



EOLEG SEP15/14 001-00

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 15, 2014

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: New York State Department of State: Regional Niagara River Lake Erie
Watershed Management Plan Phase 2 (July 1, 2014 – June 30, 2017)
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning seeking authorization for the County Executive to execute a three-year contract to accept \$507,830.00 in New York State Department of State funding, establish a budget, create an Environmental Compliance Specialist (JG-9) position, and authorize the County Executive to execute a three-year contract with Buffalo Niagara Riverkeeper for Niagara River watershed management planning and outreach.

We are respectfully requesting immediate consideration for this resolution so we can meet the deadline for returning signed contracts set by the New York State Department of State.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner, Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Maria R. Whyte, Commissioner

Comm. 18E-2

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: New York State Department of State: Regional Niagara River Lake Erie Watershed Management Plan Phase 2 (July 1, 2014 –June 30, 2017)
Date: September 15, 2014

SUMMARY

The Department of Environment and Planning (DEP) is seeking authorization to accept \$507,830.00 in grant funding, establish a program budget and create an Environmental Compliance Specialist (JG-9) position. The department is also seeking authorization for the County Executive to execute the necessary agreements to enter a 3-year contract with Buffalo Niagara Riverkeeper for Niagara River watershed management planning and outreach. The grant funding is available from the New York State Department of State (NYSDOS) to expand and continue watershed management planning in the Niagara River and Lake Erie watershed.

FISCAL IMPLICATIONS

There will be no additional impact on County resources. The requested staff position and program expenses will be funded by the New York State Department of State grant.

REASONS FOR RECOMMENDATION

The anticipated benefits associated with the proposed resolution are as follows:

Update the Phase I-Healthy Niagara Strategic Watershed Management Plan with Lake Erie watershed data and information to encompass the Niagara River and Lake Erie watershed of New York State;

Develop Phase II watershed plans for 5 prioritized sub-watersheds in the Niagara River watershed; and

Conduct Scajaquada Creek Revitalization Planning.

BACKGROUND INFORMATION

Lake Erie is the southernmost of the five Great Lakes and is also the shallowest. This makes it the warmest and most biologically active of the Great Lakes and has allowed for a booming industries and recreational opportunities. Because it is part of the largest freshwater resource in the world, Lake Erie's watershed is densely populated, extensively farmed, and highly industrialized. With drainage from Ontario, Canada and the states of Michigan, Indiana, Ohio, Pennsylvania, and New York, Lake Erie is impacted by the activities of approximately 12 million residents. It is critical that watersheds draining to this precious resource are managed effectively.

Buffalo Niagara Riverkeeper is currently finalizing the Healthy Niagara-Strategic Watershed Management Planning project for the Niagara River watershed. This new grant will allow for the expansion of the project area to encompass the New York State portion of the Lake Erie watershed in addition to the Niagara River watershed. It may also allow the region to apply for additional water quality project implementation funds from state and federal sources.

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After devastating floods in 2009, DEP facilitated the creation of the Lake Erie Watershed Protection Alliance (LEWPA) - a three-county collaborative effort between Erie, Cattaraugus, and Chautauqua counties to address our regional water quality needs and to protect Lake Erie.

The funding of this program will allow DEP to create an Environmental Compliance Specialist (JG-9) position to manage the grant and conduct the Lake Erie watershed update to the Phase I watershed management plan on behalf of LEWPA. It will also fund contractual work with Buffalo Niagara Riverkeeper to continue their management of the Niagara River watershed management plan.

The NYSDOS has requested that Erie County return signed contracts within 30 days from when they were received (by September 24, 2014).

CONSEQUENCES OF NEGATIVE ACTION

The DEP will forfeit NYSDOS funding and be unable to access the grant resources to complete a watershed management plan for the region. This will cause the region to remain behind others in the state and country and prevent Erie County from accessing certain federal water quality project implementation funds.

STEPS FOLLOWING APPROVAL

The necessary contracts with NYSDOS will be executed, a budget will be established, an Environmental Compliance Specialist (JG-9) position will be created, and Erie County will execute a contract with Buffalo Niagara Riverkeeper for Niagara River watershed management planning and outreach. DEP will manage the grant and oversee the contract with Buffalo Niagara Riverkeeper. They will also conduct the update of the Phase I-Healthy Niagara Strategic Watershed Management Plan with Lake Erie watershed data and information.

Maria Whyte
MARIA R. WHYTE, Commissioner
Environment and Planning

TRH

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: New York State Department of State:
Regional Niagara River Lake Erie
Watershed Management Plan Phase 2
(July 1, 2014 –June 30, 2017)

WHEREAS, The Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and conduct work towards the creation of a Regional Niagara River Lake Erie Watershed Management Plan Phase 2; and

WHEREAS, the New York State Department of State (NYS DOS) provides grant assistance to municipalities to prepare watershed revitalization plans; and

WHEREAS, Buffalo Niagara Riverkeeper through their past experience successfully managing the Phase I-Healthy Niagara Strategic Watershed Management Plan is uniquely qualified to conduct Phase II work; and

WHEREAS, the NYSDOS awarded Erie County a \$507,830.00 grant to complete the three-year “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” project; and

WHEREAS, this necessitates the execution of a grant contract with the NYSDOS, the adoption of a grant budget; the creation of an Environmental Compliance Specialist (JG-9) position within the DEP which will be 100 % grant funded; and the execution of a contract with Buffalo Niagara Riverkeeper.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$507,830.00 from the NYSDOS for the purpose of establishing a three-year “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” project; and be it further

RESOLVED, that the grant budget and project period for the NYSDOS “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of State: Regional Niagara River Lake Erie Watershed Management Plan Phase 2 (July 1, 2014 –June 30, 2017), SAP Grant Account #162RNRLEWMP1417

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	(\$507,830)
TOTAL REVENUE		(\$507,830)

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APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personnel Services	\$129,364
502000	Fringe Benefits	\$80,000
510000	Local Travel & Mileage	\$1,600
505000	Supplies	\$1,600
516020	Professional Services Contract	\$295,266
TOTAL APPROPRIATIONS:		\$ 507,830

and be it further

RESOLVED, that the following position, for which sufficient funding through NYSDOS grant funding for personal services and fringe benefits exists, will be created in the above grant:

Environmental Compliance Specialist (JG-9)
B-100 No. 000 000 7931
Budgeted Annual Salary: \$47,305

and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Riverkeeper for \$295,266 for Niagara River watershed management planning and outreach over the 3-year project period; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.