# STATE OF NEW YORK

8110

# IN SENATE

January 8, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT reconvening the New York state sea level rise task force; 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. 1. New York state sea level rise task force. There is hereby reconvened, within the department of environmental conservation, the sea level rise task force ("task force") established by chapter 613 of the laws of 2007, which shall consist of 16 members who shall be appointed as follows:

(a) the commissioner of environmental conservation or their designee;

(b) the secretary of state or their designee;

(c) the commissioner of transportation or their designee;

(d) the commissioner of health or their designee;

(e) the director of the state emergency management office or their designee;

(f) the superintendent of insurance or their designee;

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

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

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

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

(k) one member to be appointed by the mayor of the city of New York;

(l) one member to be appointed by the county executive of the county of Westchester;

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

(n) one member to be appointed by the county executive of the county of Suffolk.

2. The at large members shall have expertise in one or more of the following areas: climatology; hydrology; economics; marine fisheries; law enforcement and emergency management; estuary programs; oceanography or coastal ocean science; ecology or environmental biology; resilient

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

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infrastructure; geographic mapping and spatial analysis; urban planning and sustainable development; and environmental justice.

3. Task force 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 task force shall be the commissioner of the department of environmental conservation or their designee. The task force shall meet no less than four times and at other times at the call of the chairperson.

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

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

7. The task force may consult with any organization, educational institution, other government entity or agency or person in the development of its report required by subdivision 10 of this section.

8. The department of environmental conservation shall provide the task force with such facilities, assistance and data as will enable the task force 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 task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties.

9. The purpose of the New York state sea level rise task force shall be to:

(a) review the report and recommendations previously issued by the task force, and to determine the progress made in effectuating such recommendations and what recommendations require additional efforts;

(b) develop an updated evaluation of ways of protecting New York's remaining coastal ecosystems and natural habitats and increasing coastal community resilience in the face of sea level rise, applying the best available science as to sea level rise and its anticipated impacts; and

(c) updating previous recommendations and, if appropriate, making new recommendations on sea level rise resiliency.

10. No later than December 31, 2025, the task force shall transmit to the governor, the temporary president of the senate and the speaker of the assembly a report containing the following:

(a) an assessment of present and anticipated impacts related to sea level rise;

(b) an evaluation of previous recommendations of the task force, and any new recommendations, related to mechanisms New York could establish or improve to provide stronger, more protective standards, and the implementation and enforcement of such standards for coastal development, wetlands protection, shoreline erosion and damage mitigation, and post-storm approaches for New York state in the context of sea level rise, including an evaluation of current policies of the department of environmental conservation and the department of state and whether they reflect the recommendations of the task force;

(c) an evaluation of previous recommendations of the task force, and any new recommendations, regarding adaptive measures which may be taken to respond to sea level rise, including measures to:

(i) protect and connect terrestrial and aquatic habitats to allow animal and plant species to migrate as temperatures change, especially in already fragmented habitats;

(ii) protect and restore habitat on which already stressed animal and plant species depend to maintain the integrity of natural communities

and to protect ecological services they provide including flood control, drinking water supply protection, clean water and clean air;

(iii) identify and monitor effects of climate change on animals, plants and natural communities;

(iv) integrate climate change adaptation strategies into state environmental plans, including but not limited to those related to the community risk and resiliency act, as established by chapter 355 of the laws of 2014, and the climate leadership and community protection act, as established by chapter 106 of the laws of 2019; and

(v) ensure insurance industry resiliency and understanding among insureds regarding flooding risk.

(d) an evaluation of previous recommendations, and any new recommendations, on state and local regulatory and/or statutory alterations to respond to the impacts of sea level rise;

(e) (i) a review of the current flood zone designations of shoreline and waterfront communities;

(ii) a review of critical infrastructure such as water and waste filtration systems, chemical and fuel storage facilities, energy producing facilities and equipment in FEMA designated flood zones prone to flooding due to sea level rise; and

(iii) the need for a public awareness campaign to inform residents in flood zones prone to flooding due to sea level rise on how to prepare for sea level rise impacts;

(f) consideration in such recommendations for:

(i) differences between areas of varying developmental density, including densely populated areas such as the city of New York; and

(ii) findings and recommendations of other relevant governmental studies and reports, including but not limited to those of the NYS 2100 Commission, the One NYC 2050 Strategic Plan, guidance developed pursuant to the community risk and resiliency act, and the Scoping Plan required by section 75-0103 of the environmental conservation law; and

(g) estimates of costs to residents, businesses, and governments of sea level rise impacts and adaptation and mitigation measures.

11. No later than December 31, 2025, the secretary of state shall transmit to the governor, the temporary president of the senate and the speaker of the assembly a report detailing how the state will implement the task force recommendations, including timelines for implementation.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2026.