



WATERFRONT ALLIANCE PUBLIC COMMENTS FOR CLIMATE ACTION COUNCIL DRAFT SCOPING PLAN

To Climate Action Council,

Thank you for the opportunity to comment on the Climate Leadership and Community Protection Act Climate Action Council's Draft Scoping Plan. Waterfront Alliance, an alliance of more than 1,100 organizations, businesses, and individuals, is the leader in waterfront revitalization and climate resilience advocacy for the New York-New Jersey Harbor region. We are committed to sustainability and to mitigating the effects of climate change across the region's hundreds of miles of waterfront. We spearhead the [Rise to Resilience](#) coalition of 100+ groups advocating for policy related to climate resilience and we run the [Waterfront Edge Design Guidelines](#) (WEDG) program for promoting innovation in climate design. Our mission is to inspire and effect resilient, revitalized, and accessible coastlines for all communities.

There has been extensive discussion of climate change mitigation measures at the Climate Action Council's scoping plan meetings, which is clearly the most important strategy to reverse the impacts of climate change. However, the Waterfront Alliance is calling for far stronger attention to the impacts of climate change. The CLCPA must prioritize climate resilience and climate mitigation equally. Climate resilience and adaptation strategies must be designed to ensure climate hazards and social vulnerabilities are both considered, and that equity and justice are embedded in all resilience strategies. Climate change is already here, and New Yorkers need to be protected from its effects immediately.

Resilience and adaptation strategies help to protect our communities, infrastructure, and natural ecosystems as the state continues to work on decarbonization. To that end, Waterfront Alliance would like to focus on Chapter 21 and Appendix H of the Draft Scoping Plan.

Table 16 in Chapter 21 outlines key strategies for adaptation and resilience as it relates to three major themes: (1) building capacity, (2) communities and infrastructure, and (3) living systems. Waterfront Alliance strongly supports the 12 strategies, as well as the actionable components of these strategies laid out in the draft plan. These strategies would help position New York as a nationwide leader in adaptation and resilience. Achieving these goals will require sustained and meaningful commitment from the State.



Appoint a Chief Resilience Officer

The draft plan proposes important tools for climate adaptation that should be emphasized and prioritized, such as the appointment of a chief state resilience officer. As described in the *Priority Actions* paragraph in Chapter 21, the appointment of a chief state resilience officer (CSRO) is critical to the success of all the key strategies laid out in the draft plan. Several states and cities throughout the country, especially those as vulnerable to the effects of climate change as New York, have appointed chief resilience officers. Communities with chief resilience officers experience the benefits of expert oversight and maximize protection from climate-related disasters. A CSRO in New York is vital to navigating the challenges and complexities of creating long-lasting resilience for all the state’s various and vibrant communities.

One of the critical roles, and needs, for a CSRO in New York is to provide guidance and coordination of infrastructure investments. With historic levels of federal funding for infrastructure, a CSRO would not only help to direct and facilitate investments, but also to leverage federal dollars coming through legislation like the Infrastructure Investment and Jobs Act (IIJA), post-disaster funding, and various federal grant programs (i.e., FEMA, HUD, NOAA, USDA, etc.)

As outlined in Strategy AR2, the CSRO would also be charged with development of a formal policy on evaluation of equity and justice impacts of the State’s adaptation and resilience decisions. Waterfront Alliance is supportive of the CSRO working with relevant State and local agencies to incorporate equity and justice into adaptation considerations across statewide programs.

Develop a Statewide Climate Change Adaptation and Resilience Plan

Another necessary provision currently included in the scoping plan is the development of a comprehensive adaptation and resilience plan. It’s important that such a plan works to track adaptation and resilience strategies, projects, and planning efforts across New York State. Ensuring environmental justice and investments in disadvantaged communities must also be central to the plan. This plan should be updated regularly and should include a monitoring system to allow for New Yorkers to track where progress has been made, where future projects are in the works, and where resources are still needed. The Climate Action Council should decide on a timeline for consistently updating this plan that allows both implementation of new information as it is received and space for long-term goal achievement. It is



important that these plans provide job opportunities and training for New Yorkers and spur economic growth while simultaneously working toward protection from climate change.

A coordinated and comprehensive plan is critical to ensuring that cities and towns across the state have guidance for how to pursue resilience and adaptation strategies. To that end, AR5 (Provide State Agency Planning and Technical Support for Equitable Regional and Local Adaptation and Resilience Plans and Projects) should be integrated into the statewide planning efforts, making sure that environmental justice communities, small towns, and low-income communities have access to the same resources as their more affluent counterparts.

Implement Mandatory Flood Disclosure

Strategy AR4, (Identify and Evaluate Options for Supporting Equitable Adaptation and Resilience Practices and Projects, and to Enhance Insurance Protection) calls for the New York State Department of Environmental Conservation (NYSDEC) and partners at all levels of government to implement strategies that increase take-up of flood insurance. One way to encourage up-take is by supporting flood disclosure for both homeowners and renters across New York State. Knowing the level of one's risk helps change patterns of behavior related to flood insurance, increasing uptake of up to 15 percent or more.¹ New York State currently requires home sellers to provide a [Property Condition Disclosure Statement](#), but there is a loophole that allows sellers to opt-out of disclosing flood risk by paying a \$500 fee. This loophole has led to New York receiving an "F" rating in flood disclosure policy compared to the rest of the nation, according to the Natural Resources Defense Council (NRDC). In the last legislative session, a flood disclosure bill (S5472a/A7876a) for residential leases was passed. This is a step in the right direction and sets up a pathway for New York to tackle flood disclosure for home buyers, too.

Robust flood disclosure is a necessary tool for protecting New Yorkers on the frontline of climate change. In New York, disaster declarations due to flooding have been declared in every county in the past ten years alone. Flooding events are the most common climate-related hazard in New York.² By 2045, more than \$8.5 billion of the State's residential properties will be at risk of chronic and repeated

¹ Hanek, E et al. 2011. Managing California's Water: From Conflict to Reconciliation. Public Policy Institute of California

² <https://archplan.buffalo.edu/content/dam/ap/PDFs/NYSERDA/Regional-Costs-of-Climate-Related-Hazards.pdf>



flooding. By 2100, that amount will increase to nearly \$98 billion.³ Residents are already paying the costs, and consumers should have a right to know their risks. Flood disclosure meets the fundamental goal of providing awareness and transparency for all residents. As New York works to advance decarbonization and resilience efforts, we must ensure that our citizens are able to make the most informed decision for themselves, and their families, in wake of growing climate risks.

In the absence of stronger legislation, the Waterfront Alliance calls for a major flood risk public education and awareness program coupled with flood risk data and resources for structural solutions for homeowners. Sources for comprehensive flood risk information such as preparedness instructions, insurance information, and real-time flood mapping should be made accessible to New Yorkers. A communications strategy directed through the CLCPA can make a difference in the protection of New Yorkers from flood damage.

Develop a Plan for Relocation and Buyouts

One of the strategies and components under AR5 is to consider relocation and buyouts. We encourage further action than consideration: the development of a statewide program for buyouts. Managed retreat or strategic relocation is an essential tool for reducing, and effectively eliminating, climate risks. Many of those who are currently living along the waterfront, and other areas vulnerable to the impacts of climate change, are facing much higher and different risks than when they first moved into their homes. Buyouts and relocation programs provide an option to those who are looking not only to reduce their risks - but to avoid them altogether. Programs must be implemented and advertised to make people aware of the option of relocation and able to choose it when they are ready. While we acknowledge that the State does already have some degree of a buyout program developed, it's clear the State need a much stronger plan for how to partner with local communities to consider and utilize buyouts.

There are several challenges with federal buyouts (i.e., timing, availability, cost-benefit calculations, etc.), providing New York State with the opportunity to address these challenges and work to create a more efficient and effective buyout program. Case studies and examples of robust, community-led buyouts exist, for example, the Oakwood Beach buyouts in Staten Island after Hurricane Sandy. The development of a robust buyout program can expand upon these successes, as well as address challenges.

³ <http://www.rebuildbydesign.org/news-and-events/updates/flooding-in-new-york-state>



The Council recommends that the New York State Energy Research & Development Authority (NYSERDA), in consultation with the Department of Environmental Conservation (NYSDEC), Homes and Community Renewal (NYSHCR), and Department of State (NYSDOS), should utilize programs for relocation and buyout of properties as alternatives to electrification of at-risk buildings. Waterfront Alliance recommends that other relevant offices, like the Governor’s Office of Storm Recovery (GOSR), and local partners, like the New York City Mayors Office of Climate and Environmental Justice (MOCEJ), are also included in conversations about buyouts and relocation.

Currently, the Housing Recovery Program under GOSR manages the State’s voluntary buyout and acquisition program. This program operates in select neighborhoods but should be expanded as a larger part of New York’s strategy for adapting to climate change. For buyouts and acquisition programs to be successful, programs must be led by the community and residents. Moreover, Waterfront Alliance recommends that State agencies work to track projects across the state to ensure that buyouts and acquisitions are coordinated with federal and local resilience efforts.

Historically, buyouts have been viewed as a ‘last resort’ for climate risk reduction. We encourage New York State agencies to work with local agencies and community partners to understand how buyouts and acquisitions can grow into the State’s climate solution portfolio.

Expand Green Infrastructure Permitting

As part of AR7 (Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding), Waterfront Alliance recommends that permitting for green infrastructure and shoreline designs be made flexible to allow for more innovative projects.

While the Draft Scoping Plan directs NYSDEC and others to develop a green infrastructure plan, permitting for green infrastructure projects should be expanded and expedited. Recent bills, such as the Living Shorelines Act (S8828-A/A10053-A) which aims to permit nature-based features exclusively, reflect public preference for expanded green infrastructure planning and modern climate solutions.

The solutions to reducing climate-related risks will not be a one-size-fits-all approach. New York State permitting agencies should support original and modern green infrastructure practices as a method to address the complex and technical challenges we face and have the capacity to undergo the internal processes needed to make permitting decisions based on the special needs of climate resilient design.



Green infrastructure provides nature-based approaches to climate change, while also providing important co-benefits.

Protect and Restore Wetlands

Waterfront Alliance highlights LU4 of Chapter 19 on Land Use concerning protection and restoration of wetlands. This recommendation is inextricably linked to the Living Systems recommendations in Table 16. Wetlands are part of the natural infrastructure necessary for climate adaptation and resilience. We acknowledge the major progress made by the Hochul administration in advancing wetland protections in New York State. The recent provisions will protect over one million acres of critically important freshwater wetlands that are currently unmapped and tens of thousands of smaller wetlands that are of 'unusual importance' to our environment. Further investments through the Environmental Protection Fund or Environmental Bond Act can present opportunities to restore and protect wetlands. Further, we support the creation of wetland mitigation banks that can provide compensatory mitigation credits to applicants who are going through the federal and state waterfront permitting process. We recommend that the Climate Action Council considers and utilizes any, and all, opportunities to protect and restore wetlands.

Overall, the CLCPA is a historic opportunity for New York to take meaningful action to address both mitigation and adaptation strategies. Waterfront Alliance appreciates the opportunity to submit this public comment, urging further climate adaptation consideration. We look forward to continuing to work together on this plan.