Local Waterfront Revitalization Program – Work Plan

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 and agree upon the project scope and schedule, project requirements, roles and responsibilities, the selection process for procuring consultants, involvement by the municipal attorney, 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 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 guidebooks:

- "Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities" found at: https://dos.ny.gov/system/files/documents/2020/08/lwrp_guidebook.pdf

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

Task 2: Waterfront Advisory Committee

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 waterfront advisory committee. Waterfront advisory committee established.

Task 3: Procurement of Consultant (if applicable)

Prepare a Request for Proposals (RFP) or similar instrument (if applicable) including a complete project description with site conditions, expected final results, a schedule for completion, MWBE requirements, and criteria for selecting a preferred proposal. Consultant services requested shall include all applicable tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

NYS Department of State requires a licensed professional engineer, architect or landscape architect licensed to practice in New York State for preparation and certification of final designs and construction documents, and for supervision of construction.
The Contractor must actively solicit bids for contracts and subcontracts from qualified State certified MWBEs which can be identified using the NYS Directory of Certified Firms (https://ny.newnycontracts.com/). The Contractor must retain records of the procurement process including direct solicitation to MWBEs; results; and any actions that its subcontractors have taken toward meeting MWBE contract participation goals. To demonstrate good faith efforts to achieve MWBE contract goals the following should be retained:

- Evidence of outreach to MWBEs: mail, email, phone calls and follow-up;
- Written responses by MWBEs to the grantee/vendor’s outreach;
- Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications;
- Attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the grantee with MWBEs including dates and location;
- Description of how the scope of work maximizes opportunities for MWBE participation; and
- Description of how non-MWBE subcontractors’ have engaged MWBEs to undertake part of the project’s work or to procure equipment/ materials/supplies.

NYS Department of State requires a licensed professional engineer, architect or landscape architect licensed to practice in New York State for preparation and certification of final designs and construction documents, and for supervision of construction.

Submit the RFP or similar instrument to the Department for review and approval prior to release for solicitation of proposals.

Products: Approved RFP or similar instrument released through advertisement in local papers, the New York State Contract Reporter, or other appropriate means. Documentation of procurement including direct solicitation to MWBEs and actions taken toward meeting MWBE contract participation goals.

Task 4: Subcontract and Compliance with Local Procurement Requirements

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.

Incorporate the Department’s comments on the subcontract work plan, or scope of services, prior to execution of the final subcontract(s).

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that the Contractor fully complied with applicable provisions of General Municipal Law and with local procurement procedures. A procurement certification form will be supplied by the Department.

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

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: Consultant(s) selected and approved by the Department. Executed subcontracts and written certification of compliance with procurement procedures.
Task 5: Waterfront Advisory Committee Meetings

Hold a second project meeting with the consultant(s) and Waterfront Advisory Committee to review project requirements, site conditions, and roles and responsibilities; identify new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the project.

The Waterfront Advisory Committee shall meet regularly over the course of the project to guide project development and review findings and documents. Following each meeting, the consultant(s) shall prepare and distribute a brief meeting summary including attendees, main topics discussed, decisions agreed upon by committee, and action items.

Products: Waterfront Advisory Committee meetings. Written meeting summary of each meeting

Task 6: Preparation of a Community Outreach Process and Plan

Prepare a method and process to encourage community participation in development and implementation of the LWRP. 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 and other public engagement activities such as social media, workshops, charrettes, etc. All public meetings will be advertised in the community through press releases, announcements, individual mailings, digital media, municipal website postings, and any other appropriate means. Meetings and public engagement shall be scheduled in a manner that maximizes attendance and participation from all interested community members. Outreach efforts should encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities. A summary of each public outreach session will be made available in written form and through other appropriate means, such as website or social media.

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

Product: Approved community outreach plan.

Task 7: Draft Section I - Waterfront Revitalization Area Boundary

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, viewshed, and any other factors. Include references to the Inventory and Analysis section justifying the inclusion of particular land use areas in this section if beneficial for increased understanding. The narrative must accompany a boundary map showing the proposed waterfront area, including the Harbor Management Plan boundary. For the New York State Coastal Boundary and other data that may be useful for preparing the LWRP boundary see the Geographic Information Gateway at: http://opdgig.dos.ny.gov/#/map. See Department staff for additional tools and guidance to complete this section.

Submit Section I to the Department for review, comment, and approval. Comments from the Department must be addressed in subsequent drafts of Section I.

Products: Draft Section I - Waterfront Revitalization Area Boundary, including narrative and map(s). Comments from the Department must be addressed in all drafts of Section I.
Task 8: Draft Section II - Inventory and Analysis

A. 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). For guidance see: “Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs” found at: https://dos.ny.gov/system/files/documents/2021/09/lwrp-preparation-guidance_final_9_1_21.pdf and the Inventory and Analysis Checklist. See Department staff for additional tools and guidance to complete this section.

This section must provide a thorough analysis of waterfront issues, opportunities, and constraints to economic development and resource protection needs. This section will provide an 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 important waterfront resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP. This section should also incorporate the inventory and analysis of the relationship between waterside uses that have the potential for conflict, congestion, or competition in support of the Harbor Management Plan.

Topics to be addressed, commensurate with the local conditions, in the Inventory and Analysis Checklist, include:

- Community Profile
- Existing Land and Water Uses and Public Access
- Natural Resources
- Flooding and Erosion (Risk and Resiliency)
- Historic and Cultural Resources
- Harbor Management Plan Inventory
- Existing Authorities of Federal, State, Regional, and Local Agencies that have Jurisdiction in the Waterfront Revitalization Area
- Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans.

Submit Draft Section II to the Department for review, comment, and approval. Comments from the Department must be addressed in all drafts of Section II.

Products: Draft Section II - Inventory and Analysis with accompanying maps to depict the waterfront revitalization area resources, issues, and opportunities. Comments from the Department must be addressed in all drafts of Section II. Electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department.

B. Provide existing local land use laws/ regulations/ ordinances that will implement the LWRP. See the LWRP Preparation Guidance on local laws for additional information.

Products: List of current existing local land use laws/ regulations/ ordinances.
Task 9: First Public Information Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II - Inventory and Analysis, conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input on draft Sections I and II.

Products: Public information meeting held. Minutes of the public meeting, including any presentations or handouts.

Task 10: Draft Section III - Local Waterfront Revitalization Program Policies

The Contractor will receive the State waterfront revitalization policies from DOS staff. Any additions to the policy explanations proposed by the municipality shall be inserted in the policy explanation portions of the provided document and returned to DOS staff for review, comment, and approval.

Proposed additions should be based on information provided in the Inventory and Analysis. The policy explanation may add specific local standards, geographic features, or applicable locations, for determining consistency with the policies. Prepare a full policy analysis and matrix prepared with local laws to demonstrate how each policy shall be implemented to legally uphold the LWRP. The Department will provide a template for the matrix.

Should the municipality propose additions to policy explanations a conference call may be conducted with DOS staff to discuss the proposed additions.

Submit Draft Section III to the Department for review, comment, and approval. Comments from the Department must be addressed in all drafts of Section III.

Products: Draft Section III - Local Waterfront Revitalization Policies with comments or notes. Comments from the Department must be addressed in all drafts of Section III.

Task 11: Draft Section IV - Proposed Land and Water Uses and Proposed Projects

Describe and map proposed land and water uses within the waterfront area, and proposed projects necessary to implement the LWRP. For guidance on what information is necessary to describe a proposed project see Appendix 8 of the LWRP Preparation Guidance found at: https://dos.ny.gov/system/files/documents/2021/09/lwrp-preparation-guidance_final_9_1_21.pdf

See Department staff for additional tools and guidance to complete this section.

Submit Draft Section IV to the Department for review, comment, and approval. Comments from the Department must be addressed in all drafts of Section IV.

Products: Draft Section IV - Proposed Land and Water Uses and Proposed Projects with comments or notes. Comments from the Department must be addressed in all drafts of Section IV.

Task 12: Second Public Information Meeting

Conduct a public information meeting regarding the identified local waterfront issues and opportunities to solicit public input on Section IV.

Products: Minutes of the public meeting, including any presentations or handouts.
Task 13: Draft Section V - Techniques for Local Implementation of the Program

Describe existing local laws and regulations, and any new or amended laws or regulations necessary to both improve community resilience and implement the policies, strategies, proposed uses, and projects set forth in the LWRP. Relevant local land use controls may include, the zoning code, subdivision review, site plan review, design standards, stormwater management and flood damage prevention. The Contractor shall draft local laws and regulations 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, standards, 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 LWRP by the Secretary of State.

Describe other public and private sector actions necessary to implement the LWRP, including actions by federal and State agencies necessary 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.

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.

Submit Draft Section V to the Department for review, comment, and approval. Comments from the Department must be addressed in all drafts of Section V.

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. Comments from the Department must be addressed in all drafts of Section V.

Task 14: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

The Department shall provide to the Contractor 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.).

Submit Draft Section VI to the Department for review and approval.

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

Task 15: Draft Section VII - Local Commitment and Consultation

Describe the public consultation efforts undertaken in the preparation of the LWRP, such as public hearings, public informational meetings, or meetings with governmental agencies. All activities undertaken to consult and obtain local support and commitment should be thoroughly documented in Section VII.

Describe any local committees created to oversee preparation of the LWRP, and the role of other municipal agencies.
Submit Draft Section VII to the Department for review, comment, and approval. Comments from the Department must be addressed in all drafts of Section VII.

Products: Draft Section VII - Local Commitment and Consultation. Comments from the Department must be addressed in all drafts of Section VII.

Task 16: Determination of Significance and Compliance with SEQRA

A municipality’s preparation and adoption of an LWRP involve compliance with SEQRA. The Lead Agency shall prepare, distribute, and file a Full Environmental Assessment Form for purposes of evaluating the significance of the environmental 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 environmental impact, a Negative Declaration may be prepared and filed to complete the SEQRA process. The Contractor 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, Draft Generic Environmental Impact Statement if needed, public hearing notes).

Task 17: Complete Draft LWRP

Submit an electronic copy (Word format with each map as an individual pdf, and a GIS shapefile of the LWRP boundary in a format compatible with the Department’s Geographic Information Gateway) and up to two (2) paper copies (upon request) of the complete Draft LWRP document, incorporating comments from the department including:

- integrated harbor management plan
- complete Draft Generic Environmental Impact Statement (if applicable)
- new or amended existing laws and regulations.

If revisions to the complete Draft LWRP are needed, based on Department review, the Contractor shall make the required changes and resubmit the document to the Department for review. The revised document shall be submitted in both Word format and PDF format (with section bookmarks), with the PDF a maximum of 20 MB to allow for website posting.

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. Once accepted as complete provide one (1) hard copy and one electronic copy (formatted in Microsoft Word) of the complete Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP (and Draft Generic Environmental Impact Statement, if applicable), the Department shall initiate a 60-Day Review by State, federal, local, and other agencies.
Products: (1) Draft LWRP acceptable to the Department; (2) GIS shapefile of the LWRP boundary in a format compatible with the Department’s Geographic Information Gateway and (3) a resolution of the local municipal legislative body adopted to accept the Draft LWRP as complete and ready to be submitted to DOS for review and initiation of the 60-Day review process.

Task 18: Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review and compliance with SEQRA conduct a public information meeting or meetings on the Draft LWRP.

Products: Public meeting(s) held. Minutes of the public information meeting(s) and identification of changes to be made to the Draft LWRP as a result of the public meeting.

Task 19: Final LWRP

Following the 60-Day Review period of the Draft LWRP (and Draft Generic Environmental Impact Statement, if applicable), the Department shall meet with the Contractor 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 shall submit to the Department a schedule of adoption of the LWRP and any local laws necessary for implementation of the LWRP.

Products: An electronic copy (and up to two (2) paper copies upon request) of the Final LWRP and supporting local laws (and Final Environmental Impact Statement, if applicable), along with electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department, and schedule of LWRP adoption.

Task 20: MWBE Reporting

Comply with MWBE Reporting Requirements by completing the following actions:

- Submit Form C - Workforce Employment Utilization to report the actual work force utilized for this contract broken down by specified categories (every March 31, June 30, September 30 and December 31).
- Submit Form D - MWBE Utilization Plan to indicate any state-certified MWBE firms selected to work on this contract. Form D must be updated and submitted to the Department whenever changes to the selected MWBE firms occur (addition or removal).
- Record payments to MWBE subcontractors using DOS funds through the New York State Contract System (NYSCS).

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.

Products: Ongoing reporting through NYSCS during the life of the contract. Form C submitted on a quarterly basis and Form D submitted as necessary.
Task 21:  Project Status Reports

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 22:  Final Project Summary Report and Measurable Results

Submit the Final Project Summary Report and Measurable Results electronically at: https://forms.office.com/g/eZERFeEeKM.

Products:  Final Project Summary Report and Measurable Results submitted to the Department.