



## Legislation Text

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Int. No. 376-A

By Council Members Gennaro, Addabbo Jr., Brewer, Clarke, Fidler, Gerson, James, Koppell, Liu, Mark-Viverito, Monserrate, Nelson, Sanders Jr., Sears, Weprin, Recchia Jr., Foster, Garodnick, Seabrook and White Jr.

A Local Law to amend the administrative code of the city of New York, in relation to the watershed protection plan for the watershed/sewershed of Jamaica Bay.

Be it enacted by the Council as follows:

Section 1. Section 24-527 of the administrative code of the city of New York, as added by local law number 71 for the year 2005, is amended to read as follows:

§24-527 Watershed protection plan for the watershed/sewershed of Jamaica bay. a. No later than [September]October 1, [2006]2007, the commissioner shall complete a watershed protection plan for the watershed/sewershed of Jamaica bay, which shall, among other things, include measures the city can implement to help protect Jamaica bay. The overall goal of such plan shall be to restore and maintain the water quality and ecological integrity of Jamaica bay.

b. The commissioner shall assess the technical, legal, environmental and economical feasibility of including the following measures, at minimum, in the plan prepared pursuant to subdivision a of this section:

(1) best management practices for the minimization and control of soil erosion and stormwater runoff and reduction of both point and non-point source pollution, including, but not limited to, the promotion of development practices such as the on-site detention and infiltration of stormwater runoff, the minimization of impervious surfaces and the creation of natural systems to control and minimize stormwater runoff;

(2) measures to address threats to aquatic habitat, including, but not limited to, stabilizing

and restoring salt marshes, wetlands, soils and other natural areas, strengthening ecological buffers, restoring natural features to the Jamaica bay watershed/sewershed shoreline, and reestablishing water flows;

(3) land acquisition and land use planning practices and opportunities, including, but not limited to, incentives, such as expedited permitting and property tax relief, for infill, brownfield redevelopment and other environmentally beneficial development, and disincentives, such as stricter development guidelines, for development that may adversely impact Jamaica bay;

(4) a protocol for coordination with appropriate federal, state and city governmental entities that have jurisdiction over the Jamaica bay area, with respect to, but not limited to, efforts to restore and maintain the water quality and ecological integrity of Jamaica bay and notification regarding proposed development projects within the Jamaica bay watershed/sewershed that may adversely impact Jamaica bay;

(4) a protocol for coordination with the office of environmental coordination that ensures that environmental assessments and reviews of projects within the Jamaica bay watershed/sewershed address potential impacts to Jamaica bay and are conducted pursuant to all applicable federal, state and city environmental quality review laws and regulations;

(6) a public education program, including, but not limited to, programs for schools, developers, commercial facilities, civic groups and other local organizations and entities to increase awareness about the ecological significance and degradation of Jamaica bay; potential threats to Jamaica bay; restoration and watershed stewardship activities undertaken by the department and others involving Jamaica bay; and methods and practices to reduce pollution in Jamaica bay; and

(7) a program to target enforcement efforts that will help reduce polluting behaviors and operations that may adversely impact Jamaica bay.

c. The watershed protection plan prepared pursuant to subdivision a of this section, as it may be revised pursuant to subdivision [f]h of this section, shall contain the following:

(1) specific goals related to restoring and maintaining the water quality and ecological

integrity of Jamaica bay;

(2) the geographic boundaries of the watershed/sewershed of Jamaica bay for the purpose of achieving the goals of such plan and an explanation for the selection of such boundaries;

(3) the assessments the commissioner completed for each measure considered for inclusion in such plan;

(4) for any final recommendation of the Jamaica bay watershed protection plan advisory committee established pursuant to subdivision [h]j of this section that was not assessed for inclusion or incorporated in such plan, an explanation for such omission; and

(5) a schedule, including interim and final milestones, for implementing the measures and achieving the specific goals included in such plan and methods of monitoring progress towards achieving such milestones and goals.

d. No later than October 1, 2006, the commissioner shall complete an interim report on the preparation of the watershed protection plan required pursuant to subdivision a of this section, which shall include, at minimum, the following elements:

(1) a description of the current status of the plan preparation, including, but not limited to, the status of all feasibility assessments of measures conducted pursuant to subdivision b of this section; and

(2) for each preliminary recommendation of the Jamaica bay watershed protection plan advisory committee provided to the commissioner pursuant to paragraph four of subdivision j of this section, the commissioner shall state whether:

i. the recommendation will be incorporated into the plan required pursuant to subdivision a of this section;

ii. the recommendation will not be incorporated into such plan, in which case the commissioner shall provide a detailed explanation of the basis for any such omission; or

iii. the recommendation will be further assessed for inclusion in such plan, in which case

the commissioner shall provide a detailed explanation of the reason for such further assessment, including a timeline for such assessment's completion.

e. No later than March 1, 2007, the commissioner shall complete a draft of the watershed protection plan for the watershed/sewershed of Jamaica bay required pursuant to subdivision a of this section.

f. The commissioner shall implement the plan prepared pursuant to subdivision a of this section, as it may from time to time be revised pursuant to subdivision [f]h of this section, in accordance with its provisions.

[e]g. The commissioner shall submit to the mayor and the speaker of the council the watershed protection plan, draft of such plan and interim report prepared pursuant to [subdivision] subdivisions a, d and e of this section, or any revised plan prepared pursuant to subdivision [f]h of this section, no later than five business days after its completion.

[f]h. The watershed protection plan prepared pursuant to subdivision a of this section shall be reviewed and revised as necessary to achieve its goals, but in no event shall such review occur less often than once every two years.

[g]i. No later than October 1, [2007]2008, and no later than October 1 of every [two years] second year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council, which shall include, but not be limited to:

(1) the implementation status of the measures included in the watershed protection plan prepared pursuant to subdivision a of this section, as it may have been revised pursuant to subdivision [f]h of this section; and

(2) where the plan has been reviewed in accordance with subdivision [f]h of this section and the commissioner determines that no revisions are required, such determination and the reasons for it.

[h]j. (1) A Jamaica bay watershed protection plan advisory committee shall be established, which shall provide advice to the commissioner for the duration of its term and provide preliminary and final

recommendations to the commissioner and the speaker of the council on the watershed protection plan [prepared]required pursuant to subdivision a of this section regarding:

i. the specific goals of such plan related to restoring and maintaining the water quality and ecological integrity of Jamaica bay;

ii. the geographic boundaries of the watershed/sewershed of Jamaica bay to be included in such plan;

iii. any measures that should be assessed by the commissioner for inclusion in such plan, in addition to those listed in subdivision b of this section;

iv. the assessment of the technical, legal, environmental and economical feasibility of including in such plan the measures listed in subdivision b of this section and any additional measures; and

v. a schedule, including interim and final milestones, for implementing the measures and achieving the specific goals to be included in such plan and methods of monitoring progress towards achieving such milestones and goals.

(2) Such advisory committee shall be comprised of seven members, three of whom shall be appointed by the speaker of the council and four by the mayor. The members shall be appointed within forty-five days after the effective date of this section and shall serve without compensation. The [chairperson]chairperson(s) shall be elected from amongst the members. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The commissioner may provide staff to assist the advisory committee.

(3) Such members of the advisory committee shall serve until three months after the date upon which the commissioner completes the watershed protection plan prepared pursuant to subdivision a of this section, after which time the committee shall cease to exist.

(4) No later than July 1, 2006, the chairperson(s) of such committee shall submit a report containing the committee's preliminary recommendations regarding the watershed protection plan required pursuant to

subdivision a of this section to the commissioner and the speaker of the council.

(5) No later than [July 1, 2006]June 1, 2007, the [chairperson]chairperson(s) of such committee shall submit a report containing [its]the committee's final recommendations regarding the watershed protection plan required pursuant to subdivision a of this section to the commissioner and the speaker of the council.

§2. This local law shall take effect immediately.

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