

Survey on Status of New York Area of Concern Remedial Action Plan Activities

AOC Management Meeting

October, 2014

Area of Concern: Buffalo River

Date of Completed Stage 2 RAP Document and Addendums: Stage 2 Addendum completed in December 2011

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- 1) List the current beneficial use impairments in your RAP and summarize the activities underway and planned to restore each beneficial use and make progress towards AOC delisting. (This is a big picture or 10,000 ft view of the major actions needed to delist the AOC)**

The following Management Actions have been identified and need to be completed in order to satisfy delisting targets for removing the Impaired BUIs for the Buffalo River AOC.

1. Completion of the Phase II Great Lakes Legacy Act Sediment Remediation (this assumes Phase I Enhanced Navigational Dredging is completed satisfactorily),
 - **Status as of September 2014** – This project began in late 2013 and has removed approximately 350,000 cubic yards of contaminated sediment from the River. It is anticipated that the dredging and capping process will be completed in October 2014.
2. Restoration of five aquatic habitat restoration sites included as part of the Buffalo River Great Lakes Legacy Act Sediment Remediation project,
 - **Status as of September 2014** – the placement of fill material and installation of rock vanes began this month. The installation of planting material and SAV and EV is anticipated to occur in June 2015.
3. Conduct Great Lakes Legacy Act Sediment Remediation project 2 and 5 year performance monitoring (includes residual monitoring of sediment quality and aquatic habitat restoration)
4. Complete implementation of RiverBend Habitat Restoration Phase I and Phase II, and
 - **Status as of September 2014** – Phase I restoration work has been completed; Phase II restoration will commence in the spring of 2015.
5. Design and implementation of a set of 13 priority aquatic/upland habitat connectivity projects identified in the Buffalo River Habitat Restoration Action Plan.
 - **Status as of September 2014** – please see following chart.

In June 2014, the “Buffalo River Area of Concern: A Monitoring Plan for the Delisting of “Impaired” Beneficial Use Impairments” was finalized. The development of this plan began with the formation of two “Sub Groups” comprised of people with expertise or significant interest in either Habitat or Water Quality issues. It was determined early on in the process that the Delisting Criteria for all of the BUIs needed to be updated to reflect current data and to assure that the goals were reasonable and obtainable. The Monitoring Plan is intended to supplement the updated BUI chart by outlining the sampling efforts needed to redesignate the Buffalo River AOC, post Management Actions. Anticipated sampling needs include (but not limited to):

- Post-Dredging monitoring – 2yr & 5yr
- Completion of NYSDEC’s 3-yr phenol study
- Wildlife Survey
- Completion of USGS tree swallow survey
- Completion of NYSDEC’s mink survey

The full report can be viewed at: <http://bnriverkeeper.org/projects/buffalo-river-restoration/the-buffalo-river-area-of-concern/>

Buffalo River Habitat Action Plan September 2014 Status Update				
	Site	Property Owner	Funding Secured?	Funding Notes
Design	River Fest Park	Buffalo River Fest Park LLC/City of Buffalo	Yes	Riverkeeper secured funding from a GLC/NOAA partnership agreement. RFP for design services to be released in late 2014.
	Blue Tower Turning Basin	City of Buffalo	Yes	Riverkeeper secured funding from a GLC/NOAA partnership agreement. RFP for design services to be released in late 2014.
	Old Bailey Woods - Eastern and Western Parcel	City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	(Red Jacket) Smith Street Park	Erie County	Yes	Erie County DEP secured funding from USEPA. Consultant for design has been chosen - design project will kick-off in September with Final Designs to be completed by January 2015
	Dead Man's Creek/Ohio Street Boat Launch	NYSDEC	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	City Ship Canal	CON-RAIL	No	
	Toe of Katherine St Peninsula	City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	Buffalo Color Peninsula	South Buffalo Dev Corp	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	North-Eastern Shoreline of	City of Buffalo, BOC Group,	No	

	Katherine St Peninsula			
	Concrete Central	CON-RAIL	No	
	Bailey Avenue Peninsula	Erie County	Yes	Erie County DEP secured funding from USEPA. Consultant for design has been chosen - design project will kick-off in September with Final Designs to be completed by January 2015

	Site	Property Owner	Funding Secured?	Funding Notes
Construction	RiverBend Phase II	BUDC	Yes	Riverkeeper secured funding from a GLC/NOAA partnership agreement. RFP for construction services anticipated to be released in February 2015.
	River Fest Park	Buffalo River Fest Park LLC/City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	Dead Man's Creek	NYSDEC	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	Toe of Katherine St Peninsula	City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	Blue Tower Turning Basin	City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	(Red Jacket) Smith Street Park	Erie County	Yes	Erie County DEP secured funding from USEPA.
	Buffalo Color Peninsula	South Buffalo Dev Corp	No	
	Old Bailey Woods - Eastern and Western Parcels	City of Buffalo	In Process	Riverkeeper is currently developing a proposal to the GLC/NOAA partnership. (Amendment 3)
	City Ship Canal	CON-RAIL	No	
	North-Eastern Shoreline of Katherine St Peninsula	City of Buffalo, BOC Group,	No	
	Concrete Central	CON-RAIL	No	
	Bailey Avenue Peninsula	Erie County	Yes	Erie County DEP secured funding from USEPA.

2) Which BUIs will be proposed by your RAC and public noticed for re-designation to “not impaired” in 2013? In 2014? In 2015 and beyond

Fill out the following table FY Target and Status (e.g. Approval of Delisting submittal to EPA, Public notice of Delisting issued, Assessment in progress, Further assessment needed, etc.)

FY Target	BENEFICIAL USE IMPAIRMENTS	Status (Actions Required)
2017	Restrictions on fish and wildlife consumption	An “In Recovery” designation for this BUI could occur as early as 2017 based on the completion of the sediment remediation project and Year-2 post-dredging monitoring results.
2015-2016	Tainting of fish and wildlife flavor	It is anticipated that full delisting of this BUI can commence in 2015 or 2016 based on the results of the phenol study and NYSDEC’s determination that fish tainting is no longer a concern.
2017-19	Degradation of fish and wildlife populations	Depending on the implementation of habitat restoration projects, it is anticipated that this BUI could be considered for re-designation as early as 2017. If, through the replication of the wildlife survey, data comparisons confirms that there are healthy and reproducing populations, the full delisting of this BUI could occur.
2020	Fish tumors or other deformities	It is anticipated that this BUI could be proposed for re-designation to “In Recovery” in 2020 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.
2020	Bird or animal deformities or reproduction problems	It is anticipated that this BUI could be proposed for re-designation to “In Recovery” in 2020 based on: <ul style="list-style-type: none"> • the implementation of Management Actions, • the results of the wildlife survey, swallow and mink studies. • Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.

2016	Degradation of benthos	It is anticipated that this BUI could be proposed for re-designation as In Recovery in 2016 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr) monitoring.
2016	Restriction on dredging activities	It is anticipated that this BUI could be proposed for re-designation as early as 2016 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring, or additional monitoring conducted by the Army Corps of Engineers.
NA	Eutrophication or undesirable algae	
NA	Restrictions on drinking water consumption, or taste and odor problems	
NA	Beach closings	
2015	Degradation of aesthetics	It is anticipated that this BUI could be proposed for re-designation in 2015 if/when both the Buffalo Sewer Authority's Long Term Control Plan is signed and the City of Buffalo Green Code is adopted by the Common Council.
NA	Added costs to agriculture or industry	
NA	Degradation of phytoplankton and zooplankton populations	
2017	Loss of fish and wildlife habitat	It is anticipated that this BUI could be proposed for re-designation to In Recovery 2017 based on aquatic and upland habitat restoration proposed in the Great Lakes Legacy Act Project and the Buffalo River Habitat Restoration Action Plan.

3) Based on your current progress and planned activities, what is your best estimate of the year when your RAC would be ready to proceed with a final Stage 3 Area of Recovery designation or AOC delisting document?

We believe that the Buffalo River RAC would be ready to proceed with an “Area in Recovery” designation in 2016. Once post dredging and post-habitat restoration monitoring is commenced, complete, and the data supported, barring any further funding delays, we believe that the Buffalo River RAC would be ready to proceed towards a final Stage 3 Delisting document in 2018-19.

4) When does your current RAP capacity grant funding run out? What will be your future RAP capacity needs by year with estimated dollar amount to accomplish BUI removal and AOC delisting targets described in questions 2 and 3 above?

A detailed analysis to determine funding needs has not been performed and estimating the cost for RAP capacity funding is made difficult by the varying (and often unknown) project tasks. That being said, it is anticipated that personnel costs associated with RAP coordination and project oversight will range from \$150,000-200,000 per year until the Buffalo River has been delisted or designated as an Area in Recovery.

Buffalo Niagara Riverkeeper will receive funding of \$103,000 per year for Buffalo River RAP Coordination through the end of 2016 as part of an EPA grant obtained by Erie County. The gap in funding will impact the ability to complete tasks listed in the grant agreement – particularly the development of a delisting document for BUI #11 (Aesthetics).

5) What barriers (policy, funding, technical, other?) are RAP Coordinators encountering to tracking BUI activities and progress towards removal?

- None, for now.