

6425--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 26, 2013

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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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replicate with human-built systems. New York is losing tidal marshes at 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:

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

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 policies, 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

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 subdi-  
20 vision 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.