

# STATE OF NEW YORK

5557

2021-2022 Regular Sessions

## IN ASSEMBLY

February 19, 2021

Introduced by M. of A. BARNWELL, GOTTFRIED, GRIFFIN, COLTON -- Multi-Sponsored by -- M. of A. BRABENEC, COOK, DICKENS, FERNANDEZ, HEVESI, HYNDMAN, LAVINE, QUART, SEAWRIGHT, TAYLOR, VANEL, WEPRIN, WILLIAMS -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a commission to be known as the "New York seawall study commission"; and providing for the repeal of such provisions upon expiration thereof

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

- 1 Section 1. New York seawall study commission. 1. There is hereby  
2 established, within the department of environmental conservation, a  
3 seawall study commission ("commission") which shall consist of 16  
4 members who shall be appointed as follows:  
5 (a) the commissioner of environmental conservation or his or her  
6 designee;  
7 (b) the secretary of state or his or her designee;  
8 (c) three members appointed by the governor, at least one of whom  
9 shall have expertise in environmental justice issues;  
10 (d) two members to be appointed by the temporary president of the  
11 senate;  
12 (e) two members to be appointed by the speaker of the assembly;  
13 (f) one member to be appointed by the minority leader of the senate;  
14 (g) one member to be appointed by the minority leader of the assembly;  
15 (h) two members to be appointed by the mayor of the city of New York;  
16 (i) one member to be appointed by the county executive of the county  
17 of Nassau;  
18 (j) one member to be appointed by the county executive of the county  
19 of Suffolk; and  
20 (k) one member to be appointed by the county executive of the county  
21 of Westchester.

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

LBD07033-01-1

1 2. The at large members should include individuals with expertise in  
2 one or more of the following areas: climatology; hydrology; environ-  
3 mental; aquaculture; flood risk management; environmental justice;  
4 ecological restoration and management; oceanography or coastal ocean  
5 science; and engineering.

6 3. Commission members shall receive no compensation for their services  
7 but shall be reimbursed for actual and necessary expenses incurred in  
8 the performance of their duties.

9 4. The chairperson of the commission shall be the commissioner of  
10 environmental conservation or his or her designee. The commission shall  
11 meet no less than four times and at other times at the call of the  
12 chairperson.

13 5. Any vacancies on the commission shall be filled in the manner  
14 provided for in the initial appointment.

15 6. The commission shall be authorized to hold public hearings and  
16 meetings to enable it to accomplish its duties.

17 7. The commission may consult with any organization, educational  
18 institution, other government entity or agency or person including, but  
19 not limited to, the army corps of engineers, in the development of its  
20 report required by subdivision 10 of this section.

21 8. The department of environmental conservation shall provide the  
22 commission with such facilities, assistance and data as will enable the  
23 commission to carry out its powers and duties. Additionally, all other  
24 agencies of the state or subdivisions thereof may, at the request of the  
25 chairperson, provide the commission with such facilities, assistance,  
26 and data as will enable the commission to carry out its powers and  
27 duties.

28 9. The purpose of the New York seawall study commission shall be to  
29 identify the feasibility, costs, impacts, and best locations for  
30 construction of a seawall to protect the city of New York from sea level  
31 rise and storm surge along the entire coastline.

32 10. No later than December 31, 2024, the commission shall transmit to  
33 the governor, the temporary president of the senate and the speaker of  
34 the assembly a report containing the following:

35 (a) coastal areas at greatest risk from sea level rise based on  
36 projections established pursuant to section 3-0319 of the environmental  
37 conservation law;

38 (b) areas at risk from storm surge based on current sea levels;

39 (c) areas that are more likely to be at risk from coastal hazards  
40 including rising groundwater levels, saltwater intrusion, coastal flood-  
41 ing, and extreme weather events including coastal storms, with such  
42 projections extending through year 2100;

43 (d) the locations for construction of a seawall and any communities  
44 likely to be at risk from such construction;

45 (e) the feasibility, costs and locations of natural and nature-based  
46 solutions and onshore measures to protect New York city from sea level  
47 rise and storm surge;

48 (f) the costs, including fiscal impacts, impacts on vulnerable popu-  
49 lations and natural resources, of such construction of a seawall; and

50 (g) recommendations on state and local regulatory and/or statutory  
51 alterations.

52 § 2. This act shall take effect immediately and shall expire and be  
53 deemed repealed January 1, 2025.