

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2005**

No. 71

Introduced by Council Members Gennaro, Avella, Barron, Brewer, Clarke, Comrie, Fidler, Gonzalez, Jennings, Koppell, Liu, Nelson, Palma, Quinn, Recchia, Sanders, Vallone Jr. and Weprin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to developing a watershed protection plan for the watershed/sewershed of Jamaica Bay.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. In October of 1972, the United States Congress established the Gateway National Recreation Area ("Gateway") as part of an effort to bring the National Park System and its ethic of preserving and protecting outstanding resources closer to major urban areas.

Gateway encompasses the largest collection of natural systems, wildlife habitats, historic resources, and recreational opportunities in the New York City/New Jersey metropolitan area. It also encompasses numerous sites of critical natural and cultural importance to the health of local ecosystems, to the life of migratory and native species and to the military, navigational and aviation history of the region and the nation, especially in the context of attendant defenses of New York Harbor.

According to the National Park Service (NPS), Gateway is the only extensive public natural area in the New York City region. The Jamaica Bay Unit is one of several units, consisting of lands, waters, marshes and submerged lands, comprising Gateway. The Jamaica Bay Wildlife Refuge ("Refuge"), established by the City of New York in 1948, is located within the Jamaica Bay Unit. The Refuge, a State and nationally recognized important bird area, encompasses 2,500 acres within the boroughs of Brooklyn and Queens. The only wildlife refuge in the National Park System, it provides a shelter for rare and endangered birds and a variety of habitats for more than 325 kinds of waterfront and shorebirds. It is also a critical stop-over area along the Eastern Flyway migration route and is one of the best and world renowned bird-watching locations in the western hemisphere.

Jamaica Bay is one of the largest and most productive coastal ecosystems in the State of New York, as well as within the Northeastern United States, and is an important recreational destination for local, national and international visitors. It contains approximately 13,000 acres of surface waters, including the largest tidal wetland

complex in New York State. These wetlands provide benefits such as natural water quality improvement, flood protection and shoreline erosion control for the commercial and residential areas in and around the Bay in Brooklyn and Queens. Unfortunately, construction and development within the Jamaica Bay watershed has often been conducted without consideration of potential adverse impacts on the Bay and sometimes without notice to all interested governmental agencies, civic groups and other interested parties. One such governmental agency is the NPS, which is the primary steward of the Bay, itself, and with whom, among many other agencies, it is critical for the City to collaborate in order to protect the Bay.

Jamaica Bay's future as an oasis of great ecological importance is in severe jeopardy due to the fact that thousands of acres of the Bay's marshy islands, which serve as nesting and feeding areas for an abundance of birds and other wildlife, are rapidly and mysteriously vanishing. Scientists predict that the Jamaica Bay marshlands will completely vanish in less than twenty years if the cause of their deterioration and a solution to their preservation are not found.

This legislation would require the New York City Department of Environmental Protection to create a watershed protection plan for the watershed/sewershed of Jamaica Bay, and would create a Jamaica Bay watershed protection plan advisory committee. The Council finds that such watershed planning is vital to the future of Jamaica Bay. This legislation establishes the initial pathway towards restoring and maintaining the water quality and ecological integrity of the Bay by comprehensively assessing threats to the Bay and coordinating environmental remediation and protection efforts in a focused and cost-effective manner. Watershed protection planning for Jamaica Bay is an efficient and effective means of promoting the sustainability of the Bay's environment, the economy associated with the Bay, and the linkages between the two.

§2. Chapter five of title 24 of the administrative code of the city of New York is hereby amended by adding thereto a new section 24-527 to read as follows:

§24-527 Watershed protection plan for the watershed/sewershed of Jamaica bay. a. No later than September 1, 2006, 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;

(5) 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 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 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. 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 of this section, in accordance with its provisions.

e. The commissioner shall submit to the mayor and the speaker of the council the watershed protection plan prepared pursuant to subdivision a of this section, or any revised plan prepared pursuant to subdivision f of this section, no later than five business days after its completion.

f. 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. No later than October 1, 2007, and no later than October 1 every two years 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 of this section; and

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

h. (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 final recommendations to the commissioner and the speaker of the council on the watershed protection plan prepared 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 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 of such committee shall submit a report containing its final recommendations to the commissioner and the speaker of the council.

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 30, 2005, and approved by the Mayor on July 20, 2005.

VICTOR L. ROBLES, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 71 of 2005, Council Int. No. 565-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 30, 2005: 50 for, 0 against, 0 not voting.

Was signed by the Mayor on July 20, 2005.

Was returned to the City Clerk on July 21, 2005.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel