

**Framework for Implementing the Work of the  
New York State Sea Level Rise Task Force**

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**October 29, 2008**

## **Purpose**

The purpose of this document is to create a framework to assist the New York State Sea Level Rise Task Force (SLRTF) to complete its assigned task of assessing anticipated impacts of sea level rise and recommending protective and adaptive measures. This framework is guided by Chapter 613 of the Laws of New York, 2007, *An Act Creating The New York State Sea Level Rise Task Force ...*,” which is attached to this document. This framework is intended to guide the participants in drafting and completing the SLRTF’s report, and to describe the process for stakeholders to participate in the development of the report.

## **Personnel**

### Sea Level Rise Task Force

Chapter 613 established the New York State Sea Level Rise Task Force and charged it with the creation of a report by December 31, 2009. The members of the SLRTF are the following:

Commissioner of Environmental Conservation Pete Grannis (designee: Jared Snyder, Assistant Commissioner of Air Resources, Climate Change and Energy)

Secretary of State Lorraine Cortes-Vazques or her designee,

Environmental Program Manager Lisa Weiss, designee of Commissioner of Transportation Astrid Glynn

Director of Environmental Health Protection Richard Svenson, designee of Commissioner of Health Richard Daines,

Director of the State Emergency Management Office John Gibb,

Assistant Bureau Chief, Property Bureau, Gerald Scattaglia, designee of Insurance Superintendent Eric Dinallo,

Mr. Jack Mattice, appointed by Temporary President of the Senate Joseph Bruno,

Mr. David Relyea, appointed by Temporary President of the Senate Joseph Bruno,

Mr. Rohit Aggarwala, appointed by New York City Mayor Michael Bloomberg,

Mr. Jerry Mulligan, Westchester County Commissioner of Planning, appointed by Westchester County Executive Andrew Spano,

Mr. John Walters, III, appointed by Senate Minority Leader Malcolm Smith,

Suffolk County Commissioner of Environment and Energy Carrie Meek Gallagher, appointed by Suffolk County Executive Steven Levy,

Ms. Sarah Newkirk, appointed by Assembly Speaker Sheldon Silver,

Mr. James Staudenraus, appointed by Assembly Minority Leader James Tedisco,

Mr. Brad Tito, appointed by Nassau County Executive Thomas Suozzi,

one additional member to be appointed by the speaker of the assembly.

The SLRTF will be chaired by Mr. Grannis or, in his absence, Mr. Snyder.

SLRTF is an advisory board, and is not bound by the Open Meetings Law, but all meetings of the SLRTF are open to the public, except for those times when the chair calls for an executive session. Pursuant to Chapter 613, the SLRTF will meet at least four times and at other times as deemed necessary by the chair.

#### Staff Steering Committee

The work of the SLRTF is coordinated by a staff steering committee (SSC). The members of the SSC are

- Robin Schlaff, Department of Environmental Conservation, Region 3, *Chair*,
- Fred Anders, Department of State, Division of Coastal Resources,
- Alan Belenz, Department of Environmental Conservation, Office of Climate Change,
- Betsy Blair, Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources,
- Frank Castelli, Suffolk County Division of Water Quality Improvement,
- Karen Chytalo, Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources,
- Udo Drescher, Department of Environmental Conservation, Division of Legal Affairs,
- Adam Freed, New York City Mayor's Office of Operations,
- Lisa Garcia, Department of Environmental Conservation, Office of Environmental Justice,
- Dan Gulizio, Suffolk County Planning Department,
- Mark Lowery, Department of Environmental Conservation, Office of Climate Change,
- Kristin Marcell, Department of Environmental Conservation, Hudson River Estuary Program,
- Ken Markussen, Department of Environmental Conservation, Division of Water,
- Suzanne Mattei, Department of Environmental Conservation, Region 2,
- Michelle Moore, Department of Environmental Conservation, Division of Public Affairs,
- Sarah Newkirk, The Nature Conservancy,
- Gerald Scattaglia, NYS Insurance Department,
- Anna Servidone, Department of Environmental Conservation, Division of Water,
- William Spitz, Department of Environmental Conservation, Division of Water,
- Lisa Weiss, Department of Transportation, and

- Nate Woiwode, The Nature Conservancy.

Ms. Marcell serves as the SSC's executive assistant. Staff of the Office of Climate Change, Bureau of Programs and Partnerships provides additional organizational and logistical support.

The chair of the SLRTF may request that additional agency staff be assigned to or support the SSC as needs dictate. The members of the SSC are responsible for the work products that ultimately will result in the SLRTF report.

The chair of the SSC serves as the liaison of the SSC to the SLRTF and, as such, is responsible for bringing matters that require action to the SLRTF. The SSC chair provides direction to the staff of the SSC and is responsible for soliciting input from state agencies, departments, offices, divisions or public authorities as necessary. The SSC chair will also seek input from private and academic entities in the development of the report and coordinate closely with the adaptation planning efforts of the New York City Mayor's Office.

### Work Groups

The SLRTF steering committee has identified four workgroups:

- Ecosystems and Natural Habitats
- Infrastructure and Community Resilience
- Legal
- Public Outreach

Survey and data collection efforts have been integrated into each of the work groups. The legal work group will serve as a resource to address legal questions as they arise during the work of the other work groups. The legal work group will also provide to the SSC a review of applicable current federal, state and local laws and regulations for inclusion in the final report.

Public outreach and stakeholder involvement will be crucial to the development and public acceptance of the SLRTF's recommendations. The outreach work group will develop and implement stakeholder involvement strategies to support the SLRTF's decision-making process.

Agencies participating in the SLRTF have assigned appropriate staff to the work groups. As part of the outreach strategy, work group leaders have recruited individuals with appropriate expertise to serve as work group members and incorporated specific stakeholders as integral members of the work groups. Group chairs are coordinating the efforts of work group members and ensuring that required products are delivered in a timely fashion. The work groups will meet as often as necessary to accomplish their tasks and may solicit comments on specific questions and issues. Work group chairs will communicate regularly to share information and relevant research and inform each other of potential overlapping issues. The work groups will also meet with stakeholders to hear their views on particular issues. Stakeholder involvement activities undertaken at the work group level will be coordinated with the outreach work group to ensure consistency of message and to avoid duplication of outreach efforts.

## **Deliverables**

### Final Report

Chapter 613 requires the SLRTF to deliver its final report to the governor, the temporary president of the senate and the speaker of the assembly by December 31, 2009. This report must include the following:

- An assessment of the anticipated impacts of sea level rise;
- Recommendations to provide more protective standards for coastal development, wetlands protection, shoreline armoring and post-storm recovery;
- Recommendations of measures to
  - protect and connect habitats to facilitate range shifts,
  - protect and restore critical habitats and ecosystem services,
  - identify and monitor climate change effects on natural biota, and
  - integrate climate change adaptation strategies into state environmental plans; and
- Recommendations on regulatory and/or statutory alterations to respond to sea level rise.

The final report will include a survey of past and ongoing work relevant to the task force's charge and recommendations for adaptation in two impact sectors:

- Infrastructure and Community Resilience, and
- Ecosystems and Natural Habitats.

### Survey of Relevant Work

It is recognized that the involved agencies and other organizations have numerous ongoing research, monitoring, planning and management efforts that the report and recommendations should consider. To facilitate identification of such programs, the SSC will survey other agencies, academic institutions and other organizations to develop an understanding of relevant past and ongoing work. The sector work groups will draw on this work to identify opportunities for integration of programs and needs for supplemental work. The final report will include a synthesis of relevant past and ongoing research and monitoring activities pertinent to the responsibilities of the SLRTF and a review of applicable current federal, state and local laws and regulations.

### Recommendations

Time and resources allocated for generation of the SLRTF report will not allow for development of a comprehensive vulnerability assessment and site-specific risk reduction strategies. Emphasis will be placed on describing the potential risk of coastal inundation along New York's shorelines and the likely affected sectors, identifying research and monitoring needs, suggesting adaptation strategies, and developing a roadmap for future work.

### Geographic Scope

The geographic scope of the SLRTF's recommendations will include the coastlines of the counties of Suffolk, Nassau and Westchester, and New York City, and the shoreline of the main stem of the Hudson River to Troy.

Each sector work group will produce a sector report to be incorporated into the larger SLRTF report. Sector reports will summarize existing information on likely sea level rise effects to the sector, describe the current regulatory environment as it relates to the sector, identify ongoing programs as they relate to sea level rise impacts to the sector, and provide recommendations for filling gaps in necessary information for impact assessment, regulatory changes and management actions.

Sector work groups will be expressly charged with including in their sector reports a review and assessment of ongoing work, as identified by the survey. In particular, the Ocean and Great Lakes Ecosystem Conservation Council recommendations for advancing place-based ecosystem-based management in five coastal areas in New York should be incorporated into the sector reports.

### **Public Participation and Outreach**

To facilitate public participation in the development of recommendations, a sea level rise website has been created and will be maintained by DEC's Office of Climate Change. The Office of Climate Change has established an email listserv and will use it to distribute information to interested and involved parties.

Public participation will take several general forms:

- Active participation through membership in work groups. The sector, legal and outreach work groups are intended to include members with appropriate expertise from government agencies, non-governmental organizations and academia. Inclusion of a broad spectrum of individuals, including community representatives, in the work groups provides opportunity for early input by interested parties. All participation in work groups is subject to the approval of the work group leaders.
- Written comments and/or stakeholder presentations from stakeholders in response to specific questions posed or issues raised by the SLRTF or its work groups, and in response to the draft final report. The SLRTF anticipates soliciting public comment periodically. Comments provided in electronic format will be posted on the website.
- General comments, which stakeholders are invited to submit throughout the assessment process. These comments will be reviewed by the SSC and will be posted on the website.
- Public meetings. SLRTF meetings will be open for observation by the public and will be noticed on the sea level rise web page. Meeting observers may not participate in SLRTF discussions unless requested to do so by the SLRTF chair, but opportunity for observer comment on matters before the SLRTF will be provided as time allows at each SLRTF meeting. The SLRTF may hold occasional public information and comment meetings.

- Public hearings. The SLRTF will hold public hearings on the draft final report in at least two locations within the described geographic scope of the report. At its discretion, the SLRTF may hold additional hearings on the draft final report or any other question and in any locations it deems appropriate. All such hearings shall be duly noticed in the Environmental Notice Bulletin and on the DEC sea level rise website.

The Task Force will provide opportunities for public input along with the release of the draft recommendations and again for the release of the draft final report. The following schedule of public participation activities is tentative and may be modified as deemed necessary by the SLRTF.

*May/June 2009                      Comment Period and Four Public Meetings on Draft Recommendations*

The legal and impact sector work groups will prepare reports that include syntheses of relevant information and draft recommendations. These reports will be offered to the SLRTF for initial review before being redrafted, if necessary, and released via the website. Written public comment on the group reports will be accepted during a 30-day public comment period in May/June 2009. The task force will hold a series of public information and comment meetings during the comment period to describe the recommendations and accept comments on them. The meetings will be held at places and times convenient to the public, one in each of Suffolk County, Nassau County, New York City and the Lower Hudson Valley.

*September/October 2009              Comment Period and Four Public Hearings on Draft Report*

The Staff Steering Committee will produce a draft report incorporating the recommendations for future action as recommended by the work groups and approved by the SLRTF. Written public comment on the group reports will be accepted during a 30-day public comment period in September/October 2009. The task force will hold a series of four public hearings on the draft report during the comment period. The hearings will be held at places and times convenient to the public, one in each of Albany, Lower Hudson Valley, New York City, and Suffolk County or Nassau County.

**Interaction with Initiatives and Planning Efforts**

As noted above, there is considerable ongoing work relevant to coastal zone risk reduction. The SLRTF will make every effort to utilize all relevant resources, integrate programs, minimize duplicative efforts, and achieve consistency in the use of analytical data and tools.

Initiatives to be considered during development of recommendations include the following:

- Smart Growth Cabinet
- New York State Coastal Zone Management Program
- New York City Climate Change Adaptation Task Force
- New York Ocean and Great Lakes Ecosystem Conservation Council
- State and national heritage areas
- New York State Open Space Conservation Plan
- New York State Comprehensive Outdoor Recreation Plan
- Strategies for a New Age: New York State's Transportation Master Plan for 2030
- Multimodal Transportation Program Submission 2009-2014
- Multimodal Investment Needs and Goals For the Future (20-year needs assessment)
- State Implementation Plans
- Economic Development Security Cabinet
- Public land management plans
- Estuary-based comprehensive conservation management plans
- Fire Island-Montauk Point Reformulation Study
- U.S.E.P.A. sea level rise reports
- Metropolitan East Coast Regional Assessment

## **Resources**

Chapter 613 provides for no additional agency staff or financial resources to support the work of the SLRTF. Participating agencies are providing such support as necessary and as requested by the SLRTF chair. The Steering Committee had expected to hire one or more positions for a contractor with appropriate expertise in comprehensive management planning, coastal management and stakeholder involvement, and a full-time administrative assistant. However, the state economic situation has made the hiring of such positions uncertain. The Staff Steering Committee is pursuing work planning on a parallel track on the assumption that a project manager and/or administrative assistant will not be available.

Support in the form of research and analysis may be brought to bear from other sources, including contracts administered by the New York State Energy Research and Development Authority (NYSERDA) and Columbia University's Center for Climate Systems Research. SLRTF and SSC members will explore opportunities to support efforts with resources allocated to the Ocean and Great Lakes Ecosystem Conservation Council. The SSC will also integrate SLRTF work with the New York City Climate Change Task Force, The Nature Conservancy's Rising Waters Initiative in the Hudson Valley, and other programs with overlapping missions in New York.

## **Schedule**

Chapter 613 establishes the date for delivery of the final report. The table below provides a tentative schedule. Other dates will be established by the SLRTF and may be changed as necessary. Substantial changes and additions to the schedule will be posted on the DEC sea level

rise website. The figure below depicts the tentative schedule for major tasks of the SLRTF and its associated work groups.

New York State Sea Level Rise Task Force Tentative Schedule 10/15/08						2009																				
ID	Task	Who	Days	Start	Finish	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	
1	Appoint SLRTF members		7 days	6/16/08	6/24/08																					
2	SLRTF meeting 1	Lowery	1 day	6/27/08	6/27/08																					
3																										
4	Appoint staff steering committee	Snyder	30 days	6/9/08	7/18/08																					
5	Develop budget & update framework	Lowery	80 days	6/30/08	10/17/08																					
6	Identify work group leaders	SSC	25 days	6/30/08	8/1/08																					
7	Recruit work group members	WG Leaders	65 days	6/30/08	9/26/08																					
8																										
9	Draft SLR assumptions & scope of SLR effects & deliver to SLRTF		65 days	8/4/08	10/31/08																					
10	Draft outreach plan & deliver to SLRTF	Outreach WG	14 days	10/14/08	10/31/08																					
11	SLRTF meeting 2		1 day	11/7/08	11/7/08																					
12	Review draft SLR assumptions & scope	SLRTF	1 day	11/7/08	11/7/08																					
13	Review outreach plan	SLRTF	1 day	11/7/08	11/7/08																					
14	Finalize assumptions of SLR and impact scope	SSC	5 days	11/10/08	11/14/08																					
15	Finalize outreach plan	Outreach WG	3 days	11/10/08	11/12/08																					
16																										
17	Legal review, sector reports & recommendations		138 days	11/10/08	5/20/09																					
18	Draft 1: recommendations/ deliver to SSC	WG	55 days	11/10/08	1/23/09																					
19	Review & comment on draft 1 recommendations	SSC	5 days	1/26/09	1/30/09																					
20	Draft 1a: recommendations/deliver to SSC	WG Leaders	5 days	2/2/09	2/6/09																					
21	Draft 1a recommendations final review/deliver to SLRTF	SSC	5 days	2/9/09	2/13/09																					
22	SLRTF review draft 1 recommendations	SLRTF	10 days	2/16/09	2/27/09																					
23	Draft 2: recommendations	WG	5 days	3/2/09	3/6/09																					
24	Release draft 2 recommendations	SSC	1 day	3/9/09	3/9/09																					
25	Public review of draft 2 recommendations	Outreach WG	22 days	3/31/09	4/29/09																					
26	Draft 3 recommendations to SSC	WG	10 days	4/30/09	5/13/09																					
27	Draft 3 recommendations to SLRTF	SSC	5 days	5/14/09	5/20/09																					
28																										
29	SLRTF meeting 3	SSC,Outreach WG	1 day	5/28/09	5/28/09																					
30	Review of draft 3 recommendations	SLRTF	1 day	5/28/09	5/28/09																					
31																										
32	Finalize recommendations	SSC	5 days	5/29/09	6/4/09																					
33																										
34	Final report		118 days	6/5/09	11/17/09																					
35	Draft 1 final report/deliver to SSC	WG Leaders	30 days	6/5/09	7/16/09																					
36	Review & comment on draft 1 final report	SSC	5 days	7/17/09	7/23/09																					
37	Draft 1a final report/deliver to SSC	WG Leaders	10 days	7/24/09	8/6/09																					
38	Draft 1a final report final review/deliver to SLRTF	SSC	5 days	8/7/09	8/13/09																					
39	Review draft 1 final report	SLRTF	10 days	8/14/09	8/27/09																					
40	Draft 2: final report	SSC	5 days	8/28/09	9/3/09																					
41	Release draft 2 final report	Outreach WG	1 day	9/4/09	9/4/09																					
42	Public review of draft 2 final report	Outreach WG	23 days	9/28/09	10/28/09																					
43	Draft 3 final report	SSC	14 days	10/29/09	11/17/09																					
44																										
45	SLRTF meeting 4	SSC,Outreach WG	1 day	12/2/09	12/2/09																					
46	Review draft 3 final report	SLRTF	1 day	12/2/09	12/2/09																					
47	Finalize report	SSC	20 days	12/3/09	12/30/09																					
48	Submit report	SLRTF	0 days	12/30/09	12/30/09																					

**LAWS OF NEW YORK, 2007**  
**CHAPTER 613**

*AN ACT creating the New York state sea level rise task force and providing for the repeal of such provisions upon expiration thereof*

Became a law August 15, 2007, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

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 here-by established, within the department of environmental conservation, a sea level rise task force ("task force") 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) the commissioner of transportation or his or her designee;
- (d) the commissioner of health or his or her designee;
- (e) the director of the state emergency management office or his or her designee;
- (f) the superintendent of insurance or his or her 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 should include individuals with 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; and ecology or environmental biology.

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 environmental conservation or his or her 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 including, but not limited to, the national aeronautics and space administration, 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 evaluate 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.
10. No later than December 31, 2009, 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 the anticipated impacts related to sea level rise;
  - (b) recommendations related to mechanisms New York could establish to provide stronger, more protective standards, and the implementation and enforcement of such standards for coastal development, wetlands protection, shoreline armoring, and post-storm recovery for New York state in the context of sea level rise;
  - (c) 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 early effects of climate change on animals, plants and natural communities; and
    - (iv) integrate climate change adaptation strategies into state environmental plans; and
  - (d) recommendations on state and local regulatory and/or statutory alterations to respond to the impacts of sea level rise.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2010.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A9002A

SPONSOR: Sweeney (MS) (S)

**TITLE OF BILL:** An act creating the New York state sea level rise task force and providing for the repeal of such provisions upon expiration thereof

**PURPOSE OR GENERAL IDEA OF BILL:** The purpose of this bill is to create a Task Force to evaluate ways of protecting the State's coastlines and natural habitats in the face of sea level rise.

**SUMMARY OF SPECIFIC PROVISIONS:** This bill would create the New York State Sea Level Rise Task Force within the Department of Environmental Conservation (DEC) which would evaluate 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. The Task Force would be required to submit a report, no later than December 31, 2009, assessing the anticipated impacts of sea level rise, as well as providing recommendations related to actions the State may take to protect areas at risk of damage, adaptive measures, and regulatory and/or statutory changes.

**JUSTIFICATION:** Unprecedented changes in global climate are underway. Effects of warming are already evident and these will have extremely important local impacts that can be and must be anticipated. Specifically, climate change is resulting in accelerating rates of sea level rise that - together with unsustainable coastal development and shore- hardening practices - have the potential to smother important natural habitats such as beaches, dunes, bluffs and wetlands.

Over 62% of New York's population lives in marine coastal counties. New York must take action to protect natural habitats from the unanticipated changes associated with sea level rise. Establishment of the New York State Sea Level Rise Task Force will help the State evaluate ways of protecting the State's remaining coastlines and natural habitats, while applying the best available science as to sea level rise and its anticipated impacts.