STATE OF NEW YORK

3917

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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

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

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

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

§ 16-0121. Shoreline hardening.

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

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

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

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

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

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

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

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

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

(c) If the department determines that the approved plans for shoreline hardening have been satisfied, the department shall provide reimbursement to each resident for up to fifty percent of such resident's shoreline hardening costs.

§ 2. This act shall take effect immediately.