

4334

2013-2014 Regular Sessions

I N S E N A T E

March 21, 2013

Introduced by Sen. YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to allowing soil and water conservation districts, acting in cooperation with a local government, to be eligible applicants for the local waterfront revitalization grant program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 1, 2, 3, the opening paragraph and paragraph g  
2 of subdivision 4, the opening paragraph and paragraph h of subdivision 5  
3 and subdivisions 7, 9 and 10 of section 915 of the executive law, subdivi-  
4 sion 1 as amended by chapter 454 of the laws of 2001 and subdivision 2  
5 and the opening paragraph of subdivision 5 as amended by chapter 842 of  
6 the laws of 1981, subdivision 3, the opening paragraph and paragraph g  
7 of subdivision 4, paragraph h of subdivision 5 and subdivisions 7, 9 and  
8 10, as added by chapter 840 of the laws of 1981, are amended to read as  
9 follows:

10 1. It is the intention of this article to offer the fullest possible  
11 support by the state and its agencies to those local governments that  
12 desire to revitalize their waterfronts. Accordingly, any local govern-  
13 ment or two or more local governments acting jointly OR ANY SOIL AND  
14 WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERN-  
15 MENT OR LOCAL GOVERNMENTS which has any portion of its jurisdiction  
16 contiguous to the state's coastal waters or inland waterways and which  
17 desires to participate may submit a waterfront revitalization program to  
18 the secretary as herein provided.

19 2. The secretary may provide technical and financial assistance as  
20 provided in sections nine hundred seventeen and nine hundred eighteen OF  
21 THIS ARTICLE to any local government OR ANY SOIL AND WATER CONSERVATION  
22 DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERN-

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

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1 MENTS for the preparation of a waterfront revitalization program for the  
2 purposes of this article.

3 3. A local government or two or more local governments acting jointly  
4 OR ANY SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH  
5 A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS which intends to submit a water-  
6 front revitalization program for the purposes of this article is strong-  
7 ly encouraged to consult, during its preparation, with other entities  
8 that may be affected by its program, including local governments, SOIL  
9 AND WATER CONSERVATION DISTRICTS, county and regional agencies, appro-  
10 priate port authorities, community based groups and state and federal  
11 agencies. On request by the local government OR THE SOIL AND WATER  
12 CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR  
13 LOCAL GOVERNMENTS, the secretary shall take appropriate action to facil-  
14 itate such consultation.

15 The secretary shall prepare and distribute guidelines and regulations  
16 for local governments OR SOIL AND WATER CONSERVATION DISTRICTS desiring  
17 to prepare, or cause to be prepared, a waterfront revitalization program  
18 (hereinafter referred to as the "program"). Such guidelines shall  
19 provide that the program will be consistent with the policies and  
20 purposes of this article generally and shall include, but not be limited  
21 to:

22 g. Specification of the adequate authority and capability of the local  
23 government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPER-  
24 ATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, to implement the  
25 program.

26 The secretary shall approve any local government OR SOIL AND WATER  
27 CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR  
28 LOCAL GOVERNMENTS, waterfront revitalization program as eligible for the  
29 benefits set forth in section nine hundred sixteen of this article if he  
30 finds that such program will be consistent with coastal policies and  
31 will achieve the waterfront revitalization purposes of this article. In  
32 making such determination, the secretary shall find that the program  
33 incorporates each of the following to an extent commensurate with the  
34 particular circumstances of that local government OR SOIL AND WATER  
35 CONSERVATION DISTRICT:

36 h. A statement identifying those elements of the program which can be  
37 implemented by the local government OR SOIL AND WATER CONSERVATION  
38 DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERN-  
39 MENTS, unaided, and those that can only be implemented with the aid of  
40 other levels of government or other agencies. Such statement shall  
41 include those permit, license, certification or approval programs,  
42 grant, loan, subsidy or other funding assistance programs, facilities  
43 construction and planning programs which may affect the achievement of  
44 the waterfront revitalization program.

45 7. Where there is a conflict between a submitted waterfront revitali-  
46 zation program and any state or federal policy, at the request of the  
47 local government, THE SOIL AND WATER CONSERVATION DISTRICT, ACTING IN  
48 COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, or the state  
49 or federal agency affected, the secretary shall attempt to reconcile and  
50 resolve the differences between the submitted program and such policies  
51 and shall meet with the local government, SOIL AND WATER CONSERVATION  
52 DISTRICT and involved state and federal agencies to this end.

53 9. Before undertaking any action pursuant to any programs identified  
54 pursuant to paragraph [(h)] H of subdivision five of [section nine  
55 hundred fifteen of] this [article] SECTION the affected state agency  
56 shall submit, through appropriate existing clearing house procedures

1 including but not limited to the state environmental quality review law,  
2 information on the proposed action to THE local government OR SOIL AND  
3 WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERN-  
4 MENT OR LOCAL GOVERNMENTS. The local government OR SOIL AND WATER  
5 CONSERVATION DISTRICT shall identify potential conflicts and so notify  
6 the secretary. Upon notification of the conflict, the secretary will  
7 confer with the affected state agency and the local government OR SOIL  
8 AND WATER CONSERVATION DISTRICT to modify the proposed action to be  
9 consistent with the local plan.

10 10. Any local government OR SOIL AND WATER CONSERVATION DISTRICT,  
11 ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS,  
12 which has had a waterfront revitalization program approved pursuant to  
13 this section may withdraw its program at any time by filing with the  
14 secretary a copy of a resolution of its legislative body providing for  
15 such withdrawal. Upon receipt of such resolution, the secretary shall  
16 immediately notify all affected state agencies.

17 S 2. The opening paragraph of section 916 of the executive law, as  
18 amended by chapter 366 of the laws of 1986, is amended to read as  
19 follows:

20 In recognition of the state policy set forth in this article to  
21 encourage the revitalization of waterfront areas in a manner consistent  
22 with local objectives, the following benefits shall apply where a local  
23 government OR SOIL AND WATER CONSERVATION DISTRICT waterfront revitali-  
24 zation program has been approved pursuant to section nine hundred  
25 fifteen [or section nine hundred fifteen-a] of this article.

26 S 3. Section 917 of the executive law, as added by chapter 840 of the  
27 laws of 1981, is amended to read as follows:

28 S 917. Technical assistance. The secretary shall encourage and assist  
29 local governments AND SOIL AND WATER CONSERVATION DISTRICTS, ACTING IN  
30 COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, in the prepa-  
31 ration of waterfront revitalization programs and in the administration  
32 and implementation of approved programs. Such assistance shall be  
33 provided on request by the local government OR SOIL AND WATER CONSERVA-  
34 TION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL  
35 GOVERNMENTS, and shall include, as may be deemed appropriate by the  
36 secretary, the provision of maps, data, criteria, model implementation  
37 provisions, and technical counsel and advice. In addition, the secretary  
38 shall facilitate consultation and coordination among local, county,  
39 regional, state and federal agencies and community based groups in  
40 connection with the preparation and administration of approved water-  
41 front revitalization programs, and to facilitate the development of  
42 projects called for by approved programs.

43 S 4. Paragraphs a and b of subdivision 1 and subdivision 2 of section  
44 918 of the executive law, as added by chapter 840 of the laws of 1981,  
45 are amended to read as follows:

46 a. To any local governments, or to two or more local governments, OR  
47 SOIL AND WATER CONSERVATION DISTRICTS, IN COOPERATION WITH A LOCAL  
48 GOVERNMENT OR LOCAL GOVERNMENTS, for projects approved by the secretary  
49 which lead to preparation of a waterfront revitalization program;  
50 provided, however, that such grants shall not exceed fifty percent of  
51 the approved cost of such projects;

52 b. To any local government, OR SOIL AND WATER CONSERVATION DISTRICTS,  
53 ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, or  
54 local government agency for research, design, and other activities which  
55 serve to facilitate construction projects provided for in an approved  
56 waterfront revitalization program; provided, however, that such grants

1 shall not exceed ten percent of the estimated cost of such construction  
2 project.

3 2. Funds available for the purposes of this section shall be allocated  
4 in a fair and equitable manner; such allocation shall reflect the initi-  
5 ative shown by local governments OR SOIL AND WATER CONSERVATION  
6 DISTRICTS, IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS,  
7 in preparing waterfront revitalization programs and in carrying them  
8 out.

9 S 5. Subdivision 3 of section 920 of the executive law, as added by  
10 chapter 840 of the laws of 1981, is amended to read as follows:

11 3. The secretary shall make this inventory available to state agen-  
12 cies, local governments, SOIL AND WATER CONSERVATION DISTRICTS and the  
13 public for planning purposes.

14 S 6. This act shall take effect immediately.