STATE OF NEW YORK

7329

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. ARDILA -- 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:

Section 1. New York seawall study commission. 1. There is hereby established, within the department of environmental conservation, a seawall study commission ("commission") which shall consist of 16 members who shall be appointed as follows:

(a) the commissioner of environmental conservation or his or her designee;

(b) the secretary of state or his or her designee;

(c) three members appointed by the governor, at least one of whom shall have expertise in environmental justice issues;

(d) two members to be appointed by the temporary president of the senate;

(e) two members to be appointed by the speaker of the assembly;

(f) one member to be appointed by the minority leader of the senate;

(g) one member to be appointed by the minority leader of the assembly;

(h) two members to be appointed by the mayor of the city of New York;

(i) one member to be appointed by the county executive of the county of Nassau;

(j) one member to be appointed by the county executive of the county of Suffolk; and

(k) one member to be appointed by the county executive of the county of Westchester.

2. The at large members should include individuals with expertise in one or more of the following areas: climatology; hydrology; environmental; aquaculture; flood risk management; environmental justice;

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

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ecological restoration and management; oceanography or coastal ocean science; and engineering.

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

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

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

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

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

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

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

10. No later than December 31, 2026, the commission shall transmit to the governor, the temporary president of the senate and the speaker of the assembly a report containing the following:

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

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

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

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

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

(f) the costs, including fiscal impacts, impacts on vulnerable populations and natural resources, of such construction of a seawall; and

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

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2027.