

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:

1 Section 1. 1. New York state sea level rise task force. There is here-
2 by reconvened, within the department of environmental conservation, the
3 sea level rise task force ("task force") established by chapter 613 of
4 the laws of 2007, which shall consist of 16 members who shall be
5 appointed as follows:

- 6 (a) the commissioner of environmental conservation or their designee;
- 7 (b) the secretary of state or their designee;
- 8 (c) the commissioner of transportation or their designee;
- 9 (d) the commissioner of health or their designee;
- 10 (e) the director of the state emergency management office or their
11 designee;
- 12 (f) the superintendent of insurance or their designee;
- 13 (g) two members to be appointed by the temporary president of the
14 senate;
- 15 (h) two members to be appointed by the speaker of the assembly;
- 16 (i) one member to be appointed by the minority leader of the senate;
- 17 (j) one member to be appointed by the minority leader of the assembly;
- 18 (k) one member to be appointed by the mayor of the city of New York;
- 19 (l) one member to be appointed by the county executive of the county
20 of Westchester;
- 21 (m) one member to be appointed by the county executive of the county
22 of Nassau; and
- 23 (n) one member to be appointed by the county executive of the county
24 of Suffolk.

25 2. The at large members shall have expertise in one or more of the
26 following areas: climatology; hydrology; economics; marine fisheries;
27 law enforcement and emergency management; estuary programs; oceanography
28 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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1 infrastructure; geographic mapping and spatial analysis; urban planning
2 and sustainable development; and environmental justice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (f) consideration in such recommendations for:

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

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

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

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

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