S T A T E O F N E W Y O R K

S. 7533 A. 10751

S E N A T E - A S S E M B L Y

April 19, 2010

IN SENATE -- Introduced by Sens. WINNER, DeFRANCISCO, GRIFFO, O. JOHNSON, LIBOUS, MAZIARZ, MORAHAN, NOZZOLIO, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. BACALLES, O'MARA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the executive law, in relation to allowing soil and water conservation districts 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:

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

1. It is the intention of this article to offer the fullest possible support by the state and its agencies to those local governments that desire to revitalize their waterfronts. Accordingly, any local government or two or more local governments acting jointly OR ANY SOIL AND WATER CONSERVATION DISTRICT which has any portion of its jurisdiction contiguous to the state's coastal waters or inland waterways and which desires to participate may submit a waterfront revitalization program to the secretary as herein provided.

2. The secretary may provide technical and financial assistance as provided in sections nine hundred seventeen and nine hundred eighteen OF THIS ARTICLE to any local government OR ANY SOIL AND WATER CONSERVATION DISTRICT for the preparation of a waterfront revitalization program for the purposes of this article.

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

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3. A local government or two or more local governments acting jointly OR ANY SOIL AND WATER CONSERVATION DISTRICT which intends to submit a waterfront revitalization program for the purposes of this article is strongly encouraged to consult, during its preparation, with other entities that may be affected by its program, including local governments, SOIL AND WATER CONSERVATION DISTRICTS, county and regional agencies, appropriate port authorities, community based groups and state and federal agencies. On request by the local government OR THE SOIL AND WATER CONSERVATION DISTRICT, the secretary shall take appropriate action to facilitate such consultation.

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

g. Specification of the adequate authority and capability of the local government OR SOIL AND WATER CONSERVATION DISTRICT to implement the program.

The secretary shall approve any local government OR SOIL AND WATER CONSERVATION DISTRICT waterfront revitalization program as eligible for the benefits set forth in section nine hundred sixteen of this article if he finds that such program will be consistent with coastal policies and will achieve the waterfront revitalization purposes of this article. In making such determination, the secretary shall find that the program incorporates each of the following to an extent commensurate with the particular circumstances of that local government OR SOIL AND WATER CONSERVATION DISTRICT:

h. A statement identifying those elements of the program which can be implemented by the local government OR SOIL AND WATER CONSERVATION DISTRICT, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs, grant, loan, subsidy or other funding assistance programs, facilities construction and planning programs which may affect the achievement of the waterfront revitalization program.

7. Where there is a conflict between a submitted waterfront revitalization program and any state or federal policy, at the request of the local government, THE SOIL AND WATER CONSERVATION DISTRICT or the state or federal agency affected, the secretary shall attempt to reconcile and resolve the differences between the submitted program and such policies and shall meet with the local government, SOIL AND WATER CONSERVATION DISTRICT and involved state and federal agencies to this end.

9. Before undertaking any action pursuant to any programs identified pursuant to paragraph [(h)] H of subdivision five of [section nine hundred fifteen of] this [article] SECTION the affected state agency shall submit, through appropriate existing clearing house procedures including but not limited to the state environmental quality review law, information on the proposed action to THE local government OR SOIL AND WATER CONSERVATION DISTRICT. The local government OR SOIL AND WATER CONSERVATION DISTRICT shall identify potential conflicts and so notify the secretary. Upon notification of the conflict, the secretary will confer with the affected state agency and the local government OR SOIL AND WATER CONSERVATION DISTRICT to modify the proposed action to be consistent with the local plan.

10. Any local government OR SOIL AND WATER CONSERVATION DISTRICT which has had a waterfront revitalization program approved pursuant to this section may withdraw its program at any time by filing with the secretary a copy of a resolution of its legislative body providing for such withdrawal. Upon receipt of such resolution, the secretary shall immediately notify all affected state agencies.

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

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

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

S 917. Technical assistance. The secretary shall encourage and assist local governments AND SOIL AND WATER CONSERVATION DISTRICTS in the preparation of waterfront revitalization programs and in the administration and implementation of approved programs. Such assistance shall be provided on request by the local government OR SOIL AND WATER CONSERVATION DISTRICT and shall include, as may be deemed appropriate by the secretary, the provision of maps, data, criteria, model implementation provisions, and technical counsel and advice. In addition, the secretary shall facilitate consultation and coordination among local, county, regional, state and federal agencies and community based groups in connection with the preparation and administration of approved waterfront revitalization programs, and to facilitate the development of projects called for by approved programs.

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

a. To any local governments, or to two or more local governments, OR SOIL AND WATER CONSERVATION DISTRICTS for projects approved by the secretary which lead to preparation of a waterfront revitalization program; provided, however, that such grants shall not exceed fifty percent of the approved cost of such projects;

b. To any local government, OR SOIL AND WATER CONSERVATION DISTRICTS, or local government agency for research, design, and other activities which serve to facilitate construction projects provided for in an approved waterfront revitalization program; provided, however, that such grants shall not exceed ten percent of the estimated cost of such construction project.

2. Funds available for the purposes of this section shall be allocated in a fair and equitable manner; such allocation shall reflect the initiative shown by local governments OR SOIL AND WATER CONSERVATION DISTRICTS in preparing waterfront revitalization programs and in carrying them out.

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

3. The secretary shall make this inventory available to state agencies, local governments, SOIL AND WATER CONSERVATION DISTRICTS and the public for planning purposes.

S 6. This act shall take effect immediately.