

**11922**

DATE June 2, 2010

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Acting Commissioner

SUBJECT: Resolution Authorizing the Amendment to the Agreement Between the County of Westchester and the National Fish and Wildlife Foundation to accept a grant to design and facilitate the construction of an automatic tide control structure and low and high marsh habitat area on the shores of Manursing Lake in the City of Rye in Order to Change the Expiration Date

On April 17, 2008, your Honorable Board authorized a grant agreement with the National Fish and Wildlife Foundation to accept a grant to design and facilitate the construction of an automatic tide control structure and restoration and construction of tidal wetlands and coastal habitat along the shores of Manursing Lake in the City of Rye. This project was identified in a watershed plan completed in 1998 and is also a required environmental benefit project pursuant to a consent order from the DEC. The site is listed as an important habitat by both the EPA and New York State.

The attached resolution authorizes the County of Westchester to amend the grant agreement with the National Fish and Wildlife Foundation. The Westchester County Department of Planning (WCDP) is using the grant funds to design and construct an automatic tide control structure and restore and construct tidal wetlands and coastal habitat along the southern and eastern shores of Manursing Lake in the City of Rye, New York. This award required a County match of \$512,000.00 as cash and in-kind services. This amendment will change the expiration date from June 30, 2009 to June 30, 2010. All other terms and conditions will remain the same.

The Westchester County Department of Planning will need to extend the expiration date as the project's planning and design phase took longer to complete than anticipated. Also, the permits and approvals needed from state and federal regulatory agencies prior to the start of construction took longer to obtain than anticipated. These delays interrupted the natural seasonal requirements of planting during the spring which will allow the plants the appropriate environmental conditions to thrive.

The agreement will serve the public purpose by restoring this tidal lake and wetlands and other natural resources in order to improve water quality and fish and wildlife habitat in the County of Westchester and promote fiscal responsibility.

The goal and objective of this agreement is to preserve the environment by restoring the coastal lake and wetlands and estuarine functions by better managing tidal flow. The project will be monitored for the first year by the contractor who is responsible for maintenance following completion of construction of the automatic tide gate; thereafter the County will assume responsibility. The operation and maintenance of the automatic tide gate is very limited once it has been calibrated to achieve the desired results; periodic inspections are needed to ensure that any debris that might get caught under the gate is removed. The tidal wetlands will be monitored by County staff annually by site visits for five years by examining plant

species, stem density, plant height, and signs of disease, predation, or other disturbance. Phragmites will be monitored annually for five years to ensure that it does not re-establish itself as the dominant species.

The County, pursuant to Act 37 - 2008, was authorized to enter into and accept National Fish and Wildlife Foundation funds in the amount of \$190,000.00. The grant agreement requires a commitment of \$512,000.00 in additional non-federal funds and/or in-kind services from the County, and the required County match has been bonded.

Should this amendment not be authorized, the County will not be able to meet its deadline and would fail to satisfy the conditions of the Consent Order issued by the New York State Department of Environmental Conservation. This project is receiving an additional \$300,000 in County funding required under the Consent Order and is classified as an approved Environmental Benefit Project under that Order. I recommend approval of this amendment.

EB/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-24-2010 - JOMARY VIEIRA, SECRETARY

