

9133

I N A S S E M B L Y

March 19, 2014

Introduced by M. of A. RUSSELL -- 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, 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, subdivision 1 as amended by chapter 454 of the laws of 2001 and subdivision 2
4 and the opening paragraph of subdivision 5 as amended by chapter 842 of
5 the laws of 1981, subdivision 3, the opening paragraph and paragraph g
6 of subdivision 4, paragraph h of subdivision 5 and subdivisions 7, 9 and
7 10, as added by chapter 840 of the laws of 1981, are amended to read as
8 follows:
9

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-
23 MENTS for the preparation of a waterfront revitalization program for the
24 purposes of this article.

25 3. A local government or two or more local governments acting jointly
26 OR ANY SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH

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

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

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

18 g. Specification of the adequate authority and capability of the local
19 government OR SOIL AND WATER CONSERVATION DISTRICT, ACTING IN COOPER-
20 ATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, to implement the
21 program.

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

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

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

49 9. Before undertaking any action pursuant to any programs identified
50 pursuant to paragraph [(h)] H of subdivision five of [section nine
51 hundred fifteen of] this [article] SECTION the affected state agency
52 shall submit, through appropriate existing clearing house procedures
53 including but not limited to the state environmental quality review law,
54 information on the proposed action to THE local government OR SOIL AND
55 WATER CONSERVATION DISTRICT, ACTING IN COOPERATION WITH A LOCAL GOVERN-
56 MENT OR LOCAL GOVERNMENTS. The local government OR SOIL AND WATER

1 CONSERVATION DISTRICT shall identify potential conflicts and so notify
2 the secretary. Upon notification of the conflict, the secretary will
3 confer with the affected state agency and the local government OR SOIL
4 AND WATER CONSERVATION DISTRICT to modify the proposed action to be
5 consistent with the local plan.

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

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

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

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

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

39 S 4. Paragraphs a and b of subdivision 1 and subdivision 2 of section
40 918 of the executive law, as added by chapter 840 of the laws of 1981,
41 are amended to read as follows:

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

48 b. To any local government, OR SOIL AND WATER CONSERVATION DISTRICTS,
49 ACTING IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS, or
50 local government agency for research, design, and other activities which
51 serve to facilitate construction projects provided for in an approved
52 waterfront revitalization program; provided, however, that such grants
53 shall not exceed ten percent of the estimated cost of such construction
54 project.

55 2. Funds available for the purposes of this section shall be allocated
56 in a fair and equitable manner; such allocation shall reflect the initi-

1 ative shown by local governments OR SOIL AND WATER CONSERVATION
2 DISTRICTS, IN COOPERATION WITH A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS,
3 in preparing waterfront revitalization programs and in carrying them
4 out.

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

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

10 S 6. This act shall take effect immediately.