 shall issue an order pursuant to subdivision three of section one thou-
45 sand three hundred eighty-nine-b of the public health law, such order of
46 the commissioner of health shall supersede any order issued hereunder.
47 WHEN DETERMINING WHETHER HAZARDOUS WASTES AT AN INACTIVE HAZARDOUS WASTE
48 DISPOSAL SITE CONSTITUTE A SIGNIFICANT THREAT, THE COMMISSIONER SHALL
49 CONSIDER PROJECTED EFFECTS OF COASTAL HAZARDS, AS DEFINED IN SECTION
50 NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, AND THE EFFECT OF THESE
51 HAZARDS ON THE SAFETY AND INTEGRITY OF THE SITE.

52 S 19. Paragraph (i) of subdivision 3 of section 27-1415 of the envi-
53 ronmental conservation law is amended by adding a new subparagraph
54 (xvii) to read as follows:

(XVII) PROJECTED CHANGES IN COASTAL HAZARDS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, IN CLOSE PROXIMITY TO THE SITE.

S 20. Subdivisions 1 and 4 of section 34-0101 of the environmental conservation law, as added by chapter 841 of the laws of 1981, is amended to read as follows:

1. Certain sections of the coastline of the state of New York are prone to erosion from action of the adjacent water bodies. Such erosion may be caused by the action of waves, currents running along the shore, tides, wind-driven water and ice as well as human activities such as construction and shipping. Such areas are also prone to erosion caused by the wind, runoff of rain water along the surface of the land, or groundwater seepage as well as by human activities such as construction, navigation and certain forms of recreation. COASTAL HAZARDS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, MAY INCREASE THE SPEED OF SUCH EROSION OR EXACERBATE ITS EFFECTS.

4. Programs to build erosion protective structures, either with private or public funds, are costly, often only partially effective over time, and may even be harmful to adjacent or nearby properties, and in some sections of the state major erosion protective structures of great length would be required to effectively reduce future damages due to erosion. IN ADDITION, COASTAL HAZARDS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, OFTEN RENDER SUCH PROTECTIVE STRUCTURES INEFFECTIVE OR LESS EFFECTIVE THAN INTENDED.

S 21. Subdivision 1 of section 34-0102 of the environmental conservation law, as added by chapter 841 of the laws of 1981, is amended to read as follows:

1. Those areas of the state's coastline most prone to erosion hazards should be identified. SUCH IDENTIFICATIONS SHALL BE MADE WITH CONSIDERATION OF THE EFFECTS OF COASTAL HAZARDS ON COASTLINE VULNERABILITY TO EROSION.

S 22. Subdivisions 2, 3 and 8 of section 34-0103 of the environmental conservation law, as added by chapter 841 of the laws of 1981, are amended to read as follows:

2. "Coastal erosion" or "erosion" shall mean loss or displacement of land along the coastline due to the action of waves, currents running along the shore, tides, wind-driven water or water-borne ice or other impacts of coastal storms. It shall also mean loss or displacement of land along the coastline due to the action of wind, runoff of surface waters, or groundwater seepage, AND LOSS OR DISPLACEMENT OF SUCH LAND DUE TO COASTAL HAZARDS, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW.

3. "Coastal erosion hazard area" or "erosion hazard area" shall mean those areas of the coastline:

(a) Which are determined as likely to be subject to erosion within a forty-year period. The inland boundary of such areas shall be determined on the basis of shoreline recession analysis, SEA LEVEL RISE PROJECTIONS, and other pertinent studies and surveys by starting at the bluff edge or most landward point of active erosion and measuring along a line which is normal to the line of mean high water a distance which is forty times the long-term average annual rate of shoreline recession, where such average annual recession rate is at least one foot; or

(b) Which constitute natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion, or lower the reserves of sand or other natural materials available to replenish storm losses through natural processes.

1 The erosion hazard area is to be identified as provided in section
2 34-0104 of this article and shall be the area within which new activ-
3 ities or development shall be reviewed to effectuate the policies and
4 purposes of this article to minimize damage caused by erosion to struc-
5 tures and to prevent damage to natural protective features caused by
6 activities or development, as provided for in section 34-0108 of this
7 article.

8 8. "Natural protective features" shall mean without limitation, beach-
9 es, dunes, shoals, bars, spits, barrier islands, bluffs and wetlands;
10 AREAS WITHIN COASTAL BARRIER BREACHES AND WASHOVERS AND THEIR ASSOCIATED
11 SANDY SHOALS, AS WELL AS associated natural vegetation shall also be
12 considered as part of such natural protective features.

13 S 23. Subdivision 4 of section 34-0104 of the environmental conserva-
14 tion law, as amended by chapter 556 of the laws of 1985, is amended to
15 read as follows:

16 4. The commissioner shall review the boundaries of each erosion hazard
17 area identified pursuant to this section ten years from the date of its
18 identification and every ten years thereafter. The commissioner may
19 revise erosion hazard area maps not sooner than twelve months after the
20 occurrence of a major man made or natural event or a major coastal storm
21 if he determines that topographical changes or loss of structural
22 protection at the end of such a twelve month period and as a result of
23 such event or such storm justify, pursuant to the regulations of the
24 department, adjustment of the erosion hazard area boundary by twenty-
25 five feet or more. Following such review, the commissioner shall adjust
26 the boundaries of such erosion hazard area to effect any additions,
27 deletions or technical changes, or to reflect any changes due to
28 erosion, accretion, SEA LEVEL RISE, COASTAL HAZARDS, or other natural or
29 man-made changes. The commissioner shall follow the procedures set forth
30 in subdivisions two and three of this section with respect to any lands
31 which are proposed to be added to or deleted from an erosion hazard area
32 because of an adjustment of the boundaries of such erosion hazard area
33 pursuant to this subdivision.

34 S 24. Article 71 of the environmental conservation law is amended by
35 adding a new title 34 to read as follows:

36 TITLE 34

37 ENFORCEMENT OF ARTICLE 34

38 SECTION 71-3401. APPLICABILITY OF THIS TITLE.

39 71-3402. VIOLATION; PENALTIES.

40 71-3403. ENFORCEMENT.

41 S 71-3401. APPLICABILITY OF THIS TITLE.

42 IN ADDITION TO THE PROVISIONS OF SECTIONS 71-0101 AND 71-0301, AND
43 TITLES FIVE AND FORTY OF THIS ARTICLE, THE PROVISIONS OF THIS TITLE
44 SHALL BE APPLICABLE TO THE ENFORCEMENT OF ARTICLE THIRTY-FOUR OF THIS
45 CHAPTER.

46 S 71-3402. VIOLATION; PENALTIES.

47 1. ADMINISTRATIVE SANCTIONS. A. ANY PERSON WHO VIOLATES, DISOBEYS, OR
48 DISREGARDS ANY PROVISION OF ARTICLE THIRTY-FOUR OF THIS CHAPTER SHALL BE
49 LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY NOT LESS THAN TEN
50 THOUSAND AND NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR EVERY
51 VIOLATION, TO BE ASSESSED, AFTER A HEARING OR OPPORTUNITY TO BE HEARD,
52 BY THE COMMISSIONER. EACH VIOLATION SHALL BE A SEPARATE AND DISTINCT
53 VIOLATION AND, IN THE CASE OF A CONTINUING VIOLATION, EACH DAY'S CONTIN-
54 UANCE THEREOF SHALL BE DEEMED A SEPARATE AND DISTINCT VIOLATION. THE
55 PENALTY MAY BE RECOVERED IN AN ACTION BROUGHT BY THE COMMISSIONER IN ANY
56 COURT OF COMPETENT JURISDICTION. SUCH CIVIL PENALTY MAY BE RELEASED OR

1 COMPROMISED BY THE COMMISSIONER BEFORE THE MATTER HAS BEEN REFERRED TO
2 THE ATTORNEY GENERAL; AND WHERE SUCH MATTER HAS BEEN REFERRED TO THE
3 ATTORNEY GENERAL, ANY SUCH PENALTY MAY BE RELEASED OR COMPROMISED AND
4 ANY ACTION COMMENCED TO RECOVER THE SAME MAY BE SETTLED AND DISCONTINUED
5 BY THE ATTORNEY GENERAL WITH THE CONSENT OF THE COMMISSIONER.

6 B. UPON DETERMINING THAT SIGNIFICANT EROSION IS OCCURRING OR IS IMMI-
7 NENT AS A RESULT OF ANY VIOLATION OF ARTICLE THIRTY-FOUR OF THIS CHAP-
8 TER, THE COMMISSIONER SHALL HAVE POWER TO DIRECT THE VIOLATOR TO CEASE
9 AND DESIST FROM VIOLATING THE ACT. IN SUCH CASES THE VIOLATOR SHALL BE
10 PROVIDED AN OPPORTUNITY TO BE HEARD WITHIN TEN DAYS OF RECEIPT OF THE
11 NOTICE TO CEASE AND DESIST.

12 C. FOLLOWING A HEARING HELD PURSUANT TO SECTION 71-1709 OF THIS ARTI-
13 CLE, THE COMMISSIONER SHALL HAVE POWER TO DIRECT THE VIOLATOR TO CEASE
14 AND DESIST FROM VIOLATING THE ACT AND TO RESTORE THE AFFECTED COASTAL
15 AREA TO ITS CONDITION PRIOR TO THE VIOLATION, INSOFAR AS THAT IS POSSI-
16 BLE WITHIN A REASONABLE TIME AND UNDER THE SUPERVISION OF THE COMMIS-
17 SIONER. ANY ORDER OF THE COMMISSIONER SHALL BE ENFORCEABLE IN AN ACTION
18 BROUGHT BY THE COMMISSIONER IN ANY COURT OF COMPETENT JURISDICTION. ANY
19 CIVIL PENALTY OR ORDER ISSUED BY THE COMMISSIONER UNDER THIS SUBDIVISION
20 SHALL BE REVIEWABLE IN A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE
21 CIVIL PRACTICE LAW AND RULES.

22 2. THE PROCEEDS OF ANY PENALTY OR FINE ASSESSED UNDER THIS SECTION
23 SHALL BE DEPOSITED IN A FUND TO ASSIST LOCAL GOVERNMENTS IN IMPLEMENTING
24 COASTAL RESILIENCE PLANS, AS DESCRIBED IN SECTION NINE HUNDRED FIFTEEN-A
25 OF THE EXECUTIVE LAW.

26 S 71-3403. ENFORCEMENT.

27 1. THE ATTORNEY GENERAL, ON HIS OWN INITIATIVE OR AT THE REQUEST OF
28 THE COMMISSIONER, SHALL PROSECUTE PERSONS WHO VIOLATE ARTICLE
29 THIRTY-FOUR OF THIS CHAPTER. IN ADDITION, THE ATTORNEY GENERAL, ON HIS
30 OWN INITIATIVE OR AT THE REQUEST OF THE COMMISSIONER, SHALL HAVE THE
31 RIGHT TO RECOVER A CIVIL PENALTY OF NOT LESS THAN TEN THOUSAND AND NOT
32 MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR EVERY VIOLATION OF ANY
33 PROVISION OF SUCH ARTICLE, AND TO SEEK EQUITABLE RELIEF TO RESTRAIN ANY
34 VIOLATION OR THREATENED VIOLATION OF SUCH ARTICLE AND TO REQUIRE THE
35 RESTORATION OF ANY AFFECTED COASTLINE WITHIN THE COASTAL RISK MANAGEMENT
36 ZONE, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW, TO
37 ITS CONDITION PRIOR TO THE VIOLATION, INSOFAR AS THAT IS POSSIBLE, WITH-
38 IN A REASONABLE TIME AND UNDER THE SUPERVISION OF THE COMMISSIONER. IN
39 THE CASE OF A CONTINUING VIOLATION, EACH DAY'S CONTINUANCE THEREOF SHALL
40 BE DEEMED A SEPARATE AND DISTINCT VIOLATION.

41 2. THE COMMISSIONER HAS THE AUTHORITY TO REVERSE OR VETO ANY LOCAL
42 ACTIONS OR DECISIONS WHICH ARE INCONSISTENT WITH THE PURPOSES AND POLI-
43 CIES OF ARTICLE THIRTY-FOUR OF THIS CHAPTER.

44 S 25. The department of environmental conservation is directed to
45 conform its regulations in title 6 of the New York state Codes, Rules
46 and Regulations to apply the policies, definitions, and amendments to the
47 environmental conservation law contained in this act.

48 S 26. Subdivision 2 of section 7-722 of the village law is amended by
49 adding two new paragraphs (d) and (e) to read as follows:

50 (D) "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
51 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF
52 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS
53 DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL
54 RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE
55 ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
56 HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW, AND ARE AS SHOWN ON THE COASTAL

1 RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE
2 AS REQUIRED IN SUCH SECTION.

3 (E) "COASTAL HAZARDS" MEANS THE RANGE OF ENVIRONMENTAL PROCESSES AND
4 EVENTS THAT MAY AFFECT COASTLINES OR HUMAN ACTIVITY NEAR COASTLINES, AND
5 IT INCLUDES BUT IS NOT LIMITED TO SEA LEVEL RISE, RISING GROUNDWATER,
6 COASTAL FLOODING, STORM SURGE, COASTAL STORMS, OR SALTWATER INTRUSION,
7 AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW.

8 S 27. Subdivision 3 of section 7-722 of the village law is amended by
9 adding three new paragraphs (p), (q) and (r) to read as follows:

10 (P) CONSIDERATION OF THE EFFECTS OF COASTAL HAZARDS ON ANY ASPECTS OF
11 THE PLAN, IF ANY PART OF THE VILLAGE IS LOCATED WITHIN THE COASTAL RISK
12 MANAGEMENT ZONE.

13 (Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL
14 PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOP-
15 MENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO
16 NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRA-
17 STRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNER-
18 ABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

19 (R) DEVELOPMENT OF COASTAL RESILIENCE PLANS BY COMMUNITIES WITHIN THE
20 COASTAL RISK MANAGEMENT ZONE. SUCH PLANS SHALL ADVISE COMMUNITIES ON
21 POST-STORM RECOVERY MECHANISMS, REDEVELOPMENT, AND RECOGNITION OF LONG-
22 TERM RISKS CREATED BY HIGH-INTENSITY STORMS. SUCH PLANS SHALL BE BASED
23 ON TRENDS IN HIGH-INTENSITY WEATHER AND THE EFFECT OF COASTAL PROCESSES
24 ON FUTURE WEATHER CONDITIONS.

25 S 28. Subdivision 2 of section 272-a of the town law is amended by
26 adding two new paragraphs (d) and (e) to read as follows:

27 (D) "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
28 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF
29 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS
30 DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL
31 RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE
32 ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
33 HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW, AND ARE AS SHOWN ON THE COASTAL
34 RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE
35 AS REQUIRED IN SUCH SECTION NINE HUNDRED FOURTEEN-A.

36 (E) "COASTAL HAZARDS" MEANS THE RANGE OF ENVIRONMENTAL PROCESSES AND
37 EVENTS THAT MAY AFFECT COASTLINES OR HUMAN ACTIVITY NEAR COASTLINES, AND
38 IT INCLUDES BUT IS NOT LIMITED TO SEA LEVEL RISE, RISING GROUNDWATER,
39 COASTAL FLOODING, STORM SURGE, COASTAL STORMS, OR SALTWATER INTRUSION,
40 AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW.

41 S 29. Subdivision 3 of section 272-a of the town law is amended by
42 adding three new paragraphs (p), (q) and (r) to read as follows:

43 (P) CONSIDERATION OF THE EFFECTS OF COASTAL HAZARDS ON ANY ASPECTS OF
44 THE PLAN, IF ANY PART OF THE TOWN IS LOCATED WITHIN THE COASTAL RISK
45 MANAGEMENT ZONE.

46 (Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL
47 PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOP-
48 MENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO
49 NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRA-
50 STRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNER-
51 ABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

52 (R) DEVELOPMENT OF COASTAL RESILIENCE PLANS BY COMMUNITIES WITHIN THE
53 COASTAL RISK MANAGEMENT ZONE. SUCH PLANS SHALL ADVISE COMMUNITIES ON
54 POST-STORM RECOVERY MECHANISMS, REDEVELOPMENT, AND RECOGNITION OF LONG-
55 TERM RISKS CREATED BY HIGH-INTENSITY STORMS. SUCH PLANS SHALL BE BASED

1 ON TRENDS IN HIGH-INTENSITY WEATHER AND THE EFFECT OF COASTAL PROCESSES
2 ON FUTURE WEATHER CONDITIONS.

3 S 30. Subdivision 3 of section 28-a of the general city law is amended
4 by adding two new paragraphs (d) and (e) to read as follows:

5 (D) "COASTAL RISK MANAGEMENT ZONE" MEANS AREAS AT SIGNIFICANT RISK OF
6 COASTAL FLOODING DUE TO STORMS AND AREAS PROJECTED TO BE AT HIGH RISK OF
7 COASTAL FLOODING DUE TO PROJECTED SEA LEVEL RISE AND FUTURE STORMS, AS
8 DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE EXECUTIVE LAW. COASTAL
9 RISK MANAGEMENT ZONES WILL BE IDENTIFIED BY THE SECRETARY OF STATE
10 ACCORDING TO THE PURPOSES AND POLICIES IDENTIFIED IN SECTION NINE
11 HUNDRED FOURTEEN-A OF THE EXECUTIVE LAW, AND ARE AS SHOWN ON THE COASTAL
12 RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE
13 AS REQUIRED IN SUCH SECTION NINE HUNDRED FOURTEEN-A.

14 (E) "COASTAL HAZARDS" MEANS THE RANGE OF ENVIRONMENTAL PROCESSES AND
15 EVENTS THAT MAY AFFECT COASTLINES OR HUMAN ACTIVITY NEAR COASTLINES, AND
16 IT INCLUDES BUT IS NOT LIMITED TO SEA LEVEL RISE, RISING GROUNDWATER,
17 COASTAL FLOODING, STORM SURGE, COASTAL STORMS, OR SALTWATER INTRUSION,
18 AS DEFINED IN SECTION HUNDRED HUNDRED ELEVEN OF THE EXECUTIVE LAW.

19 S 31. Subdivision 4 of section 28-a of the general city law is amended
20 by adding three new paragraphs (p), (q) and (r) to read as follows:

21 (P) CONSIDERATION OF THE EFFECTS OF COASTAL HAZARDS ON ANY ASPECTS OF
22 THE PLAN, IF ANY PART OF THE CITY IS LOCATED WITHIN THE COASTAL RISK
23 MANAGEMENT ZONE.

24 (Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL
25 PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOP-
26 MENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO
27 NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRA-
28 STRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNER-
29 ABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

30 (R) DEVELOPMENT OF COASTAL RESILIENCE PLANS BY COMMUNITIES WITHIN THE
31 COASTAL RISK MANAGEMENT ZONE. SUCH PLANS SHALL ADVISE COMMUNITIES ON
32 POST-STORM RECOVERY MECHANISMS, REDEVELOPMENT, AND RECOGNITION OF LONG-
33 TERM RISKS CREATED BY HIGH-INTENSITY STORMS. SUCH PLANS SHALL BE BASED
34 ON TRENDS IN HIGH-INTENSITY WEATHER AND THE EFFECT OF COASTAL PROCESSES
35 ON FUTURE WEATHER CONDITIONS.

36 S 32. Section 66 of the public service law is amended by adding a new
37 subdivision 29 to read as follows:

38 29. REQUIRE EVERY UTILITY CORPORATION WITHIN ITS JURISDICTION TO
39 SUBMIT HAZARD MITIGATION PLANS AND EMERGENCY RESPONSE PLANS TO THE
40 COMMISSION FOR REVIEW AND APPROVAL AT SUCH TIMES AND IN SUCH DETAIL AND
41 FORM AS THE COMMISSION SHALL REQUIRE, PROVIDED, HOWEVER, THAT THE SAME
42 SHALL BE FILED AT LEAST ANNUALLY AND SHALL CONTAIN, AT A MINIMUM:

43 (A) AN ASSESSMENT OF THE VULNERABILITY OF CORPORATION INFRASTRUCTURE,
44 INCLUDING BUT NOT LIMITED TO BUILDINGS, PIPES, WIRES, CONDUITS OR DUCTS,
45 TO COASTAL HAZARDS AND OTHER REASONABLY FORESEEABLE EXTREME WEATHER
46 EVENTS, AND IDENTIFICATION OF THE INFRASTRUCTURE MOST AT RISK, TO
47 INCLUDE AN IDENTIFICATION OF INFRASTRUCTURE LOCATED WITHIN THE COASTAL
48 RISK MANAGEMENT ZONE, AS DEFINED IN SECTION NINE HUNDRED ELEVEN OF THE
49 EXECUTIVE LAW;

50 (B) AN EVALUATION OF SHORT-TERM AND LONG-TERM RESILIENCE STRATEGIES TO
51 PROTECT THAT INFRASTRUCTURE TO ENSURE THE SAFE AND RELIABLE PROVISION OF
52 UTILITIES, TO INCLUDE LONG-TERM INVESTMENT DECISIONS ON THE PLACEMENT
53 AND DESIGN OF INFRASTRUCTURE;

54 (C) EMERGENCY RESPONSE PLANS FOCUSED ON IMMEDIATE PREPARATION FOR AND
55 RESPONSE TO STORMS AND OTHER EXTREME WEATHER EVENTS.

1 ONCE REVIEWED AND APPROVED BY THE COMMISSION, SUCH PLANS SHALL BE MADE
2 AVAILABLE TO THE PUBLIC.

3 S 33. Subdivision 2 of section 6-0107 of the environmental conserva-
4 tion law is amended by adding a new paragraph k to read as follows:

5 K. TO PROMOTE RESILIENCE TO COASTAL HAZARDS, EXTREME WEATHER EVENTS,
6 AND OTHER NATURAL DISASTERS BY STRENGTHENING EXISTING AND CREATING NEW
7 COMMUNITIES DESIGNED TO WITHSTAND REASONABLY FORESEEABLE ENVIRONMENTAL
8 THREATS, WITH PARTICULAR ATTENTION FOR THOSE LOCATED ALONG COASTLINES
9 AND IN OR IMMEDIATELY ADJACENT TO COASTAL RISK MANAGEMENT ZONES.

10 S 34. Severability. The provisions of this article shall be severa-
11 ble, and if any clause, sentence, paragraph, subdivision or part of this
12 article shall be adjudged by any court of competent jurisdiction to be
13 invalid, such judgment shall not affect, impair or invalidate the
14 remainder thereof, but shall be confined in its operation to the clause,
15 sentence, paragraph, subdivision or part thereof directly involved in
16 the controversy in which such judgment shall have been rendered.

17 S 35. This act shall take effect immediately; provided, however, that
18 the Long Island South Shore Estuary Reserve council shall take into
19 consideration in its next biannual reviews the amendments made to subdivi-
20 sion 7 of section 964-b of the executive law by section seven of this
21 act; provided, further, that the addition, amendment and/or repeal of
22 any rule or regulation necessary for the implementation of this act on
23 its effective date is authorized and directed to be made and completed
24 on or before such effective date.