

3557

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. MAGEE -- 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 ASSEM-
BLY, 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, subdi-
4 vision 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 which has any portion of its jurisdiction
15 contiguous to the state's coastal waters or inland waterways and which
16 desires to participate may submit a waterfront revitalization program to
17 the secretary as herein provided.

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

23 3. A local government or two or more local governments acting jointly
24 OR ANY SOIL AND WATER CONSERVATION DISTRICT which intends to submit a

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

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1 waterfront revitalization program for the purposes of this article is
2 strongly encouraged to consult, during its preparation, with other enti-
3 ties that may be affected by its program, including local governments,
4 SOIL AND WATER CONSERVATION DISTRICTS, county and regional agencies,
5 appropriate port authorities, community based groups and state and
6 federal agencies. On request by the local government OR THE SOIL AND
7 WATER CONSERVATION DISTRICT, the secretary shall take appropriate action
8 to facilitate such consultation.

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

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

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

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

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

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

55 10. Any local government OR SOIL AND WATER CONSERVATION DISTRICT which
56 has had a waterfront revitalization program approved pursuant to this

1 section may withdraw its program at any time by filing with the secre-
2 tary a copy of a resolution of its legislative body providing for such
3 withdrawal. Upon receipt of such resolution, the secretary shall imme-
4 diately notify all affected state agencies.

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

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

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

16 S 917. Technical assistance. The secretary shall encourage and assist
17 local governments AND SOIL AND WATER CONSERVATION DISTRICTS in the prep-
18 aration of waterfront revitalization programs and in the administration
19 and implementation of approved programs. Such assistance shall be
20 provided on request by the local government OR SOIL AND WATER CONSERVA-
21 TION DISTRICT and shall include, as may be deemed appropriate by the
22 secretary, the provision of maps, data, criteria, model implementation
23 provisions, and technical counsel and advice. In addition, the secretary
24 shall facilitate consultation and coordination among local, county,
25 regional, state and federal agencies and community based groups in
26 connection with the preparation and administration of approved water-
27 front revitalization programs, and to facilitate the development of
28 projects called for by approved programs.

29 S 4. Paragraphs a and b of subdivision 1 and subdivision 2 of section
30 918 of the executive law, as added by chapter 840 of the laws of 1981,
31 are amended to read as follows:

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

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

43 2. Funds available for the purposes of this section shall be allocated
44 in a fair and equitable manner; such allocation shall reflect the initi-
45 ative shown by local governments OR SOIL AND WATER CONSERVATION
46 DISTRICTS in preparing waterfront revitalization programs and in carry-
47 ing them out.

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

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

53 S 6. This act shall take effect immediately.