

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 for public meetings and electronic products, the number of public meetings and other 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 provided in the following resources:

- *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
- *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
- *Model Local Laws to Increase Resilience* found at: <https://dos.ny.gov/model-local-laws-increase-resilience>
- *Resilience principles*, which provide a framework for planning and development, found at: https://dos.ny.gov/system/files/documents/2021/08/resilienceprinciples_opd.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 assist in the development of the LWRP and coordination of public outreach efforts, and to conduct reviews and provide comments on products developed by the consultant.(s) or municipal staff, as applicable. The committee shall include community residents and members of community-based organizations, members of the local government, and representatives of State, county, and municipal agencies with jurisdiction over project activities or the project area. See additional guidance: Waterfront Advisory Committee Membership and Responsibilities, provided by the Department.

A draft list of proposed members of the Waterfront Advisory Committee shall be circulated to the Department for review and comment prior to establishment of the committee.

Products: Waterfront advisory committee established. Draft and final lists of proposed members of waterfront advisory committee

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 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 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 and written records of results. If the Contractor has already procured subcontractors, provide evidence that the subcontractors made an effort to meet 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 (and screenshots) 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 draft RFP or similar instrument to the Department for review and comment prior to completion and release for solicitation of proposals.

Products: Draft and final RFP or similar instrument released through advertisement in the New York State Contract Reporter, local papers, 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 for each task, a payment schedule with payments tied to receipt of adequate 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. Completed draft and 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 (WAC) 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 the development and implementation of the LWRP. The community 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 community members. Outreach efforts should encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities.

Meeting and public engagement should be scheduled at times that are convenient to underrepresented communities (e.g., at night or on weekends instead of during the day) and at locations that are ADA

accessible. Workshops shall be advertised with generous advance notice to garner maximum publicity, awareness, and participation.

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 draft and final community outreach plan shall be submitted to the Department for review, comment, and approval.

Product: Draft and final versions of the community outreach plan.

Task 7: Draft Section I - Waterfront Revitalization Area Boundary

Prepare Draft Section I, which includes a narrative and map describing the boundary of the proposed waterfront revitalization area (WRA) and the harbor management area (HMA) within. For coastal communities, the description of the landward boundary of the existing coastal area within the municipal boundaries must also be included in this section. The waterfront revitalization area boundary should encompass 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.

The boundary of the harbor management area within the waterfront revitalization area will be defined based on the location of the existing and proposed water-dependent uses, pursuant to 19 NYCRR Part 603.3. In addition to the detailed description of the proposed boundary, the narrative must briefly explain how the existing natural features, drainage patterns, upland uses, water-dependent uses and their impact on the quality of the water body have determined the extent of the waterfront revitalization area and the harbor management area it contains. The narrative must be accompanied by a map showing the municipal boundary, the landward boundary of the proposed waterfront revitalization area, the State's coastal area (applicable only to coastal communities), and the entire boundary of the proposed waterfront revitalization area with the harbor management area within.

The Department recommends the following resource for the completion of this section:

- *Geographic Information Gateway* available at <http://opdgig.dos.ny.gov/#/map>, for mapping data that may be useful for the delineation of the boundary of the proposed waterfront revitalization area.

Additional guidance may be requested from the Department.

Submit Draft Section I to the Department for review and comment. Comments from the Department must be addressed in the next version of Section I submitted to the Department.

Submit GIS boundary information in appropriate format, which will be utilized to map the LWRP boundary on the state's Geographic Information Gateway.

Products: Draft Section I – Description of the Waterfront Revitalization Area Boundary in Word format. GIS Shapefile of the WRA, the HMA boundaries, and associated spatial data in either ArcGIS format, or similar product acceptable to the Department.

Task 8: Draft Section II - Inventory and Analysis

A. The Contractor and its consultant shall develop the narrative, maps, and other illustrations of Draft Section II, which includes a thorough inventory of existing upland, waterside, and underwater land

uses and resources; and an analysis of conditions, issues, opportunities, and constraints to economic development and resource protection within the proposed waterfront revitalization area (WRA). This section will also 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 problems and opportunities related to the natural and cultural resources within the proposed WRA, including the relationship between water-dependent uses within the harbor management area (HMA) that have the potential for conflict, congestion, and competition, and be detailed enough to support development of a specific and realistic LWRP.

Overarching topics to be addressed in Section II - Inventory and Analysis, commensurate with the local conditions, include but are not limited to:

- Community Profile (focused on the WRA)
- Existing Land and Water Uses and Public Access
- Natural Resources
- Flooding and Erosion (Risk and Resiliency)
- Historic and Cultural Resources
- Harbor Management Area 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 affect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans.

A detailed Inventory and Analysis Checklist is available from the Department to assist in development of Section II.

Submit Draft Section II to the Department for review and comment. Comments from the Department must be addressed in the next version of Section II submitted to the Department.

Electronic data for all Geographic Information System-based mapping products must be submitted to the Department 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: Draft Section II - Inventory and Analysis in Word format. Data/shapefiles used to develop required maps. Existing local land use laws/ regulations/ ordinances related to LWRP implementation.

Task 9: First Public Information Meeting

Following completion of Draft Section I - Waterfront Revitalization Area Boundary and Draft Section II - Inventory and Analysis, conduct a public information meeting to inform the public about the extent of the proposed WRA boundary and the findings of the inventory and analysis of the existing conditions within the WRA, discuss key local conditions illustrated on the draft maps and described in the narrative, and solicit public input on Draft Section I and Draft Section II.

Products: First public meeting held. Meeting announcement, agenda, presentation, handouts, sign-in sheet and minutes.

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

The Contractor will receive a template of the State waterfront revitalization policies from DOS staff which includes the approved State waterfront revitalization policy statements, standards and explanations. The municipality may add information to the policy explanations, however any additional guidelines inserted in a policy explanation should be supported by local laws or the principles or guidelines recommended in regional/State-wide plans, and reflect information provided in Section II: Inventory and Analysis. A policy explanation may also reference specific and applicable geographic or topical information to inform the review of the proposed action for consistency with the approved LWRP policies. Additional guidance may be requested from the Department.

Submit Draft Section III to the Department for review and comment. Comments from the Department must be addressed in the next version of Section III submitted to the Department.

Products: Draft Section III - Local Waterfront Revitalization Policies in Word format.

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

Describe and map proposed land and water uses within the WRA and proposed projects necessary to implement the LWRP. Proposed land and water uses and proposed projects should be within the WRA boundary in Section I, and supported by the Inventory & Analysis in Section II and the policies in Section III. The Department recommends the use of the following resources for the completion of this section:

- ◆ Project Profile Template - see Appendix 8 of *Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs* available at https://dos.ny.gov/system/files/documents/2021/09/lwrp-preparation-guidance_final_9_1_21.pdf.

Additional guidance may be requested from the Department.

Submit Draft Section IV to the Department for review and comment. Comments from the Department must be addressed in the next version of Section IV submitted to the Department.

Products: Draft Section IV - Proposed Land and Water Uses and Proposed Projects in Word format. Maps and associated data of the proposed land use, water use, and proposed Zoning (if applicable), in PDF format.

Task 12: Second Public Information Meeting

Conduct a public information meeting to inform the public about the land and water uses and projects proposed within the WRA and local laws necessary to implement the LWRP, and to solicit public input.

Products: Second public information meeting held. Drafted meeting announcement, agenda, presentation, handouts, sign-in sheet, and minutes or meeting summary.

Task 13: Draft Section V - Techniques for Local Implementation of the Program

Draft Section V of the LWRP which discusses existing local laws and regulations; 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; other actions necessary to

implement the LWRP; and a local management structure for the LWRP. Relevant local land use controls may include the zoning code, subdivision review, site plan review, design standards, historic preservation, farmland protection, stormwater management, and flood damage prevention.

- A. Local Laws and Regulations Examination - Identify and review the local land and water use laws/regulations/ ordinances that implement the LWRP policies in Section III and the land and water uses proposed in Section IV and prepare a table or matrix listing the LWRP policies and the corresponding local laws that will implement each policy to legally uphold the LWRP.
- B. If applicable, draft new and amended local laws and regulations necessary to implement the LWRP. Full drafts of new or amended laws and regulations, including a draft local consistency review law, should be submitted to the Department for review and attached as appendices to the Draft LWRP. Local laws, regulations, standards, and procedures essential to the implementation of the policies and purposes of the LWRP must be effective (locally adopted and filed with the Department) at the time of approval of the LWRP by the Secretary of State.

The Department recommends the use of the following resources for Tasks 13A and 13B:

- Local Laws Implementing Coastal Policies - Appendix 10 of the Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs accessible at https://dos.ny.gov/system/files/documents/2021/09/lwrp-preparation-guidance_final_9_1_21.pdf
 - Model Local Laws to Increase Resilience accessible at <https://dos.ny.gov/model-local-laws-increase-resilience>
- C. 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 and maintaining breakwaters, funding certain studies, or providing technical assistance.
 - D. Describe the 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. Guidelines for notification and review of state agency actions where LWRPs are in effect may be included here or an Appendix (a template for the guidelines will be provided by the Department).

Submit Draft Section V to the Department for review and comment. Comments from the Department must be addressed in the next version of Section V (and related appendices) submitted to the Department.

Products: Draft Section V - Techniques for Local Implementation of the Program in Word format. Drafts of new and/or amended local laws, and table of LWRP policies and corresponding local laws necessary to implement each LWRP policy in Word format. Comments from the Department must be addressed in Draft Section V and the appendices of the LWRP that include draft local laws.

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

- A. Sections VI.1 and VI.2 - The Department shall provide an approved list of State (VI.1) and federal (VI.2) agency actions and programs which are to be undertaken in a manner consistent with the LWRP. This approved list shall be inserted in Section VI.
- B. Section VI.3 - The Contractor shall list specific federal and State actions or programs necessary to further implementation of the LWRP (technical assistance, funding, procedural changes, etc.).

Products: Verification of the most up to date Section VI.1 and VI.2 - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP was received from the Department and has been inserted in the Draft LWRP. Section VI.3 listing specific programs and actions applicable to the community.

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 and comment. Comments from the Department must be addressed in the next version of Draft Section VII.

Products: Draft Section VII - Local Commitment and Consultation in Word format.

Task 16: Draft Appendices

Prepare Appendices for the LWRP, as necessary. Appendix A of the LWRP shall include the draft of the local LWRP Consistency Review Law. Other appendices may include but are not limited to:

- Other draft or existing local laws supporting the implementation of the LWRP, such as a local Harbor Management Law.
- Descriptions of significant coastal fish and wildlife habitats designated by the State and incorporated into the NYS Coastal Management Program
- Relevant excerpts of local/regional/State/federal planning documents, including relevant maps
- If not included in Section V, guidelines for notification and review of state and federal agency actions where LWRPs are in effect (template will be provided by the Department)

The proposed content of the other appendices and their sequence shall be discussed with the Department.

Submit Draft Appendices to the Department for review and comment. Comments from the Department must be addressed in the next version of the Appendices submitted to the Department.

Products: Draft Appendices

Task 17: Preliminary Draft LWRP

Assemble draft sections and appendices incorporating comments provided by the department into a Preliminary Draft LWRP document. The document must be submitted in Word format to allow comments by the Department. Each map included in the Preliminary Draft LWRP must also be submitted as an individual high-resolution PDF. Each PDF must be under 20MB. The GIS data/shapefile used to create the WRA boundary map must be submitted together with the Draft LWRP.

Submit the Preliminary Draft LWRP to the Department for review and comment. Comments from the Department must be addressed in the next version of the Draft LWRP.

Products: Preliminary Draft LWRP in Word format together with revised maps in PDF format. GIS data/shapefile used to develop the WRA boundary map, submitted to the Department in a format compatible with the Department's Geographic Information Gateway.

Task 18: Determination of Significance and Compliance with SEQRA

The Contractor shall comply with SEQRA regulations 6 NYCRR § 617. Upon completion the Draft LWRP, the Contractor shall prepare, distribute, and file a Full Environmental Assessment Form for purposes of evaluating the significance of the environmental impacts associated with preparing, accepting as complete, and ultimately adopting the LWRP. Upon completing the Full Environmental Assessment Form, the municipality shall designate a Lead Agency. In accordance with the SEQRA regulations, the Lead Agency shall make a Determination of Significance regarding the local acceptance of the Draft LWRP as complete and ready to be submitted to the Secretary of State for the initiation of the 60-day review by State and federal agencies.

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 to share the Determination of Significance with the public.

Completed SEQRA documents shall be submitted to the Department.

Products: Completed Full Environmental Assessment Form and associated SEQRA determination statements (Positive Declaration or Negative Declaration, Draft Generic Environmental Impact Statement, if needed) and public hearing notes.

Task 19: Third Public Information Meeting

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

Products: Third public meeting(s) held. Meeting announcement, agenda, presentation, handouts, sign-in sheet, and minutes or meeting summary.

Task 20: 60-Day Review Draft LWRP

Following the completion of the SEQRA compliance process, the local government shall accept by resolution the version of the Draft LWRP that addresses the entirety of the comments provided by the Department. The resolution shall state that the local government found the LWRP to be complete and ready for submission to the Secretary of State for the initiation of the 60-day review by State, Federal, regional, and local agencies.

Upon receipt of the of the Draft LWRP in Word and PDF formats and documentation reflecting the conclusion of the SEQRA compliance process, the Department will review the Draft LWRP to confirm the LWRP is complete and ready for online publication and the initiation of 60-day review by State, federal, local, and other agencies.

Products: (1) Draft LWRP in Word and PDF, including maps and appendices. (2) Resolution by 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 21: Final LWRP

After 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, submit a schedule of adoption of the LWRP and local laws necessary for implementation of the LWRP. Once the local government has locally adopted the LWRP and local laws, the local government must file each local law with the Department, Division of Corporations, for the law(s) to become effective, pursuant to Section 27 of the Municipal Home Rule Law. Filing information is accessible at <https://dos.ny.gov/local-law-filing>.

Products: LWRP document in Word and PDF (20 MB maximum per PDF) (and one paper copy upon request), including supporting local laws (and Final Environmental Impact Statement, if applicable). 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 22: 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 23: 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 the Department during the life of the contract.

Task 24: 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.