

STATE OF NEW YORK

7051

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

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

AN ACT to amend the environmental conservation law, in relation to
establishing a sea level rise mitigation and adaptation plan

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 3-0320 to read as follows:

3 § 3-0320. Sea level rise mitigation and adaptation plan; cities with a
4 population of one million or more.

5 1. The department, in consultation with the New York city emergency
6 management department, shall:

7 (a) establish a sea level rise mitigation and adaptation plan for
8 cities with a population of one million or more, to identify land and
9 existing and planned facilities, including critical infrastructure, that
10 have been affected by or are vulnerable to sea level rise, flooding
11 impacts, and natural hazards. The department shall utilize information,
12 projections and map data from the most recent update of the sea level
13 rise vulnerability and adaptation report, the New York city mayor's
14 office of resiliency's climate resilience master plan and any other
15 agency report with pertinent related data, and any other pertinent data
16 and scientific reports the department deems necessary;

17 (b) assess a range of options, including environmental, social, and
18 economic factors, for mitigating impacts of sea level rise;

19 (c) submit an annual sea level rise vulnerability and adaptation
20 report to the governor, the mayor of the city of New York, and the
21 department of state no later than ninety days after the completion of
22 such report; and

23 (d) thirty days after the submission of such report required pursuant
24 to paragraph (c) of this subdivision, conduct public hearings for public

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

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1 comment in five different counties within cities with a population of
2 one million or more.

3 2. (a) One hundred eighty days following the submission of the sea
4 level rise vulnerability and adaptation report, the department shall be
5 authorized to implement and administer climate adaptation and mitigation
6 projects. Such projects shall include:

7 (i) the construction of natural resiliency measures and the conserva-
8 tion or restoration of riparian areas and tidal marsh migration areas;

9 (ii) nature-based solutions such as wetland protections to address
10 physical climate risk due to sea level rise, storm surges and/or flood-
11 ing, based on available data predicting the likelihood of future extreme
12 weather events, including hazard risk analysis data if applicable;

13 (iii) relocation or retrofitting of facilities to address physical
14 climate risk due to sea level rise, storm surges and/or flooding based
15 on available data predicting the likelihood of future extreme weather
16 events, including hazard risk analysis data if applicable; and

17 (iv) flood risk reduction.

18 (b) With respect to such climate adaptation and mitigation projects
19 authorized pursuant to paragraph (a) of this subdivision, the department
20 shall:

21 (i) provide state and regional information to the public and provide
22 support to local, regional, and other state agencies for the identifica-
23 tion, assessment, planning, and, where feasible, the mitigation of
24 adverse environmental, social, and economic effects of sea level rise in
25 cities with a population of one million or more;

26 (ii) to the fullest extent practicable, prioritize climate adaptation
27 and mitigation projects which:

28 (1) actively benefit disadvantaged communities as defined by the
29 climate justice working group;

30 (2) minimize harm to wildlife, ecosystems, public health, and public
31 safety;

32 (3) do not violate indigenous rights or sovereignty; and

33 (4) are the most cost-effective to the state and city according to the
34 best available cost modeling research;

35 (iii) construct sea level rise mitigation projects in consultation
36 with affected labor unions and community organizations through the New
37 York state energy research and development authority's regional clean
38 energy hubs;

39 (iv) establish criteria to evaluate whether state or city funds may be
40 used to mitigate hazards associated with sea level rise inundation and
41 coastal flooding; and

42 (v) coordinate with other state planning and coastal management agen-
43 cies, including, but not limited to, the department of state and the
44 department of public service to administer grants and provide informa-
45 tion and support to local, regional, and other state agencies consistent
46 with statutory authority.

47 § 2. This act shall take effect immediately.