
e-Appendix D

NYS COASTAL & ESTUARINE LAND CONSERVATION PROGRAM PLAN

The New York State **Coastal and Estuarine Land Conservation Program Plan**, approved by the National Oceanic and Atmospheric Administration (NOAA) in 2007, qualifies the State to receive federal funds under the Coastal and Estuarine Land Conservation Program (CELCP), a federal program established in 2002 to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses (Public Law 107–77, Department of Commerce, Justice, and State Appropriations Act of 2002). Priority is given to lands which can be effectively managed and protected and that have significant ecological value. For more information about the Coastal and Estuarine Land Conservation Program, see:

<http://coastalmanagement.noaa.gov/land/welcome.html>

The National Oceanic and Atmospheric Administration established program guidelines for CELCP which were published in the Federal Register on June 17, 2003. The guidelines provide eligibility requirements for projects funded under the program and establish procedures to select projects through a competitive process. The complete federal guidelines may be found at:

<http://coastalmanagement.noaa.gov/land/media/CELCPfinal02Guidelines.pdf>

In order to qualify to receive funds under this program, a coastal state must develop a Coastal and Estuarine Land Conservation Program plan (CELCP plan) that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects within the state. CELCP plans must include the following elements:

- a map or description of the coastal and estuarine land conservation program planning area;
- a description of the types of lands or values to be protected;
- identification of "project areas" that represent the state's priority areas for conservation, including areas threatened by conversion, based on state and national criteria for the CELCP program;
- a description of existing plans that are incorporated into the plan;
- a list of state or local agencies that are eligible to hold title to protected lands;
- a description of the state's process for reviewing and prioritizing proposals to the national selection process; and
- a description of public involvement and interagency coordination.

Federal funds awarded under this program must be matched with funds from non-federal sources on a 1:1 basis. The non-federal share of funding may be derived from state, local, non-governmental or private sources in the form of cash or the value of non-monetary or

in-kind contributions, such as the value of donated lands or interests therein, or services such as on-site remediation, restoration, enhancement, or donated labor and supplies, provided that the in-kind contributions are necessary and reasonable to accomplish the objectives of the project. Lands acquired through CELCP funding must be purchased within eighteen months of the grant start date. Costs for services must be incurred within the grant period.

The New York State Open Space Conservation Plan addresses many of the CELCP plan requirements, including an opportunity for public participation and a process for project review and prioritization. By incorporating the CELCP plan into the Open Space Conservation Plan, New York State uses the existing structure and administrative process for the Open Space Conservation Plan with additions and changes to highlight coastal resource areas and address specific CELCP plan requirements. The Open Space Conservation Plan was expanded in 2006 to include Coastal and Estuarine Land Conservation Program priorities to enable New York to compete for National Oceanic and Atmospheric Administration 1:1 matching funds for the acquisition of coastal and estuarine lands. This e-Appendix, together with the CELCP resource value rating system in Section VII e-Appendix C, comprise the State's CELCP plan. It should be clear to the reader, however, that although the CELCP plan has been integrated into New York's Open Space Conservation Plan, CELCP is a separate program from the Open Space Conservation Plan, with program specific priorities and eligibility guidelines. Individuals, organizations and agencies interested in pursuing CELCP funds should not assume that all projects listed in New York's Open Space Conservation Plan are automatically eligible for funds under CELCP.

The New York State Department of State, working closely with its partners in open space preservation – the New York State Department of Environmental Conservation and the New York State Office of Parks, Recreation and Historic Preservation – is lead state agency for administration of the Coastal and Estuarine Land Conservation Program, and as such is responsible for nominating projects for consideration under this federal program, will be the recipient of such funds, and will be responsible for their re-distribution. Federal CELCP guidelines also provide flexibility for grants to be made directly to the sub-applicant (project sponsor) after consultation with the Department of State in order to expedite a project.

NEW YORK STATE CELCP PLANNING AREA

In an effort to add land acquisition to the suite of tools that New York can use to ensure long-term protection of the State's significant coastal and estuarine resources, and to use CELCP as comprehensively as possible while remaining true to the intent of the program, New York established the State's coastal watershed boundary, depicted in Figure 1 of this e-Appendix, as its Coastal and Estuarine Land Conservation Program planning area. As such, potential projects within the State's coastal watershed will be eligible for consideration for CELCP funds.

The decision to select the coastal watershed boundary as the CELCP planning area was based on the importance of comprehensive watershed management in protecting and improving water quality of the State's priority coastal and estuarine waterbodies and protecting the ecology and functioning of associated coastal habitats. The integrity of both

water quality and living resources in these coastal areas can easily be degraded by changes in land use in the watershed. Therefore, it is important to take a comprehensive watershed-based approach to guide land use decision-making in a way that protects coastal and estuarine resources and to pursue opportunities to preserve open space in an effort to proactively and effectively protect water quality.

Within the CELCP planning area, priority will be given to projects located in or contributing to the resource values of the priority project areas identified in this plan that advance the CELCP priorities (described below). These projects will occur primarily within the Coastal Area Boundary (i.e., the State’s designated Coastal Zone Management boundary) and the “primary contributing areas”. These areas are the watersheds (USGS HUC 11 watershed delineation) which drain directly to the coastal area. Projects in these areas are most likely to contain priority land types that exhibit significant benefits to priority project areas. The CELCP resource value rating system will be used to prioritize and select projects within this area.

PRIORITY PROJECT AREAS & TYPES OF LANDS OR VALUES TO BE PROTECTED

New York’s coast is the third longest in the nation. More than 15 million people – 85% of the State’s population – live and work along the coast, an area that accounts for only 12% of the State’s land mass. By 2010, an additional estimated 700,000 people will join them.

New York’s coastal and estuarine lands provide great diversity of fish and wildlife habitats, as well as bluffs, barrier islands, and other natural protective features. Enormous economic benefits are derived from the coast each year from commercial and recreational fishing, ports and marinas, farming, and coastal tourism and recreation. New York’s coastal zone management program was established to conserve and properly use coastal resources by managing competing demands along the coast.

The CELCP plan has been designed to support the resource management priorities articulated in New York’s coastal zone management program. In particular, New York’s CELCP priorities are the protection of: (1) tidal and freshwater wetlands; (2) coastal floodplains; (3) coastal erosion hazard areas; (4) significant coastal fish and wildlife habitats; (5) wild and scenic rivers within the watershed of the State’s coastal and estuarine waters and (6) lands suitable for providing coastal-based recreation and water-related access. Protection of these types of lands will achieve the following goals of the New York CZMP: improving water quality in the State’s coastal and estuarine waters; protecting and restoring living resources such as endangered and threatened species and their habitats associated with those waters; expanding public use and enjoyment of coastal resources; and helping to grow the coastal-related economy.

Programs and data sources contained in Chapter VI of the Open Space Conservation Plan (Resource Inventory / Programs and Partnerships) assist in the identification of significant coastal and estuarine lands to be evaluated as potential projects for CELCP funding. Such lands are most likely to occur associated with New York’s priority coastal and estuarine waters: the entire Long Island marine district (Peconic Estuary, Long Island Sound, and the Long Island South Shore/Atlantic Ocean); the Hudson – Raritan Estuary, and Hudson River Estuary; the Great Lakes (Lake Erie and Lake Ontario); and the St. Lawrence River (see Figure

1 of this e-Appendix). As such, these areas comprise New York’s priority project areas for CELCP purposes, and are further described below. Other properties outside the CELCP priority areas but within the CELCP planning area (i.e., the coastal watershed boundary) may also be submitted for CELCP funding if they contain the priority land types or their protection would have a direct and significant impact on the priority areas/land types, such as for buffering purposes, etc.

Peconic Estuary – The Peconic Estuary – designated in 1993 as an “Estuary of National Significance” – is located between the north and south forks of Long Island’s East End. The estuary’s watershed begins at the Brookhaven National Laboratory with the headwaters of the Peconic River, spans several bays from Flanders to Gardiners, and ends in Block Island Sound between Plum Island and Montauk Point. More than 125,000 land acres and 158,000 water acres are included in this priority project area. In this priority area tidal wetlands and significant coastal fish and wildlife habitats, especially those that support the region’s federally listed endangered and threatened species, are the land types most likely to be targeted with CELCP funds.

Long Island Sound – Similarly designated an “Estuary of National Significance” under U.S. EPA’s National Estuary Program, Long Island Sound includes 600 miles of coastline in New York and Connecticut and drains nearly 17,000 square miles of those two states. More than 20 million people live within 50 miles of Long Island Sound. In this priority area tidal wetlands and significant coastal fish and wildlife habitats, lands that support public access and water-dependent recreation, and lands under threat of development that protect habitat and water quality, are the lands most likely to be targeted with CELCP funds.

Long Island South Shore/Atlantic Ocean – This project area includes numerous bays including Great South Bay, the largest shallow estuarine bay in New York State, and extensive back barrier and tidal creek salt marshes, eelgrass beds, and intertidal flats. These bays support the largest concentration of commercial and recreational vessels, marinas and other water-dependent businesses in the State. The bays are home to thousands of water-dependent/water-enhanced businesses that employ tens of thousands of people. In this priority area tidal wetlands, riparian corridors, upland buffer areas, and lands that support public access and water-dependent recreation are the lands most likely to be targeted with CELCP funds.

Hudson River Estuary – Extending from the federal dam at Troy to New York Harbor, a distance of 150 miles, the Hudson River Estuary drains a watershed of nearly 14,000 square miles. Priority resources to be protected with CELCP funds are its tidal wetlands, scenic beauty, shoreline access, greenway trail system, cultural and historical sites, significant plant and animal communities, fisheries, endangered species and natural heritage sites. In this priority area tidal wetlands, submerged plant beds, upland buffer areas, and lands associated with the Hudson River National Estuarine Research Reserve, are lands most likely to be targeted with CELCP funds.

Hudson – Raritan Estuary – The Hudson – Raritan Estuary, New York’s third National Estuary Program, coincides with the New York Bight region and receives waters from the Hudson Estuary and its watershed and from numerous rivers in New Jersey. Overall, the cumulative impacts of urban coastal development on aquatic and upland habitats have greatly reduced the quality of coastal habitats and the environmental benefits those habitats provide. In this priority area key coastal habitats, such as tidal wetlands and significant fish and wildlife

habitats – especially those within the harbor that have significant potential for restoration – are the lands most likely to be targeted with CELCP funds. Such lands are listed at: <http://www.harborestuary.org/interactivemap.htm>.

Great Lakes (Erie and Ontario) Shoreline, Islands and Tributaries – The shoreline of New York’s Great Lakes is sufficiently developed such that creation of continuous open space systems is not feasible in most locations. Where large tracts of undeveloped shoreline exist, efforts need to be made to preserve them in an undeveloped state. Additional public access for fishing, boating, swimming and public recreation along the Great Lakes coastline is needed in urban, suburban and rural areas. Important habitats, particularly wetlands, tributaries, islands, bluffs, and dune systems, need protection. In this priority area significant coastal fish and wildlife habitats, especially those that support the region’s federally listed endangered and threatened species, and lands that would provide low-impact public access and water-dependent recreation, are the lands most likely to be targeted with CELCP funds.

St. Lawrence River – Situated along the border between New York and Canada, the St. Lawrence River serves as a vital transportation link and recreation area. The Power Authority of the State of New York, local governments, and New York State have numerous holdings along the river. The St. Lawrence includes important fisheries and migratory bird habitats and is an important tourism, historic and recreational resource. In this priority area significant coastal fish and wildlife habitats, especially those that support the region’s federally listed endangered and threatened species, and lands that would provide public access and water-dependent recreation, are the lands most likely to be targeted with CELCP funds.

EXISTING PLANS INCORPORATED BY REFERENCE INTO THE CELCP PLAN

Potential CELCP projects must advance the goals, objectives, or implementation of the State's coastal management program, watershed protection plans, or the Hudson River National Estuarine Research Reserve management plan. These plans contain data sources and recommendations for resource protection and enhancement of recreation and public access in the coastal and estuarine area. The role of these plans is to supplement data sources contained in Chapter VI of the Open Space Conservation Plan and to provide a sound technical and scientific basis to establish a working consensus among communities and local, regional and state agencies regarding land protection priorities. DOS will work with the Regional Advisory Committees to ensure that the priority protection recommendations included in these plans are considered in the development of priority project areas in the Open Space Conservation Plan and in the more narrow and focused priority project areas established in the CELCP plan. The following plans are incorporated by reference into the CELCP plan:

I. NEW YORK STATE COASTAL MANAGEMENT PROGRAM

New York's Coastal Management Program, administered by the NYS Department of State, defines the State’s coastal policies for the appropriate use and protection of the State's coastal area. For more information about the State's Coastal Management Program, see: <http://nyswaterfronts.com/>.

II. LOCAL WATERFRONT REVITALIZATION PROGRAMS

A Local Waterfront Revitalization Program (LWRP) is a locally prepared land and water use plan and strategy for a community's natural, public, working, or developed waterfront through which critical issues are addressed, and represents a local refinement of New York's coastal policies. A fully approved LWRP serves to coordinate State and federal actions needed to assist a community in achieving its vision for its waterfront. LWRPs also establish community priorities for coastal resource management and open space preservation and are a rich source of information regarding lands for potential acquisition. For more information about Local Waterfront Revitalization Programs, visit http://nyswaterfronts.com/aboutus_lwrp.asp. For a list of the State's Local Waterfront Revitalization Program participating communities, and the status of their local programs, visit http://nyswaterfronts.com/LWRP_Status.asp.

III. WATERSHED MANAGEMENT PLANS

Watershed management plans are developed by local governments or by groups of cooperating municipalities to protect and improve the quality of local surface and ground waters. Such plans typically recommend corrective and preventive measures to reduce nonpoint source pollution in a watershed, and paramount among these measures is open space preservation. Thus watershed management plans provide a local source of information regarding lands for potential acquisition. For more information about watershed management plans sponsored by the Department of State, visit: http://nyswaterfronts.com/waterfront_natural_waterquality.asp.

IV. REGIONAL RESOURCE MANAGEMENT PLANS

Regional resource management plans are typically developed by state and federal agencies working in cooperative partnership. Resource management plans of a more limited geographic scope are often developed cooperatively by multiple municipalities under formal intermunicipal agreements. Improving and maintaining surface water quality, and the protection and restoration of living resources associated with those waters, are typically the priority goals of regional resource management plans. As is the case with LWRPs and watershed management plans, regional and local resource management plans can provide important information on regional land acquisition priorities.

The following resource management plans have been developed for specific regions in New York's CELCP planning area and are available through the Department of State:

- a. Long Island South Shore Estuary Reserve Comprehensive Management Plan
- b. Long Island Sound Coastal Management Program
- c. Long Island Sound Comprehensive Conservation and Management Plan
- d. Hempstead Harbor – Harbor Management Plan
- e. Huntington Bay – Harbor Management Plan
- f. Manhasset Bay – Intermunicipal Watershed Plan
- g. Hudson River Estuary Program
- h. Peconic Estuary Program
- i. New York – New Jersey Harbor Estuary Program

Visit <http://nyswaterfronts.com/initiatives.asp> for additional information on most of these initiatives.

V. HUDSON RIVER NATIONAL ESTUARINE RESEARCH RESERVE MANAGEMENT PLAN

This management plan sets forth the program mission, goals, and objectives of the Hudson River National Estuarine Research Reserve and establishes policies that protect the natural resources and ecological integrity of the Reserve's four component sites. The plan guides operation and management of the Reserve sites for research, education, and long-term protection. Included in the document is an acquisition plan developed to ensure adequate management oversight and protection for the estuarine resources within Reserve boundaries. This component of the overall plan includes important information on priority lands for potential acquisition. The plan is available at:

<http://www.nerrs.noaa.gov/HudsonRiver/>.

STATE OR LOCAL AGENCIES ELIGIBLE TO HOLD TITLE TO PROTECTED LANDS

Chapter II – Safeguarding Our State's Natural & Cultural Heritage, of the Open Space Conservation Plan discusses the importance of providing proper stewardship of both private and publicly held open space resources as a critical component of the State's overall open space program. The expansion of the Open Space Conservation Plan to include the CELCP Plan does not alter the current State policy on the stewardship of protected lands.

While the NYS Department of State is the designated state agency for administration of New York's Coastal and Estuarine Land Conservation Program, the Department of State does not own and manage land within the State. However, as CELCP requires public ownership, the Department's two state partners in open space conservation – the NYS Department of Environmental Conservation and the NYS Office of Parks, Recreation and Historic Preservation – and counties, towns, villages and cities throughout New York State, are all eligible to hold title to CELCP-funded properties. Additionally, consistent with New York's Open Space Conservation Plan, CELCP allows for land stewardship agreements with private entities with dedicated permanent public access. However, only eligible public entities may apply for and receive CELCP funding.

New York State possesses a large and diverse system of State-owned and managed open space resources. Most of these resources are managed by the New York State Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP). Other public lands are owned and managed by counties, towns, villages and cities. The Open Space Conservation Plan also affirms the importance of privately-held open space as a critical component of New York's landscape, ecology, environment and society, and recognizes the importance of partnerships with not-for-profit land preservation groups in preserving and managing open space resources.

NEW YORK'S PROCESS FOR REVIEWING & PRIORITIZING PROPOSALS TO THE NATIONAL SELECTION PROCESS

e-Appendix C (*Conservation Project Eligibility & Evaluation Process*) of the Open Space Conservation Plan describes the project eligibility and evaluation process used by the State to guide its land conservation program. Potential candidates for CELCP funding will be identified through the process described in e-Appendix C and summarized below:

A. Project Identification:

Priority coastal and estuarine land conservation projects will be identified by the Regional Advisory Committees, the primary mechanism for the general public, local governments, and other interested groups to advance potential open space projects for consideration in the Open Space Conservation Plan. Additionally, any citizen, organization or governmental body may request a potential land conservation project be considered for CELCP funding if they believe the project addresses the CELCP priorities.

The legislation which established the Regional Advisory Committees identified these committees as the initial means to provide the state agencies with advice and recommendations from the public on the implementation of the Open Space Conservation Plan. Among the advice and recommendations provided by the committees is a list of priority projects for each DEC region of the State. The process through which priority projects are identified involves an extensive analysis of each region's open space resources. Committees receive information on the open space and natural resource needs of their region from individuals, not-for-profit organizations such as Audubon and The Nature Conservancy, and work in consultation with the staffs of DEC, OPRHP and DOS. The RAC reports, including regional priority project lists, are included in Chapter V of the Open Space Conservation Plan.

After receiving the RAC reports, staff from DEC, OPRHP and DOS compile the list of statewide priority projects. The majority of these projects come from the RAC reports. The statewide priority project list is located in Chapter V of the Open Space Conservation Plan. Priority projects included on this list are eligible for funding from the State's Environmental Protection Fund, and other State, federal and local funding sources.

B. Project Review and Approval Process:

The CELCP project review and approval process is embedded in the broader Open Space Conservation Plan process; however, all potential CELCP projects must meet the priorities described in Priority Project Areas and Types of Lands or Values to be Protected (pages D-3 to D-5 of this e-Appendix) and be consistent with the CELCP guidelines. Prospective applicants should not presume that inclusion in New York's Open Space Conservation Plan conveys eligibility for CELCP. Potential State land conservation projects undergo a review process from identification to completion as described in e-Appendix C (*Conservation Project Eligibility & Evaluation Process*) of the Open Space Conservation Plan. The process is summarized below:

The first step in the review process is the investigation of all potential projects by the appropriate DEC or OPRHP regional office and DOS. That investigation begins with a determination of whether the project is on the statewide priority project list described in Chapter IV of the Open Space Conservation Plan. It proceeds with a determination of whether the project meets the minimum eligibility requirements which includes meeting a category definition contained in e-Appendix C and the minimum qualifications of a subcategory set forth in e-Appendix C-1 (*Project Eligibility Criteria*) of the Open Space Conservation Plan.

As part of the 2006 Open Space Conservation Plan, the Coastal and Estuarine Land Conservation Area was added as a land protection category for determining project

eligibility (e-Appendix C-1). To be eligible to be considered under this category, a project must be located within New York's Coastal and Estuarine Land Conservation Program planning area and must meet the following requirements:

- non-federal funds must be available to match federal CELCP funds on a 1:1 basis;
- land will be held in public ownership (fee simple or conservation easements) and provide conservation in perpetuity;
- current land holder is a willing seller; and
- access or some other benefit must be provided to the general public, as appropriate and consistent with resource protection.

Once a project has been reviewed and deemed qualified based on the priority project area and category and minimum eligibility screens, the vulnerability or criticalness of the project is examined. Vulnerability is the measure of the degree of urgency for protection in order to preserve the resource. Criticalness is expressed as the importance of the project in relation to the achievement of State objectives for enhancing the enjoyment or administration of public lands.

Upon a determination that the proposed project is either vulnerable or critical, the project moves to the alternative screen. The intent of the alternative screen is to focus attention on potential methods, other than fee acquisition or easement, which will provide adequate protection or meet the program objective. The range of alternative conservation tools is summarized in Chapter I of the Open Space Conservation Plan (*Our State's Open Space Conservation Plan*). These tools include: voluntary programs such as tax incentives and gifts of land or easement; support programs such as agricultural districts and scenic or historic designations; planning programs such as Local Waterfront Revitalization Programs and local comprehensive plans; land use regulations such as zoning, subdivision regulations and resource-based laws to protect wetlands, waterways and coastal resources; state & local partnerships; and protection by fee acquisition, easement or lease.

If none of the alternative protection mechanisms provide adequate protection, then the project proceeds to the subcategory resource value rating screen. Projects are evaluated in all applicable subcategories. As part of the 2006 Open Space Conservation Plan, the Coastal and Estuarine Land Conservation Area resource value rating system was added to determine the significance of a coastal or estuarine project's conservation, recreation, ecological, historical, or aesthetic values, and the potential level of threat to the project posed by development (e-Appendix C-2: *Resource Value Rating Systems*). The Coastal and Estuarine Land Conservation Area resource value rating system complements the other resource value rating systems (Forest Protection, Water Resource Protection, Significant Ecological Areas, Recreational Opportunity, Distinctive Character, Enhancement of Public Lands) while emphasizing important coastal and estuarine resources. In this way, important coastal and estuarine projects will have a greater opportunity to receive funding through the EPF and/or CELCP.

The Coastal and Estuarine Land Conservation Area resource value rating system evaluates projects based on the following criteria:

I. CELCP PROGRAM PRIORITY GUIDELINES

- The project advances the goals, objectives, or implementation of any of the following: New York State Coastal Management Program; Local Waterfront Revitalization Programs; Watershed Protection Plans; Regional Resource Management Plans; Hudson River National Estuarine Research Reserve Management Plan.
- The project is located within the New York State Coastal Area Boundary.
- The project site is under threat of conversion.
- The project addresses multiple CELCP priorities.

II. CONSERVATION

- The project provides watershed and/or shoreline protection.
- The project is located within any of the following: the NYS Coastal Area Boundary; a Coastal Hazard Area; a V-zone or A-zone as designated on Flood Insurance Rate Maps.
- The project will result in restoration of conservation, ecological, recreational, or historic/aesthetic values.
- The project expands or buffers an existing protected area with significant ecological, recreational, and/or historical/aesthetic importance.

III. ECOLOGICAL

- The project is located within or adjacent to an area with any of the following characteristics: is essential to the survival of a significant portion of a particular fish or wildlife population; supports populations of rare, endangered, threatened, or special concern species; supports commercially and/or recreationally significant fish and wildlife; is a rare coastal community.
- The project is within or adjacent to a state-designated Significant Coastal Fish and Wildlife Habitat.
- State endangered, threatened, or species of special concern have been recorded on or adjacent to the project site.

IV. RECREATION/ACCESS

- The project provides physical linkages to an existing public recreation/access site within the NYS Coastal Area.
- There is a demonstrated need for the project based on a Statewide Comprehensive Outdoor Recreation Plan (SCORP) needs analysis.
- The project provides physical linkages that establish or expand a greenway and/or blueway trail.
- The project provides access for recreational use in harmony with conservation, ecological, and historic/aesthetic values.

V. HISTORIC/AESTHETIC

- The project is located within the NYS Coastal Area Boundary.
- The project is located within or adjacent to a Statewide Area of Scenic Significance.
- The project includes or is located adjacent to a Wild, Scenic or Recreational River.
- The project is located within or adjacent to a scenic area, historic or archaeological resource or district protected by a local law or ordinance.
- The project includes or is located adjacent to a National Historic Landmark, or

- National or State Register of Historic Places.
- The project is located within or adjacent to a national heritage area or a New York State designated heritage area or archaeological resource.

Projects located within the Coastal and Estuarine Land Conservation Program planning area will be evaluated using the Coastal and Estuarine Land Conservation Area resource value rating system, resulting in a numerical value, x out of 100. This value represents the professional staff's evaluation of the project as it relates to the CELCP Plan priorities and establishes an early indication of the project's statewide significance and potential competitiveness for federal funding under the Coastal and Estuarine Land Conservation Program.

Projects that achieve a score at or above the midpoint (50 points) in any of the resource rating system categories, including that for the Coastal and Estuarine Land Conservation Area, are submitted, together with a professional staff recommendation, to the Program Executive (the DEC's Deputy Commissioner for Natural Resources) for review. The Program Executive considers the resource value rating, the professional staff recommendation, and nine factors known as Qualitative Review Criteria. These nine factors include:

- the impact of the location of the project on its ability to achieve the objective;
- the compatibility of the project with New York's SCORP and other State environmental plans;
- the compatibility of the project with regional and/or local environmental plans;
- the multiple benefits afforded by the project;
- the availability of alternative or additional funding for purchase of the project;
- post acquisition management needs and the availability of post acquisition management support;
- the extent to which the project encompasses agricultural lands;
- the fiscal and economic benefits and burdens resulting from the project, including those on the local government and on the local economy;
- the compatibility of the project with the Coastal and Estuarine Land Conservation Program priorities.

Projects recommended for approval by the Program Executive are forwarded to the Commissioner of the Department of Environmental Conservation for a final determination. Potential funding sources are then considered for approved projects, including EPF and CELCP. Project funding may consist of state, federal, and local sources. The Commissioner of DEC will make the final decision on project funding, as per the requirements of the Environmental Protection Fund and Environmental Conservation Law, for projects using state funds only. The Secretary of State will determine which projects to nominate for potential CELCP funding for projects eligible under that program. The Secretary of State is responsible for nominating CELCP projects and DOS is responsible for completing the CELCP

nomination package and forwarding it to the National Oceanic and Atmospheric Administration.

PUBLIC INVOLVEMENT & INTERAGENCY COORDINATION

For each update of the Open Space Plan, a series of workshops and public hearings are held throughout the State in an effort to explain the Open Space Conservation Plan and Coastal and Estuarine Land Conservation Program Plan to the general public and to solicit comments on the plan(s). Additionally, a public comment period was established upon the release of the 2009 Draft Open Space Conservation Plan. In addition to the opportunity to submit comments at the public hearings, public comments were submitted via mail, E-mail, and fax through NYSDEC's website established for the Open Space Plan (<http://www.dec.state.ny.us/opensp/index.html>). Following the public comment period, the three agencies assessed the public comments received on the Plan, consulted further with the Regional Advisory Committees, and prepared the final Open Space Conservation Plan.

In addition to the interagency coordination involved during development of the original CELCP component of the Open Space Conservation Plan by the Department of State, the Department also reached out to numerous stakeholders. Chief among these were the Regional Advisory Committees, which were kept apprised through conference calls and mailings of the State's intention to develop a CELCP plan, to integrate it with the 2006 update of New York's Open Space Conservation Plan, and to use the State's coastal watershed as the CELCP planning area in an effort to maximize the utility of the Coastal and Estuarine Land Conservation Program as a tool to implement the State's coastal zone management program and its coastal nonpoint source pollution control program.

Similar outreach efforts were also targeted at non-governmental organizations that have traditionally been strong allies of the State's open space conservation and land acquisition efforts. Groups contacted during development of the CELCP plan included the Trust for Public Land, The Nature Conservancy, and Scenic Hudson.

Finally, specific effort was made to involve New York's sole NERRS program, the Hudson River National Estuarine Research Reserve. The manager of the Reserve was kept apprised of the Department's effort during development of the original CELCP plan. As a result of this coordination, one of New York's proposals for the first competitive round of CELCP was for funds to expand the boundaries and assure the ecological integrity of the Reserve's Stockport Flats component, the northern-most of the Reserve's four components and located in the tidal freshwater reaches of the Hudson River Estuary.

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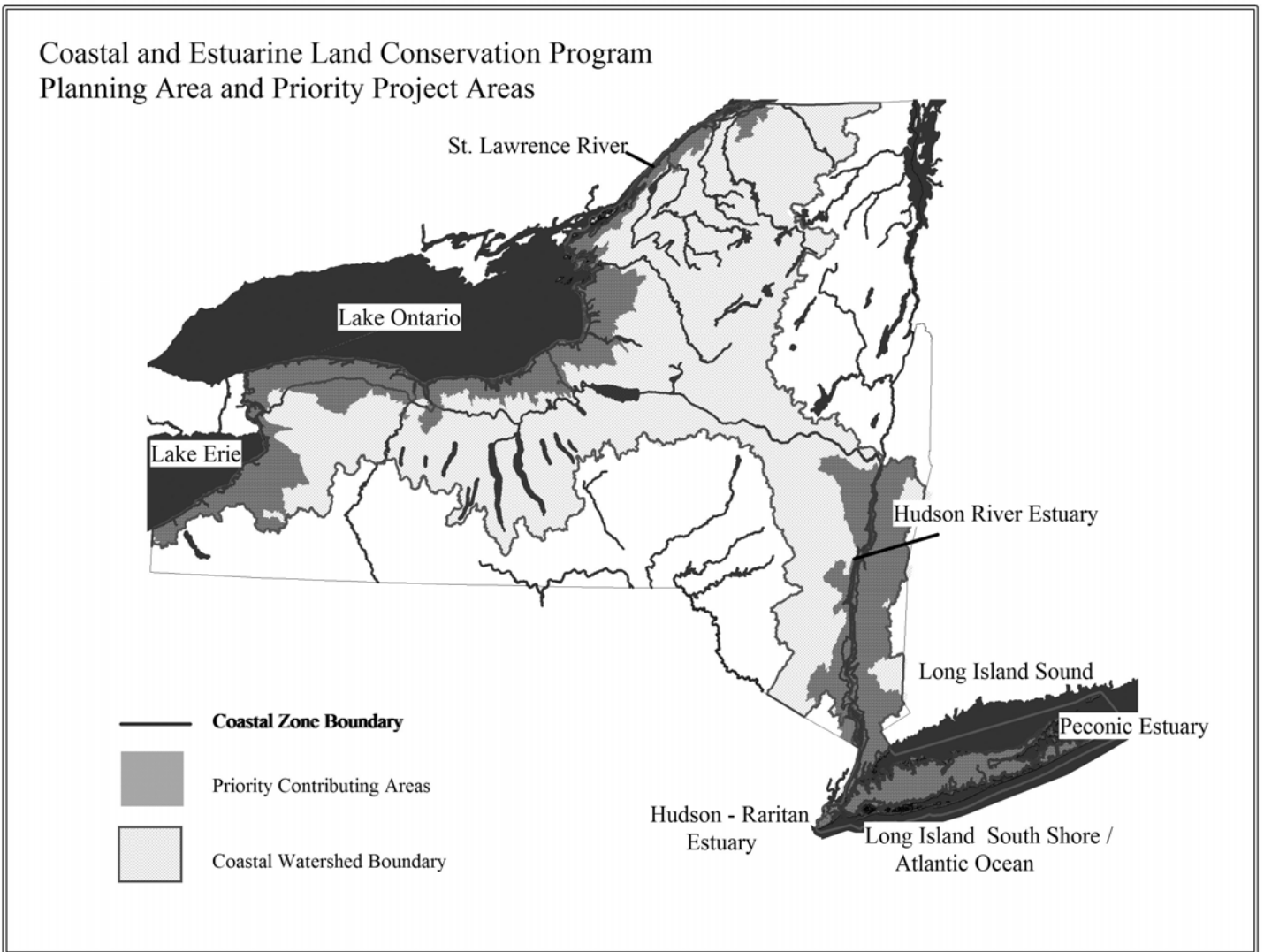


FIGURE 1:
Coastal & Estuarine Land Conservation Program Planning Area
& Open Space Conservation Plan Priority Project Areas

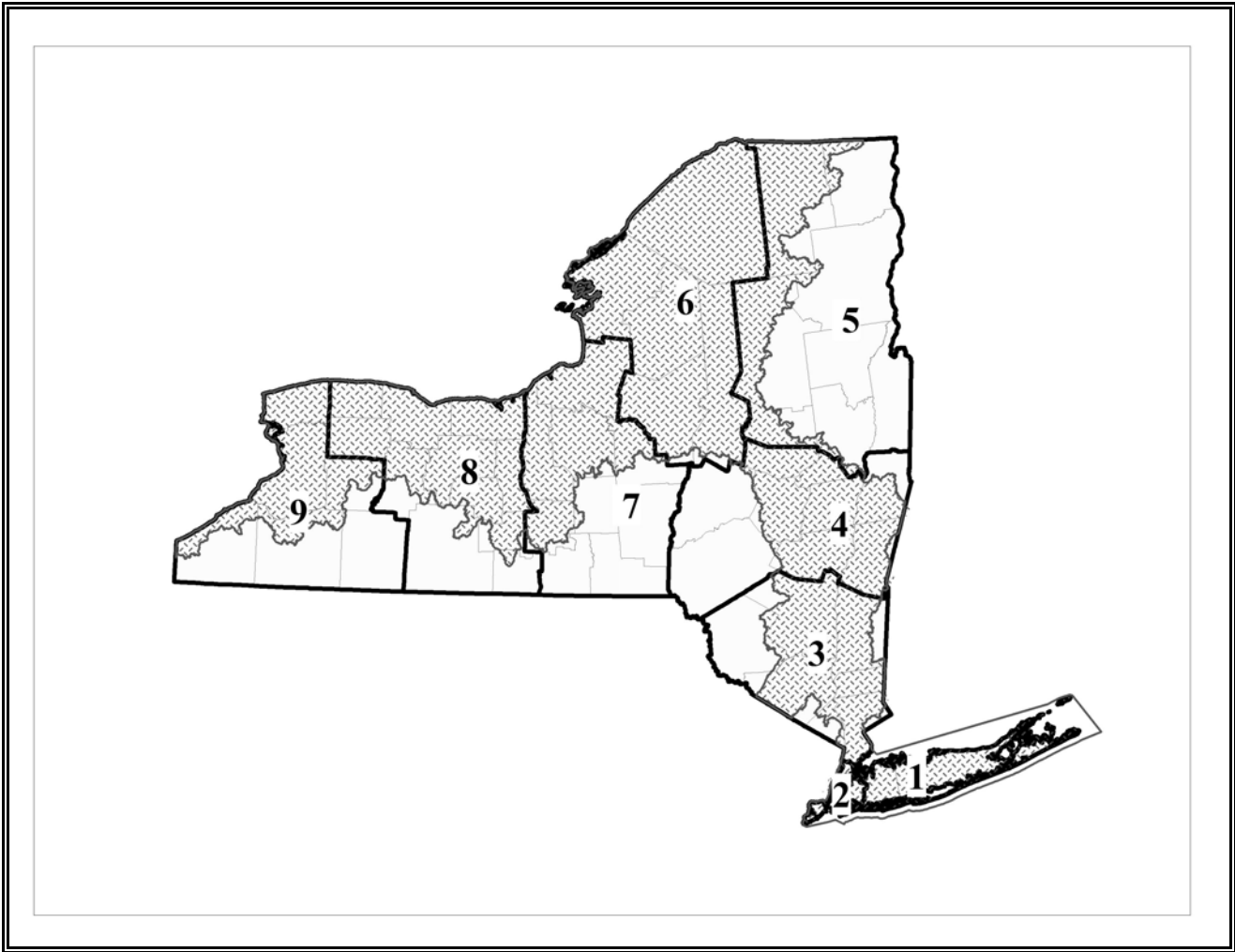


FIGURE 2:
Regional Open Space Advisory Committees (RACs) 1 - 9
in the CELCP Planning Area

FIGURE 3:
CELCP & Open Space Conservation Plan
Project Review & Selection Process

