§ 51-0711. Contracts for municipal wetlands restoration projects.

1. The commissioner, in the name of the state, may enter into contracts with municipalities owning wetlands, and any such municipality may enter into a contract with the commissioner. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

a. An estimate of the reasonable cost of the project as determined by the commissioner.

b. An agreement by the commissioner to pay to the municipality, during the progress of restoration or following completion of restoration as may be agreed upon by the parties, an amount equal to the actual cost of restoration or the estimated reasonable cost whichever is the lesser.

c. An agreement by the municipality

(1) to dedicate in perpetuity the wetlands to be restored to assure their preservation.

(2) to proceed expeditiously with, and complete, the project as approved by the department.

(3) to thereafter maintain the wetlands in the condition to which they have been restored.

(4) to apply for and make reasonable efforts to secure federal assistance for the project.

(5) to secure the approval of the commissioner before applying for federal assistance, in order to maximize the amounts of such assistance received or to be received for all projects in New York state.

d. A provision that, in the event that federal assistance which was not included in the calculation of the state payment pursuant to paragraph b of this subdivision becomes available to the municipality, the amount of the state payment shall be recalculated with the inclusion of such additional federal assistance and the municipality shall pay to the state the amount by which the state payment actually made exceeds the state payment determined by the recalculation.

2. In connection with each contract, the commissioner shall keep adequate records of the amount of the payment by the state pursuant to paragraph b of subdivision one of this section and of the amount of federal assistance received by the municipality. Such records shall be retained by the commissioner and shall establish the basis for recalculation of the state payment.