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

5310

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

Section 1. Short title. This act shall be known and may be cited as the "Coastal Risk Management Zone Protection Act."

S 2. Legislative findings and intent. The legislature hereby finds that sea level rise and coastal flooding from storm surge are already affecting and will increasingly affect New York's entire ocean and estuarine coastline.

The legislature also finds that coastal areas in New York are of tremendous economic and social importance to the state, that large numbers of residences and businesses are located along the shoreline, with each shoreline area constituting a unique and essential part of the character of New York, and that shoreline areas are diverse and interconnected and share New York's rich agriculture, commercial, economic and environmental history and resources. The likelihood that powerful storms will hit New York State's coastline is very high, as is the associated threat to human life and coastal infrastructure. This vulnerability will increase in area and magnitude over time.

The legislature further finds that natural shoreline features, such as wetlands, aquatic vegetation, dunes and barrier beaches, currently provide large-scale services, such as flood protection, storm buffering, fisheries habitat, recreational facilities and water filtration, at almost no cost. These services would be prohibitively expensive to replicate with human-built systems. New York is losing tidal marshes at

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

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a rapid pace and with them the natural infrastructure that protects the shore from floods, wave attack and erosion. Sea level rise and coastal hazards will cause all shoreline ecosystems to become more frequently inundated. Low-lying locations will become permanently submerged. Habitats and the species associated with them may migrate landward; this migration, however, will be impeded by the density of development on much of the state's shoreline and the widespread hardening of that shoreline.

The legislature also finds that current investment and land-use planning practices by both New York state and local governments are encouraging development in areas at high risk of coastal flooding and erosion.

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

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

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

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

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

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. 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 THIS ARTICLE, AND ARE AS SHOWN ON THE COASTAL RISK MANAGEMENT ZONE MAP ON FILE IN THE OFFICE OF THE SECRETARY OF STATE AS REQUIRED IN SECTION NINE HUNDRED FOURTEEN-A OF THIS ARTICLE.

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

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

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

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

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

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

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

(A) COASTAL AREAS AT GREATEST RISK FROM SEA LEVEL RISE,

(B) AREAS AT RISK FROM STORM SURGE WITH CURRENT SEA LEVELS, AND

(C) AREAS THAT ARE LIKELY TO BE AT RISK FROM STORM SURGE DUE TO SEA LEVEL RISE IN THE FUTURE THROUGH YEAR TWO THOUSAND ONE HUNDRED.

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

4. A REPRESENTATION OF THE COASTAL RISK MANAGEMENT ZONES SHALL BE ON FILE IN THE OFFICE OF THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL FILE WITH THE CLERK OF EACH COUNTY AND LOCAL GOVERNMENT WHICH HAS ANY PORTION OF ITS JURISDICTION WITHIN THE ZONE, A COPY OF THE REPRESENTATION OF SUCH AFFECTED PORTION OF THE ZONE AND A COPY OF THE REPRESENTATION OF THE ZONE OF THE AFFECTED PORTION OF ANY ADJACENT MUNICIPALITY. THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE REPRESENTATION OF THE COASTAL RISK MANAGEMENT ZONE TO EACH STATE AGENCY HAVING JURISDICTION OVER PROGRAMS IDENTIFIED PURSUANT TO THIS ARTICLE AND THE REPRESENTATION OF THE COASTAL RISK MANAGEMENT ZONES SHALL BE MADE AVAILABLE TO THE PUBLIC ON A GOVERNMENT WEBSITE. THE SECRETARY OF STATE, ON ITS OWN INITIATIVE OR ON PETITION SUBMITTED FROM ANY PERSON, MAY AMEND THE COASTAL RISK MANAGEMENT ZONE TO CORRECT ERRORS, REFLECT NEW INFORMATION OR EVENTS, OR MAKE CHANGES THAT ARE IN FURTHERANCE OF THE POLICIES AND PURPOSES OF THIS ARTICLE. ALL SUCH CHANGES SHALL BE FILED WITH THE CLERK OF EACH COUNTY AND LOCAL GOVERNMENT AFFECTED THEREBY.

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

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

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

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

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

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

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

6. BEFORE APPROVING ANY SUCH COASTAL RESILIENCE PLAN, OR ANY AMENDMENTS THERETO, AS ELIGIBLE FOR THE BENEFITS OF THIS ARTICLE, THE SECRETARY OF STATE SHALL CONSULT WITH POTENTIALLY AFFECTED STATE AND FEDERAL AGENCIES; THE SECRETARY OF STATE SHALL NOT APPROVE ANY SUCH PLAN IF HE OR SHE FINDS AFTER SUCH CONSULTATION THAT THERE IS A CONFLICT WITH ANY STATE OR FEDERAL POLICIES.

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

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

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

9. BEFORE UNDERTAKING ANY ACTION PURSUANT TO ANY PLANS THE AFFECTED STATE AGENCY SHALL SUBMIT, THROUGH APPROPRIATE EXISTING CLEARING HOUSE PROCEDURES INCLUDING BUT NOT LIMITED TO THE STATE ENVIRONMENTAL QUALITY REVIEW LAW, INFORMATION ON THE PROPOSED ACTION TO LOCAL GOVERNMENT. THE LOCAL GOVERNMENT SHALL IDENTIFY POTENTIAL CONFLICTS AND SO NOTIFY THE SECRETARY OF STATE. UPON NOTIFICATION OF THE CONFLICT, THE SECRETARY OF STATE WILL CONFER WITH THE AFFECTED STATE AGENCY AND THE LOCAL GOVERNMENT 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:

(a) Definition of terms used in this article;
(b) Criteria for determining whether or not a proposed action may have a significant effect on the environment, taking into account social and economic factors to be considered in determining the significance of an environmental effect. THE CRITERIA FOR DETERMINING SIGNIFICANCE SHALL INCORPORATE THE POTENTIALLY SIGNIFICANT ADVERSE IMPACTS RELATED TO COASTAL HAZARDS IN THE DETERMINATION PROCESS AND GIVE SUFFICIENT WEIGHT TO THE IMPORTANCE OF COASTAL RESILIENCE IN THE REVIEW PROCESS;
(c) Identification on the basis of such criteria of:
(i) Actions or classes of actions that are likely to require preparation of environmental impact statements;
(ii) Actions or classes of actions which have been determined not to have a significant effect on the environment and which do not require environmental impact statements under this article. In adopting the rules and regulations, the commissioner shall make a finding that each action or class of actions identified does not have a significant effect on the environment;
(III) AREAS IN WHICH THE ENVIRONMENTAL IMPACT REVIEW PROCESS IS LIKELY TO REQUIRE ADDITIONAL CONSIDERATIONS OF THE IMPACT FROM AS WELL AS TO ENVIRONMENTAL CONDITIONS, TO INCLUDE COASTAL RISK MANAGEMENT ZONES;
(d) Typical associated environmental effects, and methods for assessing such effects, of actions determined to be likely to require preparation of environmental impact statements;
(e) Categorization of actions which are or may be primarily of statewide, regional, or local concern, with provisions for technical assistance including the preparation or review of environmental impact statements, if requested, in connection with environmental impact review by local agencies.
(f) Provision for the filing and circulation of draft environmental impact statements pursuant to subdivision four of section 8-0109 OF THIS ARTICLE, and environmental impact statements pursuant to subdivision six of section 8-0109 OF THIS ARTICLE, including, in addition to any other circulation and public availability requirements, making such statements available free of charge to the public and government agencies on the publicly-available Internet website, unless impracticable. Printed filings and public notices shall clearly indicate the address of the website at which such filing is posted;
(g) Scope, content, filing and availability of findings required to be made pursuant to subdivision eight of section 8-0109 OF THIS ARTICLE;
(h) Form and content of and level of detail required for an environmental impact statement, TO INCLUDE A SECTION REQUIRING AN EVALUATION OF IMPACTS FROM OR TO THE PROPOSED ACTION BASED ON COASTAL HAZARDS OVER THE LIFE OF THE PROJECT, STRUCTURE, OR FACILITY; and
(i) Procedures for obtaining comments on draft environmental impact statements, holding hearings, providing public notice of agency decisions with respect to preparation of a draft environmental statement; and for such other matters as may be needed to assure effective participation by the public and efficient and expeditious administration of the article.
(j) Procedure for providing applicants with estimates, when requested, of the costs expected to be charged them pursuant to subdivision seven of section 8-0109 of this article.
(k) Appeals procedure for the settlement of disputed costs charged by state agencies to applicants pursuant to subdivision seven of section 8-0109 of this article. Such appeal procedure shall not interfere or

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

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

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

5. AGENCY ACTIONS LOCATED WITHIN COASTAL RISK MANAGEMENT ZONES SHALL RECEIVE PARTICULAR CONSIDERATION TO DETERMINE THE SIGNIFICANCE OF THEIR POTENTIAL IMPACT ON THE ENVIRONMENT. ENVIRONMENTAL IMPACT STATEMENTS FOR ACTIONS PLANNED WITHIN COASTAL RISK MANAGEMENT ZONES SHALL BE REQUIRED TO EVALUATE THE IMPACTS TO AND FROM COASTAL HAZARDS REGARDING THE ACTION. THE VULNERABILITY OF THE PROJECT TO COASTAL HAZARDS AND AVAILABLE RESILIENCE EFFORTS SHALL BE EVALUATED.

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

1. The commissioner shall, 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 unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105 of this article OR FOR THEIR PRESENCE IN A COASTAL RISK MANAGEMENT ZONE 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 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 integrated, 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 provisions 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.

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

S 25-0102. Declaration of policy.

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

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

6. "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 SUCH ARTICLE.

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

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

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

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

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

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

S 19. Paragraph (i) of subdivision 3 of section 27-1415 of the environmental conservation law is amended by adding a new subparagraph (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.

The erosion hazard area is to be identified as provided in section 34-0104 of this article and shall be the area within which new activities or development shall be reviewed to effectuate the policies and purposes of this article to minimize damage caused by erosion to structures and to prevent damage to natural protective features caused by activities or development, as provided for in section 34-0108 of this article.

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

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

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

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

TITLE 34

ENFORCEMENT OF ARTICLE 34

SECTION 71-3401. APPLICABILITY OF THIS TITLE.
71-3402. VIOLATION; PENALTIES.
71-3403. ENFORCEMENT.

S 71-3401. APPLICABILITY OF THIS TITLE.

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

S 71-3402. VIOLATION; PENALTIES.

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

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

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

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

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

S 71-3403. ENFORCEMENT.

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

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

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

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

(D) "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 IN SUCH SECTION.

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

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

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

(Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOPMENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRASTRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNERABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

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

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

(D) "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 IN SUCH SECTION NINE HUNDRED FOURTEEN-A.

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

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

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

(Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOPMENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRASTRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNERABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

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

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

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

(D) "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 IN SUCH SECTION NINE HUNDRED FOURTEEN-A.

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

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

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

(Q) INCLUSION WHERE PRACTICABLE OF BUFFER AREAS AND OTHER COASTAL PROTECTION STRATEGIES IN THE ZONING OF WATERFRONT AREAS OR THE DEVELOPMENT OF WATERFRONT REVITALIZATION PLANS, IN ORDER TO REDUCE RISK TO NATURAL RESOURCES AND ENSURE THAT ALL NEW CONSTRUCTION AND/OR INFRASTRUCTURE IS CONSISTENT WITH THE REDUCTION OF FLOOD RISK AND OF VULNERABILITY TO COASTAL HAZARDS IN THE COASTAL RISK MANAGEMENT ZONE.

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

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

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

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

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

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

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

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

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

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

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