

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:

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

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

LBD04620-01-3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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