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 Assembly, do enact as follows:

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

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

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

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

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

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

(d) thirty days after the submission of such report required pursuant 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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comment in five different counties within cities with a population of one million or more.

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

(i) the construction of natural resiliency measures and the conservation or restoration of riparian areas and tidal marsh migration areas;

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

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

(iv) flood risk reduction.

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

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

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

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

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

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

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

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

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

(v) coordinate with other state planning and coastal management agencies, including, but not limited to, the department of state and the department of public service to administer grants and provide information and support to local, regional, and other state agencies consistent with statutory authority.

§ 2. This act shall take effect immediately.