

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 201 -2013, ACCEPTING NEW YORK STATE CLEAN WATER/CLEAN AIR GRANT FUNDS, AMENDING THE 2013 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE CARMANS RIVER FISH LADDER (CP 7180)

WHEREAS, the Commissioner of the Suffolk County Department of Economic Development and Planning has requested funding for the Carmans River Fish Ladder; and

WHEREAS, the New York State Department of State (DOS) granted Suffolk County \$252,000 in funding through New York State Clean Water/Clean Air Bond Act grant program; and

WHEREAS, the New York State DOS has executed Contract Number C006596 for this project; and

WHEREAS, the fish ladder project will be accomplished through the combined efforts of the Suffolk County Department of Economic Development and Planning and the Department of Public Works; and

WHEREAS, the Carmans River is one of only four State-designated Wild, Scenic, and Recreational Rivers within New York and the River contains State-designated Significant Coastal Fish and Wildlife Habitat which include Upper and Lower Lakes and extends north to NYS Route 25; and

WHEREAS, in accordance with the South Shore Estuary Reserve Comprehensive Management Plan (CMP) and based upon guidance from the Diadromous Fish Work Group, alewife and American eel have been identified as priority diadromous fish species due to their historic presence within the tributaries of the Reserve but currently limited distribution within the Reserves tributaries; and

WHEREAS, to “restore diadromous fish populations in tributaries where the necessary habitat conditions exist or can be created” is a specific recommendation of the CMP; and

WHEREAS, Upper and Lower Lake Dams remain barriers to current fish passage; installing a fish ladder at Lower Lake Dam will move migratory fish safely and effectively across the stream barrier at Lower Lake Dam while protecting public welfare with regards to flooding and existing infrastructure; and

WHEREAS, a complimentary project that is currently being conducted by the Town of Brookhaven will install a fish ladder at Upper Lake Dam to allow fish passage beyond the dam into the upper reaches of the river; and

WHEREAS, all the initial engineering design work, including the acquisition of all required permits and the oversight of the construction phase of the project, will be completed by a contractor that was retained by the County pursuant to RFP No. 12022; and

WHEREAS, the final design plans for the fish ladder will be submitted to the Suffolk County Council on Environmental Quality (CEQ) for the review under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2013 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, the Suffolk County Department of Economic Development and Planning will sponsor an aquatic habitat restoration project in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding \$200,000 for this project during the July 26, 2011 as an appropriate use of the Suffolk County Water Quality Protection and Restoration and Land Stewardship Initiative funds; these funds will be appropriated after SEQRA is complete and construction costs are known; and

WHEREAS, sufficient funds have not been included within the 2013 Capital Budget and Program and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal and/or State Aid; and

WHEREAS, the County must in first instance fund the entire cost of the project and will subsequently be reimbursed for the State share of the project; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20) and (21) of Title 6 of the NYCRR and within the meaning of Section 8-019 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-five (55) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Treasurer and the County Comptroller are hereby authorized and directed to accept State funding in the amount of \$252,000 into Capital Project 7180.118; and be it further

4th **RESOLVED**, that the 2013 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 7180
Project Title: Carmans River Fish Ladder

	<u>Total Est'd Cost</u>	<u>Current 2013 Capital Budget & Program</u>	<u>Revised 2013 Capital Budget & Program</u>
1. Planning	<u>\$252,000</u>	<u>\$0</u>	<u>\$252,000 S</u>
TOTAL	\$252,000	\$0	\$252,000

and be it further

5th **RESOLVED**, that these New York State DOS proceeds in the amount of \$252,000 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7180.118	Carmans River Fish Ladder	\$252,000

and be it further

6th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to advance funding to finance this capital project; and be it further

7th **RESOLVED**, that the Department of Economic Development and Planning will be the lead agency in overseeing the performance of this project and will coordinate with the Department of Public Works in communicating with the State agencies to ensure compliance and that all associated aid is captured; and be if further

8th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of State and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: March 19, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 22, 2013