

FOR CONSIDERATION

June 13 , 2012

TO: The Directors

FROM: Thomas Dee

SUBJECT: Gallagher Beach Sand Sustainability Study

REQUEST FOR: Authorization to Implement the Gallagher Beach Sand Sustainability Study on the City of Buffalo's Outer Harbor; Authorization to Acquire Necessary Permits and Approvals for the Study; Determination of No Significant Effect on the Environment; and Authorization to Take All Related Actions

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A. Background

On August of 2011, the Erie Canal Harbor Development Corporation ("ECHDC") retained the services of the URS Corporation ("URS") at a cost not to exceed \$40,590, to review and design the Gallagher Beach Sand Sustainability Study ("GBSSS") in order to determine if sand placed on the existing beach surface in the City of Buffalo's Outer Harbor will persist from year to year. The results of the field test will be used to help determine the next steps in the beach development process. Such steps might include full scale beach development, or additional tests to determine if modifications to the sand placement design might increase its sustainability.

The GBSSS will involve placing sand in three test locations to determine if they become comprised by currents, seiche action (periodic localized water level fluctuations on the Great Lakes), and weather activity. The primary location for study activities would be at Gallagher Beach located in the southern portion of Buffalo's Outer Harbor, where two test areas would be located. A third test area would be on an ECHDC-owned parcel located immediately south of Times Beach and commonly referred to as the "NYPA Parcel" because it was formerly owned by the New York Power Authority ("NYPA") as a summer storage area for the Lake Erie ice boom.

Once the URS design of the GBSSS is complete, ECHDC staff will issue bid documents seeking a qualified firm to implement the study. Upon approval of the Board of Directors this summer, the selected contractor will place a total of approximately 1,400 cubic yards of sand in the three test locations. At each location, the sand would be placed in a continuous layer approximately 1 foot thick. Each test plot would be up to 100 feet in width. The sand would be placed from the upland end of the beach down into the water to a depth of approximately 2-3 feet. Of that

volume, approximately 900 cubic yards (divided between the three test plots) would be placed below the ordinary high water mark (el. 573.4 IGLD 1985).

As part of the GBSSS, the test locations would surveyed immediately after placement in the fall of 2012 and then again in the spring of 2013, and would be inspected at least monthly throughout the winter, snow accumulation and harbor freeze-over permitting.

In order to move forward with the study, various permits and approvals are needed including but not limited to, the Army Corp of Engineers, the NYS Department of State, NYS Department of Environmental Conservation and the Niagara Frontier Transportation Authority (“NFTA”). In addition, it is expected that ECHDC will enter into an agreement with the NFTA to permit access to Gallagher Beach. As such, the Board is being asked to authorize the corporation to move forward with the GBSSS and to acquire the necessary permits and approvals and to authorize the corporation to enter into any required agreements that may be needed to carry out the GBSSS.

The cost of implementing the study is expected to be approximately \$300,000 and will be paid from proceeds from the NYPA Relicensing Settlement Agreement.

B. Environmental Review

ECHDC, as lead agency, has completed an environmental review of the Proposed Action, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”) and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with other Involved Agencies, found that the Proposed Action would not result in significant adverse impacts on the environment. Therefore, staff recommends that the Directors make a Determination of No Significant Effect on the Environment.

C. Requested Action

The Directors are requested to (1) authorize the Corporation to implement the Gallagher Beach Sand Sustainability Study; (2) authorize the Corporation to acquire the necessary permits and approvals to implement the study; (4) make a determination of no significant effect on the environment; and (5) take all related actions.

Attachments  
Resolutions

June 13, 2012

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Gallagher Beach Sand Sustainability Study - Authorization to Implement the Gallagher Beach Sand Sustainability on the City of Buffalo’s Outer Harbor; Authorization to Acquire Necessary Permits and Approvals for the Study; and Authorization to Take All Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Erie Canal Harbor Development Corporation (the “Corporation”), relating to the Gallagher Beach Sand Sustainability Study, the Corporation is authorized to implement the Gallagher Beach Sand Sustainability Study and to acquire the necessary permits and approvals to implement the study; and be it further

RESOLVED, that the President of the Corporation or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he may in his sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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June 13, 2012

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Gallagher Beach Sand Sustainability Study - Determination of No Significant Effect on the Environment

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RESOLVED, that on the basis of the materials submitted to the Directors with respect to the Gallagher Beach Sand Sustainability Study, the Erie Canal Harbor Development Corporation hereby determines that the proposed action will not have a significant effect on the environment.

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