

## **Niagara River Greenway Commission**

### **Project Consultation and Review**



Niagara Frontier Transportation Authority  
*Serving Buffalo Niagara*

## **Niagara Frontier Transportation Authority**

### **Outer Harbor Bell Slip Stabilization Project**

**December 2008**

Project Registration Number \_\_\_\_\_

*Niagara River Greenway Commission  
Consultation and Review Form*

Type of Review Required: \_\_\_\_\_ Mandatory Consultation  
 X  Voluntary Review and/or Endorsement

**PROJECT SPONSOR INFORMATION**

Name: Niagara Frontier Transportation Authority (NFTA)  
Mailing Address: 181 Ellicott Street  
State: New York Zip Code: 14203  
Federal Id# 16-6008839 Charities Registration #

**PROJECT TYPE**

Check all that apply:  Environmental     Cultural/Heritage     Land or Water Public Access  
 Cultural     Trail     Educational/Interpretive  
 Waterfront or Land Based Development     Signage  
 Recreational     Other

Project Name: Outer Harbor Bell Slip Stabilization Project  
Location: Buffalo  
Site Address: Outer Harbor, Fuhrmann Boulevard  
State: New York Zip Code: 14203  
Minor Civil Division(s): City of Buffalo  
County: Erie

Project Proponent Property Interest (own, lease, easement or other): Own

**AUTHORIZED OFFICIAL**

Name: Lawrence M. Meckler Title: Executive Director

Business Address: 181 Ellicott Street

State: New York Zip Code: 14203

Telephone Number: 716-855-7369 Cell Number:

Fax Number: 716-855-6655

E-Mail Address: Lawrence\_Meckler@nfta.com

**PROJECT POINT OF CONTACT**

Name: Melissa Golen Title: Manager, Government Affairs

Organization/Firm: Niagara Frontier Transportation Authority

Business Address: 181 Ellicott Street

State: New York Zip Code: 14203

Telephone Number: 716-855-7272 Cell Number:

Fax Number: 716-855-7466

E-Mail Address: melissa\_golen@nfta.com

## PROJECT NARRATIVE

(1) The Niagara Frontier Transportation Authority (NFTA) requests \$55,000 of Niagara River Greenway Commission (Greenway) funds for the Outer Harbor Bell Slip Stabilization Project.

In August 2008, the NFTA completed the Greenbelt Shoreline Improvement Project (Greenbelt). The project converted 6,400 feet of Lake Erie's Outer Harbor, from the former Pier Restaurant to the Terminal B Building, into a public green space (*see site map, page 8*). The NFTA partnered with the New York State Department of Environmental Conservation (DEC) to remediate the 18.8-acre Brownfield, converting it to a recreational destination.

Located one mile south of downtown Buffalo, the Greenbelt links the public to waterfront and cultural amenities. The project includes the Greenway Nature Trail, a pedestrian and bicycle trail, that connects visitors to surrounding natural resources that have been long isolated from each other. These destinations include the NFTA Boat Harbor, Tiff Nature Preserve, Union Ship Canal, Buffalo Lakeside Commerce Park, Times Beach Nature Preserve, the United States Coast Guard Station and Lighthouse Point.

The \$13.5 million Greenbelt was primarily funded by DEC's Environmental Restoration Program, under New York State's 1996 Clean Water/Clean Air Bond Act. Additional funding was made available by the New York State Department of Transportation and the Federal Highway Administration's Safe Accurate Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program.

The 2,300-foot Outer Harbor Bell Slip, located on the Greenbelt's southern end, was enhanced as a part of the project (*see maps, pages 9-10*). Bell Slip improvements included: soil remediation; installation of new revetment stone and slope embankment to prevent erosion; landscaping; construction of a shallow-water habitat conducive to spawning for fish species; and installation of bio-engineered compost to support vegetation and attract local wildlife.

Severe windstorms in January and September 2008 significantly damaged 500 feet of the Bell Slip's shoreline, negating approximately 50% of the original improvements. In both instances, winds up to 50 mph and heavy waves action eroded plant life, soil, and stone revetment into Lake Erie. Rocks, roots, and other debris were transported onto the shoreline, and the remaining soil was left saturated and buoyant. During the January storm, the lake's water level rose almost 11 feet, depositing large pieces of ice onto the shore. The heaviest erosion occurred around the inlet to the Bell Slip and its eastern shoreline (*see photographs, page 11*). When stabilization repairs made after the January storm failed to properly shield the Bell Slip from the September storm, the NFTA and DEC agreed that new protection measures would be necessary.

To provide a long-term solution, NFTA proposes to use Greenway funds to construct a fortified stone embankment and trench to protect the Bell Slip from erosion damage. First, all debris will be removed from the water's edge to create a smooth surface. A three-foot thick stone revetment will be constructed from the shoreline and extending 20 feet up the slope (*see conceptual plans, pages 12-13*). A newly constructed erosion trench of buried stone will protect the pathway. Plant-able compost filled tubes will be anchored on the existing shoreline, with additional soil backfilled behind it, consistent with original plans. Then, 2 inch thick layers of

bio-engineered soil containing northeast native wildflower seeds will be applied to the surface to promote a rapid development of dense vegetation. Finally, biodegradable netting will be placed over the seeds until they further develop. In combination, these improvements will return the Bell Slip to an accessible natural resource and help prevent further damage.

(2) The Outer Harbor Bell Slip Stabilization Project will advance the Niagara River Greenway Plan goal's of protecting and restoring regional ecological systems. Erosion prevention, and habitat improvements will increase fish production and restore natural ecological processes. These enhancements will potentially benefit fish and wildlife species that migrate throughout the Niagara River Greenway area.

The Bell Slip is a productive shallow-water fish spawning and nursery area that has historically contributed to the adult fish populations in Lake Erie and the Upper Niagara River. It is one of only two documented active muskellunge spawning and rearing habitats in the Buffalo Harbor. Submerged aquatic plants provide shelter and food organisms, including dense beds of wild celery, conducive to the rearing of young muskellunge.

The Buffalo Harbor and Upper Niagara River muskellunge populations are often viewed separately due to migratory barriers. High water velocities and a lack of refuges surrounding the Peace Bridge, separation of the Black Rock Canal from the Niagara River channel, and other shoreline in-filling have prevented muskellunge from the Upper Niagara from migrating upstream into Lake Erie. However, there is no evidence of a downstream barrier, and it is possible that young fish from the Buffalo Harbor, including those raised in the Bell Slip, may enter the Upper Niagara River and interact with its muskellunge population.

By enhancing fish production, the Outer Harbor Bell Slip Stabilization Project could increase the prevalence of regional muskellunge and help establish migratory link between the Buffalo Harbor and the Upper Niagara River. Buffalo Harbor fish are highly migratory and could potentially travel from the Bell Slip to Upper Niagara River nurseries, including Strawberry Island. This would help replenish the declining regional muskellunge population and strengthen the ecological interrelationship of Lake Erie and the Upper Niagara River.

The Outer Harbor Bell Slip Stabilization Project will also provide the public visual access to a variety of birds in their natural habitat. The Bell Slip's fish population attracts ducks, geese, loons, grebes, gulls, terns, wading birds, shorebirds, passerines, and various swallow species. In turn, these waterbirds attract bird of prey including the snowy owl, peregrine falcon, and gyrfalcon to the waterfront area. The New York State Department of Environmental Conservation and Department of State have designated significant coastal fish and wild life habitats just north and south of the Bell Slip, illustrating the importance of shallow-water habitats to waterbirds.

During spring and fall migration periods, the Bell Slip and surrounding waterfront provide resting and feeding areas for migrant birds, bats, and insects following the Lake Erie shoreline to the Niagara River. Presence of baitfish and submerged aquatic vegetation are especially attractive to certain gulls and diving ducks. During late fall and early winter, the area typically supports thousands of Bonaparte's gulls, scaup, canvasback, bufflehead, common goldeneye, and other ducks. Insectivorous birds such as the tree swallow, barn swallow, rough-winged swallow, and purple martin are attracted to large hatches of aquatic insects during the breeding season and spring and fall migration periods. Of particular interest is the common tern, a state-listed

threatened species that nests in several locations along the Niagara River and Buffalo waterfront and forages over extensive areas of the river and waterfront.

The Bell Slip and surrounding waterfront is designated as Niagara River Important Bird Area (IBA) in recognition of its concentrated population gulls. There are 19 recorded gull species with one-day counts of over 100,000 individuals within the IBA. Approximately 10% of the world's population of Bonaparte's gulls, 30% of the state wintering canvasback, common goldeneye, and common merganser populations, and a diversity group of migratory songbirds also utilize the IBA's riparian habitats. The IBA views the protection of wetland, forest, and shrub habitats along shorelines as a main concern. The Outer Harbor Bell Slip Stabilization Project addresses this priority by restoring substantial vegetation to the shoreline.

Along with advancing the goal of protecting and restoring regional ecological systems, the Outer Harbor Bell Slip Stabilization Project meets the following Greenway criteria:

<b>Consistency with Principles</b>	The project addresses the guiding principles of: <i>ecological integrity, restoration, and sustainability</i> of the regional environment by preventing erosion damage and enhancing natural wildlife habitats and <i>public well-being and connectivity</i> by providing public visual access to an impressive concentration of waterfowl, wading birds, and other species. As a component of the Greenbelt Shoreline Improvement Project, the Bell Slip reflects <i>community-based</i> planning and regional <i>partnerships</i> as illustrated in the <i>Consideration of Other Planning Efforts</i> section below.
<b>Priority Status</b>	The Bell Slip Stabilization Project will assist the restoration of the Niagara River ecosystem. Although not located directly on the Niagara River, the Bell Slip's enhanced habitat will benefit wildlife species migrating throughout the Niagara River Greenway area.
<b>Focus Area</b>	The Bell Slip is located on the City of Buffalo's Lake Erie shoreline, within the Greenway's municipal boundary.
<b>Environmental Soundness</b>	Shoreline stabilization will have a positive environmental impact. The proposed fortified stone embankments and plantings will prevent further loss of aquatic and terrestrial wildlife without negatively affecting aquatic conditions during the fish-spawning season (March 15 – June 15).  Project work will be consistent with the original design intent of establishing as natural a habitat by avoiding unnatural structural elements while meeting the other project objectives.
<b>Economic Viability/ Matching Funds</b>	The New York State Department of Environmental Conservation approved use of \$500,000 from the Environmental Restoration Program. This Greenway will specifically provide the 10% match of \$55,000 to complete the \$550,000 project.
<b>Project Implementation</b>	Construction is scheduled to begin in Spring 2009. Pursuant to securing necessary funding, the Outer Harbor Bell Slip Stabilization Project will be completed by Fall 2009.
<b>Local Sponsor</b>	NFTA is the project's sponsor and grant applicant.
<b>Consideration of Other Planning</b>	As a component of the Greenbelt, the Outer Harbor Bell Slip Stabilization Project is consistent with the following regionally

<b>Efforts</b>	endorsed plans and programs: the New York State Department of Environmental Conservation's Environmental Restoration Program; the Federal Highway Administration's SAFETEA-LU program; the NFTA's Outer Harbor Development Plan; the City of Buffalo's Local Waterfront Revitalization Program; the New York State Coastal Zone Management Plan; the New York State Comprehensive Outdoor Recreation Plan; and the New York State Open Space Conservation Plan.
<b>Clear Benefits</b>	Restoring the Bell Slip's natural habitat will help preserve the Niagara River muskellunge population, provide a resting and feeding area for migratory birds following the Lake Erie shoreline to the Niagara River.

(3)

<b>Activity</b>	<b>Cost</b>
<b>Planning</b>	
Design	\$20,000
<b>Construction</b>	
Construction Monitoring	\$25,000
Stone Revetment	\$346,000
Mobilization/Demobilization	\$22,000
Site Restoration/Plantings	\$60,000
Erosion Control, Health & Safety	\$20,000
Site Preparation	\$50,000
<b>Acquisition</b>	--
<b>Administration</b>	\$7,000
<b>Operation and Maintenance/ Year</b>	--
<b>Total Project Cost</b>	<b>\$550,000</b>

The DEC approved use of \$500,000 of Environmental Restoration Program funds to the Outer Harbor Bell Slip Stabilization Project. The NFTA requests Greenway funds to provide the required 10% match of \$55,000 to complete the \$550,000 project. The NFTA requested extension of its Environmental Restoration Program State Assistance Contract through December 2009 to ensure that all funds are expended.

The Outer Harbor Bell Slip Stabilization Project is scheduled to begin in Spring 2009. Pursuant to securing necessary funding, restoration will be completed by Fall 2009. The project will be operated and maintained by the NFTA as it is part of the Greenbelt.

(4) In June 2006, the NFTA Board of Commissioners approved the Greenbelt Shoreline Improvement Project, including Bell Slip enhancements (*see Resolution, attachment 1*). In addition, project work is consistent with: the New York State Department of Environmental Conservation's Environmental Restoration Program; the Federal Highway Administration's Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program; the NFTA's Outer Harbor Development Plan; the City of Buffalo's Local Waterfront Revitalization Program; the New York State Coastal Zone Management Plan;

the New York State Comprehensive Outdoor Recreation Plan; and the New York State Open Space Conservation Plan.

The NFTA worked with the DEC to build public support for the Greenbelt prior to approval. To progress the environmental review, the NFTA established project document repositories for public review and mailing lists including nearby property owners, elected officials, and community organizations. The NFTA also solicited public and regulatory agency comment by hosting numerous well-advertised public meetings, and distributing milestone project fact sheets to the mailing list to update and inform the public on the Greenbelt's progress. The NFTA also created a web page ([www.nfta.com/outer\\_harbor\\_development.asp](http://www.nfta.com/outer_harbor_development.asp)) and email address ([outerharbor@nfta.com](mailto:outerharbor@nfta.com)) to provide project status and photographs.

(5) The NFTA undertook the Outer Harbor Bell Slip Stabilization Project because windstorms in January and September 2008 eroded approximately 500 feet of Bell Slip shoreline (*see photographs, pages 11*). Existing conditions put survival of terrestrial and aquatic habitats, and in jeopardy. The NFTA's approach to shoreline stabilization is detailed in Section 1 of the narrative and the project is fully compliant with all environmental regulations as state below.

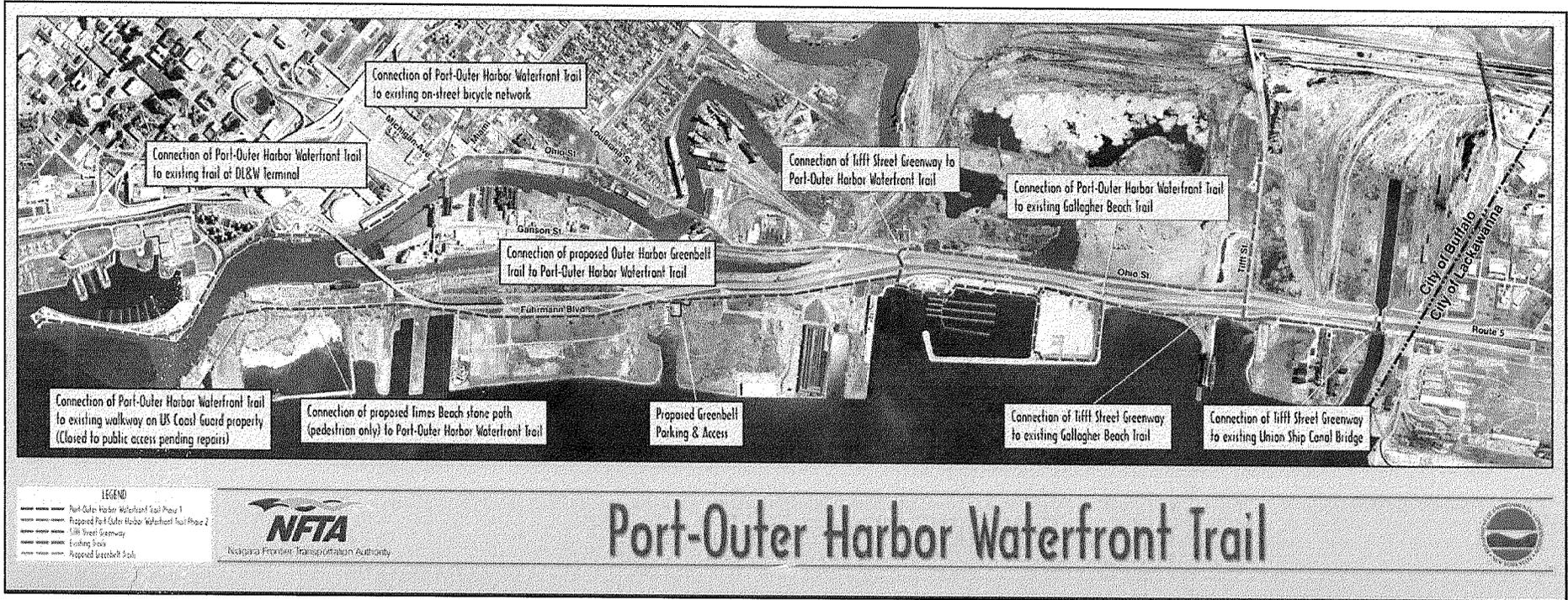
#### State Environmental Quality Review Act (SEQRA) Compliance

The New York State Department of Environmental Conservation approved the NFTA's Negative Declaration in 2003, which determined that Bell Slip improvements would have no significant environmental impact (*see page 14*). This authorization confirmed completion of an Environmental Assessment, imposition of SEQRA conditions that a notice had been filed and published, and a 30-day minimum public comment was provided.

The NFTA has also obtained a joint Water Quality Permit from the DEC and United States Army Corps of Engineers that authorizes all proposed Bell Slip improvements. This permit satisfies all federal and state costal, water, wetland, and wildlife regulations.

# Project Site

8





Google

Eye alt.: 16773 ft

Image © 2008 DigitalGlobe  
Image © 2008 Sony, York, GIS  
© 2008 Terra Atlas

BELL SLIP

42°51'47.88" N 78°51'19.18" W



Prepared and published in 1975 by the New York State Department of Transportation, in cooperation with the U.S. Department of Transportation, Federal Highway Administration.  
Map base from 1962 U.S. Geological Survey 7.5 minute quadrangle.  
Map revisions made using 1974 aerial photography, construction plans, official records and other sources. Features revised include: highways and other transportation facilities; city boundaries; residential sites; hydrography; and buildings. Clear lot numbers indicate intensely developed areas in which only landmark buildings are shown.  
Notations may not comply with National Map Accuracy Standards.  
Comments concerning this and other maps of the Department of Transportation should be directed to: Map Interpretation Unit, New York State Department of Transportation, State Campus, Albany, New York 12242.  
1975 revision by F. G. Galileo



SCALE 1:24,000

Projection: 1927 Mean American datum.  
1000-meter scale based on the New York Transverse Mercator grid.  
Meridian 79° and 19' west longitude. One inch is equivalent to 6295.67 feet of the Transverse Mercator Meridian arc. Area east of 127° and west of 80° are based upon the extension of Zone 18.  
10,000-foot ticks based on the New York Plane Coordinate grid.  
WMA Zone.

INDEX TO  
1:24,000 7.5  
MINUTE COVERAGE

426786 DP	Buffalo SE Quadrangle
426787 DP	Buffalo NW Quadrangle
426788 DP	Buffalo SW Quadrangle
426789 DP	Buffalo NE Quadrangle

BOUNDARIES:

State	-----
County	-----
Town or City	-----
Incorporated Village	-----
Federal Aid Urban Area	-----

ROADS:

Routing Route marked	-----
State	-----
U.S.	-----
State Highway Number	-----
Not State	-----
County road	-----
Interchange number	-----

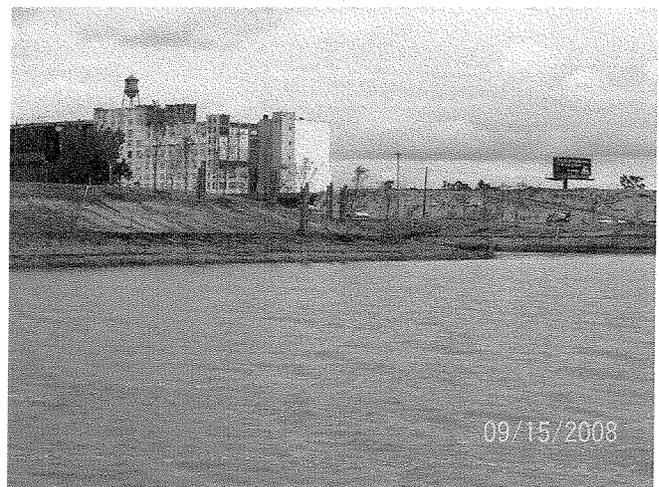
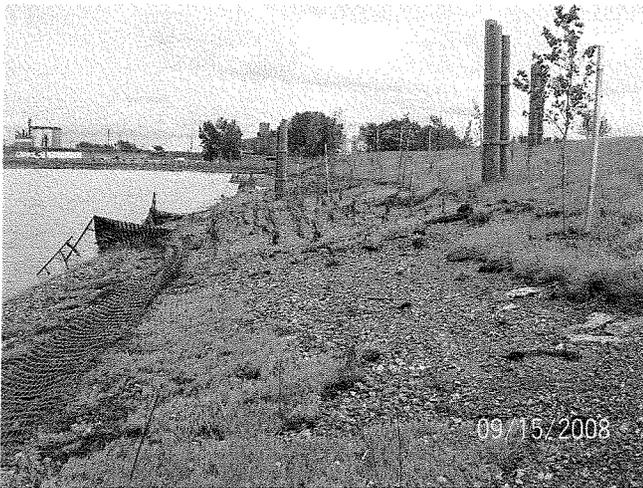
Gridless highways and streets:

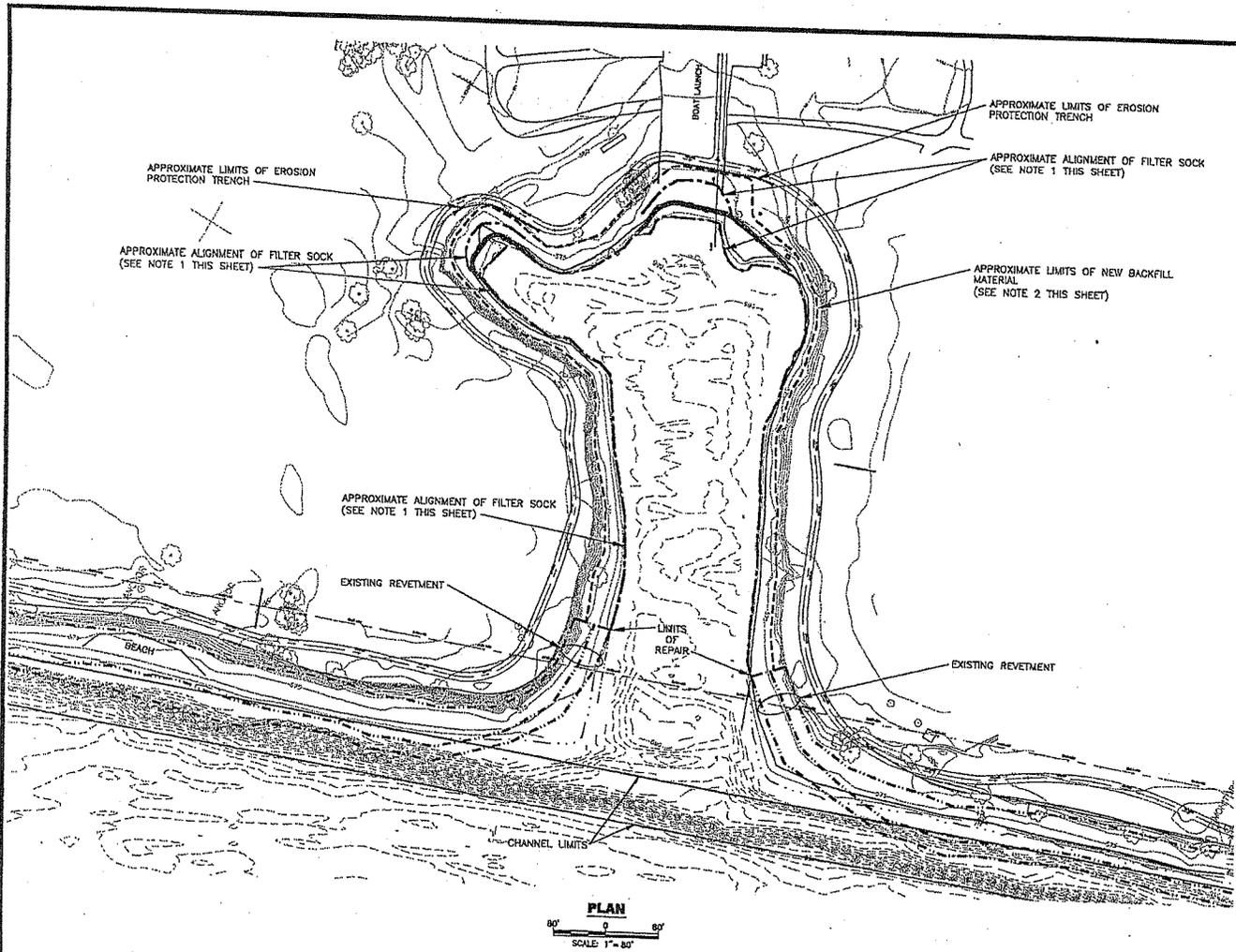
Wide road	-----
Narrow road or barrier	-----
Unimproved highway and street	-----
4 or more lanes	-----
Less than 4 lanes	-----
Vehicle track; trail	-----



Niagara Frontier Transportation Authority  
*Serving Buffalo Niagara*

## Outer Harbor Bell Slip Stabilization Project Site Photographs – September 2008





**NOTES**

- CENTERLINE OF FILTREX "SAFETYSOX" ALONG SHOULDER IS TO BE PLACED AT APPROXIMATE ELEVATION CONTOUR OF 571.0 FEET. A SLOPED ROW IS TO BE PLACED IN WIDTH AREAS OF SLOUGHING/EROSION AS SHOWN.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ORIGINAL CONTRACT DOCUMENTS, AS APPROPRIATE.
- REMOVE DEBRIS, INCLUDING ROCKS, ROOTS, LARGE CLOGS, AND STICKS, AS NECESSARY TO CREATE A REASONABLY SMOOTH SURFACE FOR PLACEMENT OF THE "SAFETYSOX".
- PLACE THE FILTREX LOCKDOWN NETTING (5'x4' MULTILAMINATE POLYPROPYLENE) ON THE PREPARED SURFACE. THE NETTING SHOULD BE SUFFICIENTLY WIDE SO THAT IT CAN FULLY WRAP THE COMPOST TUBE AND EXTEND BENEATH THE WIDTH OF BACKFILL BEING REPLACED, UP TO 10 FEET.
- PLACE THE 18-INCH DIAMETER, MULTILAMINATE POLYPROPYLENE FILTREX "SAFETYSOX" ON TOP OF THE LOCKDOWN NETTING, FOLLOW-IN THE CHANNEL AND THE WETLAND SEED MIX (NORTHEAST WETLAND DIVERSITY MIX).
- LOOP FILTREX LOCKDOWN NETTING TIGHTLY OVER THE SAFETYSOX AND EXTENDED UPSLOPE THE WIDTH OF BACKFILL BEING REPLACED, UP TO 10 FEET.
- BACKFILL THE SLOUGHED/ERODED AREA BETWEEN THE COMPOST TUBE AND THE EXISTING SOIL FILL WITH BACKFILL CONSISTENT WITH THE ORIGINAL CONTRACT SPECIFICATIONS. BACKFILL SHALL BE PLACED IN ONE LIFT AND COMPACTED WITH THE CONSTRUCTION EQUIPMENT TO THE SATISFACTION OF THE ENGINEER, TO ACHIEVE A COMPACTED MINIMUM THICKNESS OF 12 INCHES. THE LIFT THICKNESS SHALL BE MATCHED TO THE EXISTING BACKFILL THICKNESS AT THE UPSLOPE LIMIT.
- ONCE THE BACKFILL MATERIAL IS PLACED, A 2-INCH THICK LAYER OF FILTREX GROWING MEDIA, PRE-SEEDDED WITH UPLAND SEED (I.E. NORTHEAST UPLAND WILDFLOWER/RESTORATION EROSION MIX AND SHOWY APPLIED IN ACCORDANCE WITH CONTRACT SPECIFICATIONS), WITH THE MODIFICATION THAT THE SPECIFIED APPLICATION RATE OF THE SEED MIX SHALL BE DOUBLED.
- EAST COAST-800-28 THOUSLE NET CORDONAT INDETERMINABLE ROLLED EROSION CONTROL (BANKNET) WILL BE PLACED OVER THE SURFACE TO PROTECT THE BACKFILL TO PROTECT AND RETAIN THE SEED UNTIL IT GERMINATES. THE MAT WILL EXTEND FROM THE COMPOST TUBE UPSLOPE TO ABOUT 2 FEET BEYOND THE REPAIRED AREA. THE MAT IS TO BE STAPLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- LIVE PLANTS SHALL BE INSERTED INTO THE COMPOST TUBE AND THROUGH THE FIBER EROSION CONTROL MAT INTO THE SOIL BACKFILL MATERIAL IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE DENSITY OF PLANTINGS MAY BE INCREASED AT THE DISCRETION OF THE ENGINEER TO INCREASE THE RATE OF PRODUCTION.
- THE EXISTING SOIL AREAS UPSLOPE OF THE REPAIRED AREAS ARE TO BE PROTECTED FROM SURFACE EROSION IN ACCORDANCE WITH THE EXISTING SPECIFICATIONS.
- EROSION PROTECTION TRENCH SHALL BE INSTALLED WHERE THE PEDESTRIAN/BIKE TRAIL COMES CLOSEST TO THE AREA OF EROSION, AS DIRECTED BY THE ENGINEER (SEE DRAWING ES-102).
- WETLAND BANK BOTTOM AREAS ARE UNLIMBATED BY BIR. ENHANCEMENT TO BE COVERED WITH MORE THAN FOUR INCHES OF SLOUGHED/ERODED SOIL. ADDITIONAL PLANTINGS OF VALERIANA AMERICANA (WATER CELERY) WILL BE MADE AT THE DISCRETION OF THE ENGINEER.

141172826(0000)CONTRACT/ALBES-101.dwg 2/15/07 RJS

**WARNING:**  
 IT IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON OTHER THAN WHOSE SEAL APPEARS ON THIS DRAWING, TO ALTER IN ANY WAY AN ITEM ON THIS DRAWING. IF AN ITEM IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

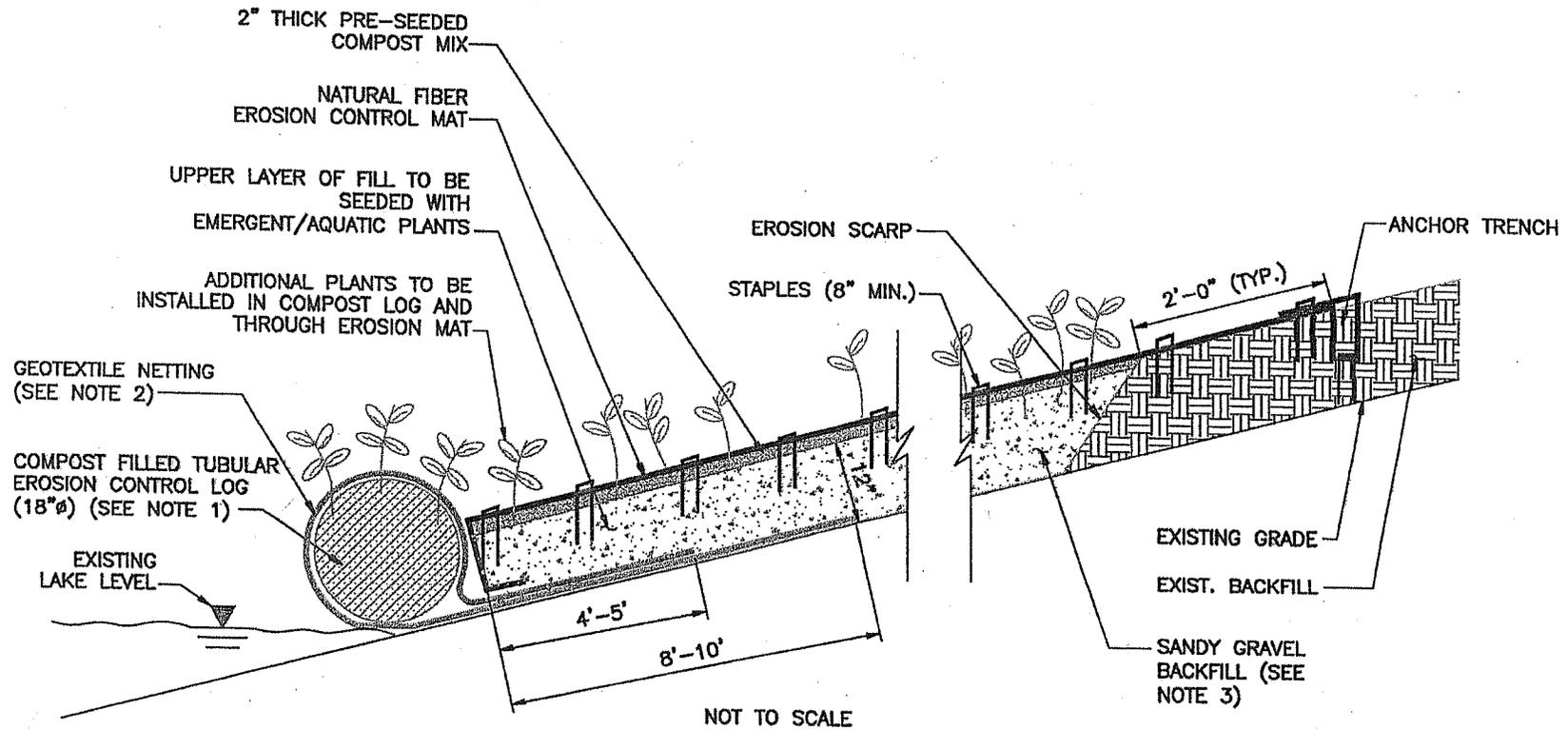
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**URS Corporation - New York**  
 77 Goodall Street, Buffalo, New York 14203  
 (716)856-5636 phone (716)856-2545 fax  
 JOB NO. 11174825.0000  
 Subcontract

NO.	REVISION	BY	DATE

**NFTA** Niagara Frontier Transportation Authority  
 Serving the Niagara Region  
 NFTA PROJECT NO. 127P1002  
**PORT - GREENBELT SHORELINE IMPROVEMENT PROJECT**  
**SLOUGHING/EROSION REPAIR LIMITS**  
 SCALE - AS NOTED  
 DESIGNED BY JCM FEB. 2008  
 DRAWN BY ELD FEB. 2008  
 CHECKED BY JCM FEB. 2008  
 DRAWING FILE NAME: 0-102.dwg  
 DRAWING # 2 OF 3  
**ES-101**

13



NOTES:

1. TYPE OF EROSION CONTROL LOG (ie SYNTHETIC OR NATURAL FIBER) IS TO BE DETERMINED.
2. TYPE OF ANCHORING SYSTEM IS TO BE DETERMINED
3. SOIL BACKFILL TO MEET SPECIFICATION 02210 PARAGRAPH 2.1A



NFTA PORT GREENBELT SHORELINE IMPROVEMENT PROJECT  
 CROSS-SECTION OF PROPOSED EROSION REPAIR IN BELL SLIP

FIGURE 2

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## Negative Declaration

**Erie County** - The Niagara Frontier Transportation Authority, as lead agency, has determined that the proposed NFTA Outer Harbor Green Belt Bike Trail – Phase 2, will not have a significant adverse environmental impact. The project is to extend a bike path around the Bell Slip located off of Fuhrmann Blvd., Buffalo, NY by adding approximately 1,125-1,200 feet of pathway around the Northwest side of the Bell-Slip on the Buffalo Outer Harbor Green Belt Area. The project is located at Buffalo Outer Harbor, Fuhrmann Blvd, Buffalo.

**Contact:** Kimberley Minkel, 181 Ellicott St., Buffalo, NY 14203, Phone: (716) 855-7470, Fax: (716) 855-6679.

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PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority,  
Acceptance of Property Resolutions 5. D. (1) through 5. D. (4)

The Executive Director advised that Items 5. D. (1) through 5. D. (4) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Martino, seconded by Commissioner Sloma, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (4) and dated July 24, 2006 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES:** STAMM, SLOMA, LEWIN, JUHASZ, HUDSON, DEMAKOS

**NOES:** NONE

ADOPTED

PROPERTY:

5. D. (1) Acceptance of Bid, Man O'Trees Inc., and Authorization for Agreement, C & S Engineers, Inc., Shoreline Improvements, NFTA Project No. 12PL0202/32PL0202

**RECOMMENDATION:** Staff recommends that the Board award the subject construction contract (12PL0202) to the responsive low bidder Man O'Trees Inc. for the Total Bid Amount of \$11,333,000.00 and the corresponding Construction Monitoring contract (32PL0202) to Term Consultant C&S Engineers, Inc. for the not-to-exceed amount of \$722,757.00. Recommendation is contingent upon execution of the corresponding NYSDEC and FHWA grants and NYSDEC/FHWA approval with the award.

**INFORMATION:** This environmental restoration project is located in the Outer Harbor area extending along the former Pier Restaurant to Terminal B. The project will provide for an "Outer Harbor Greenbelt" extending approximately 95 feet in width along the top of the proposed shoreline. Habitat enhancement is an important and integral component of this project and includes provisions for creating terrestrial and aquatic habitat. The work also includes removal of existing shore protection, onsite concrete crushing and reuse, disposal of unsuitable material, regrading and installation of a new shoreline stone revetment, installation of geotextile fabric and a 12-inch soil cap, landscaping, and construction of a 13-foot wide asphalt concrete pedestrian/bicycle trail. Onsite parking is included with pedestrian and bicyclist connections provided to the existing Fuhrmann Boulevard trail system.

**Construction Procurement:** The project was publicly advertised in accordance with NFTA Procurement Guidelines. Fourteen sets of contract documents were distributed to potential prime bidders with four responding as follows:

Company	Total Amount Bid
Man O'Trees, Inc. West Seneca, New York David C. Pfeiffer, President	\$11,333,000.00
UCC Constructors, Inc. West Seneca, New York Robert F. Hill, President	\$12,879,532.90
Hohl Industrial Services, Inc. Tonawanda, New York David Hohl, President	\$13,578,129.99
DiPizio Construction Company, Inc. Cheektowaga, New York Bernard DiPizio, President	\$14,657,380.00

It has been determined that the low bidder, Man O'Trees Inc., has the knowledge, understanding and ability to successfully accomplish the project work. 14% DBE participation in the

construction contract will be provided by:

\$1,100,000.00	- The Oneida Group.	(Hauling)
\$500,000.00	- Sue – Perior Concrete & Paving	(Earthwork & Paving)

Construction Monitoring Procurement: The construction monitoring work for this project requires a unique blend of both general civil and environmental/environmental restoration experience familiar with the NYSDEC and U.S. Army Corps of Engineers requirements specific to this project. Staff sought out qualifications and resumes from a number of different consultants in an effort to identify the most qualified team. Term consultants under consideration included:

American Consulting Professionals of New York, PLLC

C & S Engineer's, Inc.

Environmental Resources Management

Malcolm Pirnie, Inc.

Panamerican Environmental, Inc.

Watts Engineers, P.E., P.C.

Staff selected a team lead by C&S Engineer's, Inc. as the most qualified from among the approved Term Consultants. C&S has a very favorable track record with NFTA for similar construction monitoring services, along with proven qualified individuals for assignment to this project. C&S's team is comprised of the following:

<u>Cost</u>	<u>Consultant</u>	<u>Responsibility</u>
\$320,980	C&S Engineer's, Inc.	Project Management, Resident Engineer and Inspection
\$258,403	TVGA Consultants	Civil/Environmental Inspection and Survey
\$107,874	Watts Engineers, PE, PC *	Civil Inspection
<u>+\$35,500</u>	SJB Services, Inc.	Testing
\$722,757	Total	

\* = 15% DBE participation in the Construction Monitoring term contract supplement.

Construction monitoring services provided under this agreement will include full time on-site construction inspection and environmental monitoring, measurement and verification of all quantities for installed materials and processing of requests for payment from the contractor, shop drawing submittal review and approval, preparation and negotiation of all change orders, design/construction oversight, coordination and consultation throughout all phases of the project, all material testing, chairing and minute preparation/distribution for all meetings, preparation of

Regular Meeting  
July 24, 2006

record drawings, as well as professional services requiring an Engineer licensed to practice in the State of New York. The consultant agreement will terminate approximately one month after Final Acceptance of the construction project that is currently scheduled for December 2007.

Resulting negotiations with C&S Engineers, Inc. are as follows:

- \$762,065.00 - Engineer's Estimate
- \$819,287.00 - Initial Consultant Proposal
- \$722,757.00 - Negotiated Contract

The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation for Board approval.

**FUNDING:** The project will be implemented through phased construction pending execution of an additional grant supplement from NYSDEC. Phase I construction amount is \$6,745,518.80 and the corresponding allowance for Construction Monitoring amount is \$300,000.

Phase I construction involves the area from the former Pier Restaurant south to the Bell Slip including the revetment, trail and landscaping; beginning in August 2006 and finishing by December 2007. Phase II construction involves the Bell Slip area south to Terminal B including aquatic plantings in the bell slip as well as the revetment, trail, landscaping and public access beginning in January 2007 and finishing in December 2007.

Project Costs are allocated as follows in Account Number 3188-20862 for Construction and Account Number 3113-20862 for Construction Monitoring (CM).

	<u>Phase I Construction</u>	<u>Phase II Construction</u>	<u>Total Construction</u>	<u>Phase I CM (Allowance)</u>	<u>Phase II CM</u>	<u>Total CM</u>
NYSDEC*	\$6,070,966.92	\$4,128,733.08	\$10,199,700.00	\$270,000.00	\$380,481.30	\$650,481.30
FHWA	\$640,000.00	\$0	\$640,000.00	\$0	\$0	\$0.00
NFTA	\$34,551.88	\$458,748.12	\$493,300.00	\$30,000	\$42,275.70	\$72,275.70
Total	\$6,745,518.80	\$4,587,481.20	\$11,333,000.00	\$300,000.00	\$422,757.00	\$722,757.00

\*Certain construction costs related to the concrete walkway estimated at \$202,610.00 will need NYSDEC approval for eligibility.

**“RESOLVED**, that the Board hereby accepts the bid from Man O’Trees Inc. for Greenbelt shoreline improvements, and authorizes an agreement with C & S Engineers, Inc. for construction monitoring; and

**BE IT FURTHER RESOLVED**, that the Executive Director, his designee and/or the Chairman, be and hereby are authorized to

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execute Agreements with Man O'Trees Inc. for a total of \$11,333,000 and C & S Engineers, Inc. for an amount not-to-exceed \$722,757, with terms and conditions as set forth above and as negotiated; and

**BE IT FURTHER RESOLVED**, that the said Agreements shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be and she is hereby authorized to make payments under said Agreements upon certification by the Director, Engineering that such payments are in order."