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I N A S S E M B L Y

May 16, 2016

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

AN ACT to amend the environmental conservation law, in relation to
enhancing the state's flood mitigation and coastal resiliency activ-
ities

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

1 Section 1. Section 54-1523 of the environmental conservation law, as
2 added by section 5 of part U of chapter 58 of the laws of 2016, is
3 amended to read as follows:
4 S 54-1523. Climate adaptation and mitigation projects.
5 1. The commissioner is authorized to provide on a competitive basis,
6 within amounts appropriated, state assistance payments to a municipality
7 toward the cost of any climate adaptation or mitigation projects. Such
8 projects shall include:
9 a. the construction of natural resiliency measures, conservation or
10 restoration of riparian areas and tidal marsh migration areas;
11 b. nature-based solutions such as wetland protections to address phys-
12 ical climate risk due to sea level rise, and/or storm surges and/or
13 flooding, based on available data predicting the likelihood of future
14 extreme weather events, including hazard risk analysis data if applica-
15 ble;
16 c. relocation or retrofit of facilities to address physical climate
17 risk due to sea level rise, and/or storm surges and/or flooding based on
18 available data predicting the likelihood of future extreme weather
19 events, including hazard risk analysis data if applicable;
20 d. flood risk reduction;
21 e. greenhouse gas emission reductions outside the power sector;
22 f. enabling communities to become certified under the climate smart
23 communities program, including by developing natural resources invento-
24 ries, right sizing of municipal fleets and developing climate adaptation
25 strategies; [and]
26 g. climate change adaptation planning and supporting studies, includ-
27 ing but not limited to vulnerability assessment and risk analysis of

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

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1 municipal drinking water, wastewater, and transportation infrastructure;
2 AND

3 H. LAND ACQUISITION, INCLUDING BUT NOT LIMITED TO FLOOD MITIGATION AND
4 COASTAL RIPARIAN RESILIENCY; PROVIDED, HOWEVER, NO MONIES SHALL BE
5 EXPENDED FOR ACQUISITION BY EMINENT DOMAIN.

6 2. To the fullest extent practicable, it is the policy of the state to
7 promote an equitable regional distribution of climate adaptation and
8 mitigation projects, consistent with the purpose of this title, taking
9 into account regional differences in climate change risks, socioeconomic
10 conditions and ecological resources.

11 [3. No monies shall be expended for land acquisition.]

12 S 2. The environmental conservation law is amended by adding a new
13 section 54-1525 to read as follows:

14 S 54-1525. RESTRICTION ON ALIENATION.

15 REAL PROPERTY ACQUIRED, DEVELOPED, IMPROVED, RESTORED OR REHABILITATED
16 BY A MUNICIPALITY PURSUANT TO THIS TITLE WITH FUNDS MADE AVAILABLE
17 PURSUANT TO THIS TITLE SHALL NOT BE SOLD OR DISPOSED OF OR USED FOR
18 OTHER THAN PUBLIC PURPOSES WITHOUT THE EXPRESS AUTHORITY OF AN ACT OF
19 THE LEGISLATURE, WHICH SHALL PROVIDE FOR THE SUBSTITUTION OF OTHER LANDS
20 OF EQUAL ENVIRONMENTAL AND FAIR MARKET VALUE AND REASONABLY EQUIVALENT
21 USEFULNESS AND LOCATION TO THOSE TO BE DISCONTINUED, SOLD OR DISPOSED
22 OF, AND SUCH OTHER REQUIREMENTS AS SHALL BE APPROVED BY THE COMMISSION-
23 ER.

24 S 3. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2016.