

Local Waterfront Revitalization Program - Project Components

Preparation of the Local Waterfront Revitalization Program (LWRP), including an integrated Harbor Management Plan (HMP), shall, at a minimum, involve the following tasks and provisions:

Task 1: Project Initiation Meeting

The Contractor, the Department, and any partners responsible for managing the project, shall hold an initial meeting to review the project scope and schedule, project requirements, roles and responsibilities, the selection process for procuring consultants, State Environmental Quality Review Act (SEQRA) compliance requirements, MWBE requirements, ADA requirements, the number of public meetings and techniques for public involvement proposed for the project, and any other information which would assist in project completion. In addition, the composition of a project advisory committee shall be discussed during the project initiation meeting. The Contractor, or a designated project partner, shall prepare and distribute to all project partners a brief meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Information on preparing a Local Waterfront Revitalization Program is contained in the Department's guidebook "Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities" https://www.dos.ny.gov/opd/programs/pdfs/Guidebooks/lwrp/LWRP_guidebook.pdf.

Products: Project initiation meeting held with appropriate parties. Written meeting summary outlining agreements/understandings reached.

Task 2: Waterfront Advisory Committee

The Contractor shall establish a Waterfront Advisory Committee to oversee all aspects of the project in cooperation with municipal officials and the project consultant(s), if applicable. The committee shall be representative of project stakeholders, including representatives of State, county, and municipal agencies with jurisdiction over project activities or the project area, and non-governmental and community based organizations. A draft list of proposed members shall be circulated to the Department for review and approval prior to establishment of the committee.

Products: Draft and final list of proposed members of project advisory committee. Project advisory committee established.

Task 3: Procurement of Consultant (if applicable)

The Contractor shall draft a Request for Proposals (RFP) or similar instrument, including a complete project description with site conditions, expected final results, a schedule for completion, MWBE requirements, and criteria for selecting a preferred proposal. The Contractor shall submit the RFP or similar instrument to the Department for review and approval prior to release for solicitation of proposals.

Consultant services requested shall include all applicable tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

Products: Approved RFP or similar instrument released through advertisement in local papers, the New York State Contract Reporter, or other appropriate means.

Task 4: Consultant Selection and Compliance with Local Procurement Requirements

In consultation with the Department, the Contractor and an appropriate review committee shall review all proposals received as a result of the RFP. At a minimum, the following criteria are suggested for use in evaluating consultant responses:

- Quality and completeness of the response.
- Understanding of the proposed scope of work.
- Applicability of proposed alternatives or enhancements to information requested.
- Cost-effectiveness of the proposal.
- Qualifications and relevant experience with respect to the tasks to be performed.
- Reputation among previous clients.
- Ability to complete all project tasks within the allotted time and budget.
- Ability to satisfy MWBE requirements.

Incomplete proposals that do not address all of the requested components should not be accepted for review and consideration.

For preparation/certification of final designs and construction documents, and for supervision of construction, a licensed professional engineer, architect or landscape architect licensed to practice in New York State is required.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that applicable provisions of General Municipal Law were fully complied with.

The Contractor's procurement record and consultant selection is subject to approval by the Department.

Products: Consultant(s) selected and approved by the Department. Written certification of compliance with procurement procedures.

Task 5: Subcontract Preparation and Execution

The Contractor shall prepare the draft subcontract(s) to conduct project work with the selected consultant(s). The subcontract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of product completion, a payment schedule with payments tied to receipt of products, and project costs. The subcontract(s) shall specify the composition of the entire consultant team, including firm name and area of responsibility, firm expertise, and those professionals from the consultant team or consulting firm that will be directly involved in specific project tasks including how the identified MWBE goals will be satisfied. The Contractor shall submit the draft subcontract(s) to the Department for review of the subcontract work plan for alignment with the appropriate tasks of the work plan as set forth in Attachment C of this contract. The Contractor shall incorporate the Department's comments on the subcontract work plan, or scope of services, prior to execution of the final subcontract(s). The Contractor remains responsible for the legal sufficiency of the subcontract in accordance with the requirements in the Master Grant Contract and Attachment A-1.

Products: Draft and final, executed consultant subcontracts.

Task 6: Second Project Meeting

In consultation with the Department, the Contractor shall hold a second project meeting with the consultant(s) and include the Waterfront Advisory Committee to review project requirements, site conditions, and roles and responsibilities; identify waterfront and harbor management planning issues, new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the LWRP. A decision will be made by the Department following this meeting, as to whether development of a harbor management plan will be necessary as part of the LWRP. Project partners at this meeting will review the LWRP preparation process, including compliance with SEQRA, and identify SEQRA lead agency and involved agencies. The Contractor or its consultant(s) shall prepare and distribute a brief meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Products: Project meeting held with appropriate parties. Written meeting summary outlining agreements/understandings reached.

Task 7: Preparation of a Community Outreach Process and Plan

The Contractor or its consultant(s), the Waterfront Advisory Committee, and other partners as appropriate, shall prepare a method and process to encourage community participation in development and implementation of the LWRP. At a minimum, the process shall include at least three public workshop type meetings to be conducted during the plan development. The outreach plan shall identify key individuals, organizations, and entities to be involved, and shall identify the visioning process and the roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of public meetings. All public meetings will be publicized in the community through press releases, announcements, individual mailings, and any other appropriate means. A summary of each public outreach session will be made available in written form and through other appropriate means, such as notices on the World Wide Web.

The outreach plan shall be submitted to the Department for review and approval.

Product: Approved community outreach plan.

Task 8: Draft Section I - Waterfront Revitalization Area Boundary

The Contractor or its consultant(s) shall prepare a narrative description and map of the waterfront revitalization area which includes surface waters and underwater lands. The waterfront revitalization area should include those portions of the water body within the municipality, as well as adjacent upland which affects the water body through drainage, watershed, and any other factors. References to the Inventory and Analysis section justifying the inclusion of particular areas should be included in this section if beneficial for increased understanding. The narrative must be accompanied by a boundary map showing the proposed waterfront area.

Draft Section I shall be submitted to the Department for review and approval.

Products: Draft Section I - Waterfront Revitalization Area Boundary, including narrative and map(s).

Task 9: Draft Section II - Inventory and Analysis

The Contractor or its consultant(s) shall inventory, describe and map existing natural and built resources and conditions within the waterfront revitalization area including the harbor (which includes surface waters and underwater lands). (See Chapter 4 of the Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities Guidebook.) In addition, this section must provide a thorough analysis of waterfront issues, opportunities, and constraints to economic development and resource protection needs. This section will reflect the strategies developed by the (X) Regional Council for economic growth and development in the region, and provide a reasonable assessment of the vulnerable resources and potential risks associated with storms, flooding, and the effects of climate change. The inventory and analysis must be broad enough to ensure consideration of all important waterfront resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP.

Topics to be addressed include, but are not limited to, the following:

- Identification and assessment of existing land use, development, and economic strengths, weaknesses, and opportunities for ongoing economic revitalization
 - Land use and ownership patterns (public and private), including underwater lands
 - Abandoned, deteriorated, or underused sites and buildings
 - Agricultural lands
- Identification and assessment of existing water-dependent uses and related issues
 - Commercial, industrial, and recreational water-dependent uses (such as ferries, marinas, boat yards, transshipment facilities, swimming areas, vessel anchorage and mooring areas, commercial or recreational fishing or shellfishing areas and uses)
- Identification and assessment of existing zoning and other relevant local land use and development controls
 - Zoning code, subdivision review, site plan review, and design standards, etc.
- Identification and assessment of existing and desired open spaces, public access sites, and recreation and tourism resources
- Identification and assessment of the condition of infrastructure
 - water supply, stormwater and sewage treatment, vessel waste facilities, solid waste disposal, transportation systems, energy production and transmission, shoreline stabilization infrastructure, such as bulkheads, docks and docking facilities and underwater infrastructure and structures, such as cables and pipelines
- Identification and assessment of federal, State and/or locally-designated historic and scenic resources
 - National Register sites and districts, Scenic Areas of Statewide Significance, locally designated resources, and archaeological resources such as shipwrecks and historic dry docks
- Identification and assessment of natural resources, topography, hydrology, and geology
 - NYS Significant Coastal Fish and Wildlife Habitat areas, locally important fish and wildlife habitats, wetlands, water courses, landscape features, steep slopes, minerals, State-designated Coastal Erosion Hazard Areas, federally identified flood-hazard areas, etc.
 - Asset inventory: natural resource assets and critical infrastructure and systems that have been, or will be, affected by flooding or other climate change hazards
 - Identification of actions that reduce the capacity of natural protective features to reduce risk
 - Risk assessment: assessment of risks to key assets and systems - including impacts to wetlands, habitats and other natural resources; and, water supply, sewage treatment plants, combined sewer overflows, electric utilities, transmission lines, dams, shoreline stabilization infrastructure and other in-water structures, transportation systems, critical facilities, and other valuable community assets

- Needs and Opportunities Assessment: determine short- and long-range needs and opportunities to enhance resilience to future storms
- Identification and description of socially vulnerable populations, such as elderly, young, non-English speaking, low-income or unemployed.
- Identification and assessment of issues related to water quality and flooding
 - Point and non-point sources of pollution
 - Water quality classification
 - Impervious surface area, vegetated stream buffers, flood storage capacity and forested land cover
 - Existing infrastructure or actions that may cause adjacent or downstream flooding impacts
- Assessment of issues related to navigation and dredging
- Summary of the existing authorities of federal, State, regional, and local agencies that have jurisdiction in the waterfront revitalization area. For example:
 - the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, U.S. Army Corps of Engineers, and the Department of Interior;
 - the State Departments of State, Environmental Conservation, Health and Transportation and the Offices of General Services and Parks, Recreation, and Historic Preservation;
 - agencies of the city, town, or village, or a county if the county regulates activities in the waterfront revitalization area;
 - the local harbormaster, bay constables, code enforcement officer, building inspector, police department or sheriff's office.

Draft Section II shall be submitted to the Department for review and approval.

Products: Draft Section II - Inventory and Analysis with accompanying maps to depict the municipality's waterfront area resources, issues, and opportunities.

Task 10: First Public Information Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II - Inventory and Analysis, the Contractor or its consultant(s) shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Sections I and II.

Products: Public information meeting held. Minutes of the public meeting.

Task 11: Draft Section III - Local Waterfront Revitalization Policies

The Contractor or its consultant(s) shall review the State waterfront revitalization policies and refine the explanation of each applicable Policy to reflect local conditions and circumstances. The refined policy explanation will add specific local standards and proposed land and water uses for determining consistency with the policies. Based on the Inventory and Analysis, the Contractor or its consultant(s) shall also determine if additional policies are needed to address local conditions and needs, which will add specificity to the applicable State Policies. A full policy analysis shall be performed and matrix prepared to demonstrate how each policy shall be implemented to legally uphold the LWRP.

Draft Section III shall be submitted to the Department for review and approval.

Products: Draft Section III - Local Waterfront Revitalization Policies

Task 12: Draft Section IV - Proposed Land and Water Uses and Proposed Projects

The Contractor or its consultant(s) shall describe and map proposed long-term land and water uses within the waterfront area, and proposed projects necessary to implement the LWRP. The proposed land and water uses of the LWRP translate the Policies into a cohesive, physical plan for the waterfront area.

Proposed projects may include but not be limited to:

- Capital improvement or construction projects that are necessary to maintain or improve uses or conditions;
- Special studies, plans, design projects, or research necessary to advance or refine components of the LWRP;
- Education, outreach/training materials and programs;
- Projects to redevelop underused or deteriorated areas and sites;
- Projects to provide or improve public access;
- Projects to protect existing, or provide for new, water-dependent uses, such as marinas, boat yards, yacht clubs, port facilities, swimming beaches, or shellfishing;
- Projects to upgrade or relocate critical facilities so that essential community services are secure and/or out of hazardous areas;
- Projects to enhance or restore wetlands, habitats, or other natural protective features; and
- Projects to improve hazard impact prediction and assessment, and mitigation and adaptation planning, such as development of local or inter-municipal Geographic Information Systems.

Draft Section IV shall be submitted to the Department for review and approval.

Products: Draft Section IV - Proposed Land and Water Uses and Proposed Projects accepted by the Contractor and approved by the Department.

Task 13: Second Public Information Meeting

Following completion of the initial draft of Section IV - Proposed Land and Water Uses and Proposed Projects the Contractor or its consultant(s) shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Section IV.

Products: Public information meeting held. Minutes of the public meeting.

Task 14: Draft Section V - Techniques for Local Implementation of the Program

The Contractor or its consultant(s) shall describe existing local laws and regulations, as well as any new or amended laws or regulations which are necessary to both improve community resilience and implement the policies, strategies, proposed uses, and projects set forth in the LWRP. The Contractor or its consultant(s) shall draft such local laws and regulations as are necessary to implement the LWRP. Full drafts of new or amended (existing) laws and regulations, including a local consistency review law, should be attached as appendices to the LWRP. Local laws, regulations and procedures essential to the implementation of the policies and purposes of the LWRP must be in place at the time of approval of the program by the Secretary of State.

The Contractor or its consultant(s) shall also describe other public and private sector actions necessary to implement the LWRP, including actions by federal and state agencies necessary in order to fully implement

and advance projects in the waterfront revitalization area. These actions may include approving anchorage and mooring areas prior to designation, designating vessel waste no-discharge zones, dredging or maintaining major navigation channels and basins, constructing or maintaining breakwaters, funding certain studies, or providing technical assistance.

The Contractor or its consultant(s) shall also describe a local management structure for reviewing proposed waterfront projects for consistency with the approved LWRP, and the financial resources required to implement the approved LWRP. Implementation of the LWRP will be a continuing responsibility of the municipality. In preparing its LWRP, the municipality needs to consider the costs of implementing the program and whether the funds needed are, or can be reasonably expected, to be available.

Draft Section V shall be submitted to the Department for review and approval.

Products: Draft Section V - Techniques for Local Implementation of the Program, and ALL drafts of any necessary amendments to existing laws or new local laws, including a local consistency review law.

Task 15: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

The Department shall provide to the Contractor or its consultant(s) a generic list of federal and State agency actions and programs which are to be undertaken in a manner consistent with the LWRP. The Contractor or its consultant(s) shall describe specific federal and State actions necessary to further implementation of the LWRP (technical assistance, funding, procedural changes, etc.).

Draft Section VI shall be submitted to the Department for review and approval.

Products: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP.

Task 16: Draft Section VII - Local Commitment and Consultation

Developing local support for the LWRP is the most critical factor determining the success of the program. The Contractor or its consultant(s) shall describe the public consultation efforts undertaken in the preparation of the LWRP, such as public hearings, public informational meetings, and/or meetings with governmental agencies. All activities undertaken to consult and obtain local support and commitment should be thoroughly documented. The Contractor or its consultant(s) shall also describe any local committees created to oversee preparation of the LWRP, as well as the role of other municipal agencies.

Draft Section VII shall be submitted to the Department for review and approval.

Products: Draft Section VII - Local Commitment and Consultation.

Task 17: Determination of Significance and Compliance with SEQRA

A municipality's preparation and adoption of an LWRP involve compliance with SEQRA. The Contractor shall request designation as Lead Agency for purposes of SEQRA. The Lead Agency shall prepare, distribute and file a Full Environmental Assessment Form for purposes of evaluating the importance/significance of the impacts associated with preparing and adopting a LWRP. Upon completing the Full Environmental Assessment Form, the Lead Agency shall make a Determination of Significance in

accordance with the SEQRA regulations. If the Determination of Significance results in a Positive Declaration, the Lead Agency shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If the findings of the Determination of Significance are such that the LWRP will not have a significant adverse environmental impact, a Negative Declaration may be prepared and filed. If a Negative Declaration is prepared and filed, then a Draft Generic Environmental Impact Statement will not be necessary and no further actions are necessary under the SEQRA regulations. The Contractor or its consultant(s) shall determine whether a public hearing will be held on the Draft LWRP. Completed SEQRA documents shall be submitted to the Department for review and approval.

Products: Completed Full Environmental Assessment Form and associated SEQRA determination statements (Positive Declaration or Negative Declaration). If the Determination of Significance results in a Positive Declaration, the Lead Agency, with the assistance of the consultant, shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If a Draft Generic Environmental Impact Statement is prepared, a public hearing shall be held and the hearing notes should be submitted to the Department.

Task 18: Complete Draft LWRP

The Contractor or its consultant(s) shall submit two (2) paper copies and an electronic copy (Word format with each map as an individual pdf) of the complete Draft LWRP document, with integrated harbor management, including a complete Draft Generic Environmental Impact Statement (if one is to be prepared) and new or amended (existing) laws and regulations, incorporating comments provided on each component section, to the Department for approval. If revisions to the complete Draft LWRP are needed, based on Department review, the Contractor or its consultant(s) shall make the required changes and resubmit the document to the Department for review.

All comments and requested revisions must be addressed to the satisfaction of the Department prior to advancing the document to 60-Day Review.

Following acceptance of the complete Draft LWRP document by the Department, the Contractor shall formally accept the Draft LWRP as complete and ready for public review and authorize its submission to the Department for review by potentially affected State, Federal, and local agencies - by resolution of the local municipal legislative body. The Contractor or its consultant(s) shall also provide one (1) hard copy and one electronic copy (formatted in either Corel WordPerfect or Microsoft Word) of the complete Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall initiate a 60-Day Review by State, Federal, and other local agencies concurrent with the SEQRA review (if applicable).

Products: (1) Draft LWRP acceptable to the Department; and (2) a resolution of the local municipal legislative body accepting the Draft LWRP as complete and ready to be submitted to DOS for review and initiation of the 60-Day review process.

Task 19: Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review and compliance with SEQRA the Contractor or its consultant(s) shall conduct a public information meeting or meetings on the Draft Program.

Products: Public meeting(s) held. Minutes of the public information meeting(s) and identification of changes to be made to the Draft Program as a result of the public meeting submitted to the Department for review and approval.

Task 20: Final LWRP

Following the 60-Day Review period of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall meet with the Contractor or its consultant(s) to discuss all 60-Day comments received, determine appropriate responses and revise the LWRP document to reflect each response. All supporting local laws proposed for adoption in conjunction with the adoption of the LWRP, and the Final Environmental Impact Statement (if applicable), shall also be revised as necessary to reflect 60-Day comments and responses, to the satisfaction of the Department.

Additionally, the Contractor and/or its consultant(s) shall also submit to the Department a schedule of adoption of the LWRP and any local laws necessary for implementation of the LWRP.

Products: Two paper copies and electronic version of the Final LWRP and supporting local laws (and Final Environmental Impact Statement, if applicable), and schedule of adoption.

Task 21: MWBE Reporting

In accordance with Attachment A-1, Part I, Section M, Paragraph 6, Contractor shall be required to use the New York State Contract System (“NYSCS”) to record payments to subcontractors (including a breakdown of payments issued to state-certified MWBE firms) and otherwise report compliance with the provisions of Article 15-A of the Executive Law and regulations in relation to funds used pursuant to this Agreement. Contractor shall be required to submit utilization plans in paper format until such time as submission is made available through the NYSCS and notification of such availability is provided to Contractor by the State. Upon such notification by the Department, Contractor shall submit required utilization plans through the NYSCS. So long as Contractor complies with the reporting requirements stated above in the manner directed by the Department, the requirement of Attachment A-1, Part I, Section M, Paragraph 6 for paper filing of Quarterly Reports shall be waived. Technical assistance for use of the NYSCS system can be obtained through the NYSCS website at <https://ny.newnycontracts.com> by clicking on the “Contact Us & Support” link.

In the event Contractor does not have the capacity to use the NYSCS in the manner required above, an exception may be granted by the Department of State upon Contractor’s written request and showing of good cause to allow for paper reporting. If such an exception is granted by the Department of State, paper reporting in a manner and form directed by the Department shall be required including but not limited to the submission of Quarterly MWBE Contractor Compliance Report (Form F) forms in accordance with Section M, Paragraph 6, of Attachment A-1.

Products: Ongoing reporting through NYSCS during the life of the contract.

Task 22: Project Status Reports

The Contractor or its consultant(s) shall submit project status reports semi-annually (every June 30 and December 31) on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered.

Products: Completed project status reports submitted to DOS during the life of the contract.

Task 23: Final Project Summary Report and Measurable Results forms

The Contractor or its consultant(s) shall work with the Department project manager to complete the Final Project Summary Report and Measurable Results forms. Final payment shall not be authorized until these forms have been completed and filed with project deliverables.

Products: Completed Final Project Summary Report and Measurable Results forms submitted to DOS.

5. Project Responsibilities

The Contractor shall administer the grant, execute a contract with the Department, and ensure the completion of work in accordance with the approved Work Plan and budget.

The Contractor:

- will be responsible for conducting all project work in conformance with the Work Plan included in the executed contract with the Department.
- will be responsible for all project activities including drafting request for proposals and managing subcontracts with consultants and subconsultants.
- will certify to the Department that the procurement record for project consultants and subcontractors complies with the applicable provisions of General Municipal Law.
- will receive approval from the Department for any and all consultant subcontracts before beginning project work.
- will be responsible for submission of all products and payment requests.
- will be responsible for coordinating participation and soliciting comments from local government personnel, project volunteers, and the public.
- will keep the Department informed of all important meetings for the duration of this contract.
- will receive approval from the Department before purchase of any equipment.
- will secure all necessary permits and perform all required environmental reviews.
- will ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the Department to the project.
- will ensure that all products prepared as a part of this contract shall include the NYS Comptroller's contract # as indicated on the Face Page of this contract.
- will ensure the project objectives are being achieved.
- will ensure that comments received from the Department and the project advisory committee, or other advisory group, are satisfactorily responded to and reflected in subsequent work.
- will recognize that payments made to consultants or subcontractors covering work carried out or products produced prior to receiving approval from the Department will not be reimbursed unless and until the Department finds the work or products to be acceptable.

The Department:

- will review and approve or disapprove of subcontracts between the Contractor and consultant(s) and any other subcontractor(s).
- will participate in project initiation meeting and attend meetings that are important to the project.
- will review all draft and final products and provide comments as necessary to meet the objectives.
- must approve or disapprove any and all design, site plan, and preconstruction documents. Department approval must be obtained before construction may begin.