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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 7, 2016

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

Re: **Budget Revision for No-Cost Extension of United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project"**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning to authorize a budget revision for no-cost extension for an existing United States Environmental Protection Agency Great Lakes Restoration Initiative Grant.

Per the funding agency, this revision will extend the funding through 2017 and includes a promotion for the existing project manager from an Environmental Compliance Specialist (JG-9) position to a Senior Environmental Compliance Specialist Position (JG-12). In addition, per the funding agency, it also authorizes the extension of the contract with Buffalo Niagara Riverkeeper for Buffalo River RAP Project Management through December 2017.

Should your Honorable Body require further information, I encourage you to contact 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: Thomas Hersey, Commissioner of Environment and Planning

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Budget Revision for No-Cost Extension of United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project" (October 1, 2013– December 31, 2017)
Date:	July 7, 2016

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to authorize a budget revision for no-cost extension for an existing $1,948,464.00 in United States Environmental Protection Agency Great Lakes Restoration Initiative Grant funding. Per the funding agency, this revision will extend the funding through 2017 and includes a promotion for the existing project manager from an Environmental Compliance Specialist (JG-9) position to a Senior Environmental Compliance Specialist Position (JG-12). In addition, per the funding agency, it also authorizes the extension of the contract with Buffalo Niagara Riverkeeper for Buffalo River RAP Project Management through December 2017.

FISCAL IMPLICATIONS

There will be no additional impact on County resources. The staff position and program expenses will be funded by the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant.

REASONS FOR RECOMMENDATION

The anticipated benefits associated with the proposed resolution include: implementing habitat restoration projects, which includes contracts for design and construction for two Erie County Natural Habitat Parks (Bailey & Smith Street); continuing local coordination of the Buffalo River Remedial Action Plan; and making progress toward delisting the Buffalo River as an Area of Concern.

BACKGROUND INFORMATION

The Buffalo River was considered biologically dead in the 1960s and was declared as an Area of Concern (AOC) by the International Joint Commission in 1987 due to possible impairments of 14 beneficial uses. Since being designated as an Area of Concern, nine of the fourteen Beneficial Use Impairments (BUIs) in the Buffalo River AOC have been identified as "Impaired". The ultimate goal of the Area of Concern program is to address the causes of the impairments and delist the area as an Area of Concern.

As part of the Great Lakes Restoration Initiative Action Plan and Great Lakes Regional Collaboration Strategy, protection and restoration of habitat are priorities for restoring aquatic and upland habitats. These actions lead to a healthy ecosystem that contributes to human health and prosperity, economic and social vitality, and supports sustainable biodiversity. Of utmost

priority is to achieve corrective measures that will eliminate Benefit Use Impairments and move toward delisting of the AOC.

The Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project targets two Erie County Natural Habitat Parks within the Buffalo River corridor for aquatic and riparian habitat restoration work that conforms to delisting criteria for the AOC. Control and management methods for invasive plants will be selected based on the likelihood they can meet restoration goals and objectives within the project-specific timeframes. Control measures involve a combination of treatment methods and techniques and will include monitoring protocols to measure results and document biological/habitat outcomes and outputs. The US EPA Great Lakes Restoration Initiative has identified these sites as priority restorations to improve fish and wildlife habitat that would eliminate Beneficial Use Impairments. A solid advantage for these two sites is the established community support and stewardship that will help ensure long-term success for the restoration which will be a focus area of the project as construction is completed and local education, outreach and formation of volunteer stewardship groups is established.

The no-cost extension of this program will allow DEP to promote the existing project manager, an Environmental Compliance Specialist (JG-9), to a Senior Environmental Compliance Specialist (JG-12) position to manage the work on the habitat sites, as well as extend contractual work with Buffalo Niagara Riverkeeper to continue their management of the Buffalo River RAP, as well as contracts for habitat design and construction.

CONSEQUENCES OF NEGATIVE ACTION

The DEP will forfeit USEPA funding and be unable to address the causes of the impairments to work towards delisting the Buffalo River as an Area of Concern, as well as the resulting healthy ecosystem that contributes to human health and prosperity, economic and social vitality, and supports sustainable biodiversity.

STEPS FOLLOWING APPROVAL

The existing grant budget will be revised, a Senior Environmental Compliance Specialist (JG-12) position will be created, and Erie County will extend its contract with Buffalo Niagara Riverkeeper to manage the Buffalo Niagara River RAP. Erie County DEP will manage the habitat restoration contracts at the two Erie County Natural Habitat Parks, as well as oversee the contract with Buffalo Niagara Riverkeeper for the Buffalo River RAP management.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Budget Revision for No-Cost Extension of United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project"

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 support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern; and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan and implementing habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper through their past experience successfully managing and coordinating the Buffalo River Remedial Action Plan (RAP) was identified in the USEPA approved work plan as a specific sub-contractor to Erie County to provide these services; and

WHEREAS, United States Environmental Protection Agency (USEPA) awarded Erie County a Great Lakes Restoration Initiative of $1,948,464.00 to complete a three-year "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project"; and

WHEREAS, on September 26, 2013 the Erie County Legislature approved a resolution to execute a grant contract with the USEPA, the adoption of a grant budget; the creation of an Environmental Compliance Specialist (JG-9) position within the DEP which is 100% grant funded; and the execution of a contract with Buffalo Niagara Riverkeeper; and

WHEREAS, the USEPA has approved a no-cost extension to continue this work through December 2017;

WHEREAS, the USEPA has approved the budget revision including the promotion of the existing 100% grant-funded project manager, an Environmental Compliance Specialist (JG-9), to a Senior Environmental Compliance Specialist (JG-12) position to manage the work on the habitat sites, as well as fund contractual work with Buffalo Niagara Riverkeeper to continue their management of the Buffalo River RAP.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant is revised in the Department of Environment and Planning, Business Area 162, as follows:

United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project" (Grant Period: 10/1/2013 – 12/31/2017), SAP Grant Account #162BRRPM0916

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
414000	Federal Aid Revenue	($1,948,464)	$0	($1,948,464)
TOTAL REVENUE				($1,948,464)

APPROPRIATIONS				
500000	Full Time Salaries	$139,200	$ 73,729	$ 212,929
502000	Fringe Benefits	$ 93,264	$ 47,930	$ 141,194
505000	Office Supplies	$0	$ 2,000	$ 2,000
510000	Local Mileage Reimbursement	$0	$0	$ 0
510100	Out of Area Travel	$ 600	$3,000	$ 3,600
516020	Professional Services Contract	$1,715,400	($126,659)	$1,588,741
TOTAL APPROPRIATIONS		$1,948,464	$0	$1,948,464

and be it further

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

Senior Environmental Compliance Specialist (JG-12)
B-100 #8731
Budgeted Annual Salary: $63,203

; and be it further

RESOLVED, that the following position be eliminated in the above grant:

Environmental Compliance Specialist (JG-9)
B-100 #7402
Budgeted Annual Salary: $46,400

; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to extend the necessary agreements with Buffalo Niagara Riverkeeper for a contract total of $435,659 to manage the Buffalo River RAP over the 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; Thomas Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.