

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 725 -2014, AUTHORIZING EXECUTION OF COOPERATIVE GRANT AGREEMENT AND ANCILLARY AGREEMENTS WITH THE ARMY CORPS. OF ENGINEERS AND CORNELL COOPERATIVE EXTENSION IN CONNECTION WITH A RESTORATION PROJECT AT CEDAR BEACH COUNTY PARK IN SOUTHOLD (SCTM NO. 1000-093.00-02.00-002.004)

WHEREAS, in 1965, Suffolk County acquired for park purposes certain property known as Cedar Beach County Park ("Cedar Beach") located in the hamlet of Southold in the Town of Southold and designated on the Suffolk County Tax Map No. as 1000-093.00-02.00-002.004; and

WHEREAS, for over twenty years, Cornell Cooperative Extension Association of Suffolk County ("Cornell") has had an agreement with Suffolk County that includes, among other things, the use of and the operation of marine programs at the marine center facility located at Cedar Beach as well as other sites within Suffolk County; and

WHEREAS, the purpose of the marine programs provided by Cornell is to assist communities, businesses and individuals in protecting Suffolk County's valuable marine resources and providing for a cleaner environment by: helping to improve bays, beaches and recreational waters; restore, monitor, and maintain ecologically sensitive habitats essential for shellfish and finfish production as well as maintaining overall species diversity; and to preserve and enhance economic activity associated with commercial fisheries and the harvesting of shellfish species; and

WHEREAS, the operation of the marine center at Cedar Beach County Park by Cornell has been a valuable asset to the residents of Suffolk County; and

WHEREAS, Cedar Beach, which borders on Noyack Bay, over time has experienced significant marshland acreage loss which has threatened the habitat of wildlife and marine life in the area; and

WHEREAS, Cornell has applied for and received a grant through the Federal Estuary Restoration Act in the amount of \$480,000 from the United States Department of the Army through the United States Army Corps of Engineers ("ACOE") to restore, create, and maintain marshlands, the creation and seeding of an oyster reef, and the establishment of new seagrass meadows at Cedar Beach along Noyack Bay (the "Project"), and said grant is subject to the execution of a cooperative agreement between the ACOE, Cornell, and the County of Suffolk as fee owner of Cedar Beach; and

WHEREAS, the funds received under this grant will be in the form of reimbursement directly paid to Cornell for its construction, implementation, and maintenance of the approved project; and

WHEREAS, Cornell has submitted plans to the Department of Parks (the "Department") which have been reviewed and approved by both the Department and the Suffolk

County Board of Trustees of Parks, Recreation and Conservation with the latter having passed a resolution approving the project with County oversight; and

WHEREAS, plans have also been reviewed by the Department of Health Services, the Department of Public Works, and the Department of Economic Development and Planning and those departments have also found the plans to be satisfactory; and

WHEREAS, in order to complete the Project and to receive funds under the grant, Cornell has requested, and the ACOE will require, that the County of Suffolk give to Cornell and ACOE, sufficient access to Cedar Beach; and

WHEREAS, it is in the best interests of the County of Suffolk and its residents to permit this project to proceed for the restoration and future protection of Suffolk County's valuable wildlife and marine resources; and

WHEREAS, in CEQ Resolution No. 39-2014, the Suffolk County Council on Environmental Quality recommended that the Project be classified as a Type I action under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Art. 8, and that a negative declaration be issued; and

WHEREAS, the County Legislature has independently considered the Environmental Assessment Form for the Project and any oral or written testimony submitted in connection therewith; now, therefore be it

1st **RESOLVED**, that the use of the County-owned parkland as shown on Exhibit "A," attached, for the purpose of Cornell restoring marshland function at Cedar Beach County Park is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW; and be it further

2nd **RESOLVED**, this Legislature hereby authorizes and empowers the County Executive, or his designee, to enter into a cooperative agreement with the ACOE and Cornell as well as such other agreements, including contracts, easements, licenses, and permits necessary to allow completion of the Project by Cornell in accordance with the plans submitted to and as approved by the Department and upon such terms and conditions approved by the County Executive and the Department of Law; and be it further

3rd **RESOLVED**, that the cooperative agreement with ACOE and Cornell be at no cost to the County whether in the form of contribution under the cooperative agreement or any other agreement, or indirectly through the funding of programs under any other agreement between Suffolk County and Cornell; and be it further

4th **RESOLVED**, that the use of the property by Cornell under this Project shall be subject to adequate insurance provided by Cornell to Suffolk County in an amount and form as determined by the Division of Risk Management and with Suffolk County held harmless by Cornell, and subject to such other terms and conditions as required by the Department and approved by the County Executive and the Department of Law; and be it further

5th **RESOLVED**, that any other ancillary agreements entered into by Cornell for the Project shall be subject to approval by Suffolk County, and with Suffolk County being held harmless; and be it further

6th **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby classifies the proposed Project as a Type I action under the provisions of Title 6 NYCRR Part 617.4(b)(10) and Chapter 450 of the Suffolk County Code; and be it further

7th **RESOLVED**, that Suffolk County, as SEQRA Lead Agency, hereby finds and determines that the proposed Project, pursuant to Title 6 NYCRR part 617 and Chapter 450 of the Suffolk County Code, will not have significant adverse impacts on the environment for the following reasons:

1. the proposed action will not exceed any of the criteria in 6 NYCRR § 617.7, which sets forth thresholds for determining significant effect on the environment as demonstrated in the Environmental Assessment Form; and
2. all necessary permits/approvals will be obtained from the Town of Southold, the New York State Department of Environmental Conservation, and the United States Army Corps of Engineers prior to the commencement of any marshland restoration; and
3. the proposed action will result in the restoration of 8 acres of lost salt marsh habitat and will enhance the entire 65 acre marsh and beach complex at Cedar Beach County Park;

and be it further

8th **RESOLVED**, that Suffolk County hereby adopts a determination of non-significance (negative declaration) and the Council of Environmental Quality is hereby directed to circulate and file all necessary notices in accordance with this resolution.

DATED: September 9, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 24, 2014