

Niagara River Greenway Commission Consultation and Review Form

Date of Submittal:

Project Registration Number (*office use only*):

Type of Review Required (please check one):

Mandatory Consultation for proposals seeking Greenway Funding

Voluntary Review and/or Endorsement for proposals not seeking Greenway Funding

PROJECT SPONSOR INFORMATION

Name:	<u>Buffalo Niagara River Land Trust</u>
Mailing Address:	52 Amherst Street
State:	Buffalo, NY
Zip Code:	14207
Federal ID#:	46-2654753
Charities Registration #:	45-02-60

PROJECT TYPE (Please check only ONE)

Trail Development / Improvement

Interpretation / Cultural Monuments

Ecosystem / Riparian Habitat Restoration

Stewardship

Niagara River Greenway Placemaking / Public Access / Wayfinding

FUNDING COMMITTEE

Host Community Standing Committee

Ecological Standing Committee

Buffalo and Erie County Standing Committee

State Parks Standing Committee

Unsure at this time / N/A

TOTAL AMOUNT REQUESTED

\$51,800.00

ADDITIONAL FUNDING FROM OTHER SOURCES

Source	Amount
<u>Ralph C. Wilson Jr. Legacy Funds – Design and Access</u>	<u>\$50,000 requested</u>
<u>T-Mobile Hometown Grant</u>	<u>\$50,000 to be requested 3/24</u>

PROJECT INFORMATION

Project Name:	Creating Access to Trails for Families at Cayuga Creek
Location (include GPS coordinates if possible):	We have tax parcel #'s for these unaddressed properties: 146.18-1-37 146.18-1-38 146.18-1-39
Project Site Address:	Near 9155 Porter Road
State:	Niagara, NY
Zip Code:	14304
Minor Civil Division(s):	Town of Niagara
County:	Niagara County
Project Proponent Property Interest (own, lease, easement or other):	Easement

AUTHORIZED OFFICIAL

Name:	<u>Mr. Daniel Riker</u>
Title:	Board President, Buffalo Niagara River Land Trust
Business Address:	52 Amherst Street
State:	Buffalo, NY
Zip Code:	14207
Work Number:	(716) 955-3018
Cell Number:	(716) 572-5312
E-Mail Address:	driker@cscos.com

PROJECT POINT OF CONTACT

Name:	<u>Tracy Fletcher</u>
Title:	Director of Operations
Organization / Firm:	Buffalo Niagara River Land Trust
Business Address:	52 Amherst Street
State:	Buffalo, NY
Zip Code:	14207
Work Number:	716-427-4047
Cell Number:	716-998-0351
E-Mail Address:	tracy@bnrlandtrust.org

PROJECT NARRATIVE

Please attach material which responds to the following six items in the order that they are presented.

1. In a brief paragraph, describe the project and its purpose, how and when it will be accomplished, and why it is important.

The Buffalo Niagara River Land Trust (BNRLT), in partnership with Buffalo Niagara Waterkeeper, stewards property in The Town of Niagara at Cayuga Creek for public enjoyment. The trail that Waterkeeper has created at this property lacks signage, access and parking for the public to find the site which is located off of busy Porter Road. As a part of the larger project, BNRLT is seeking to use the land labeled as the “Lozina sites” and create a parking lot for accessibility to the larger Cayuga Creek property.

BNRLT is working to create a parking area for families and individuals to safely access the conservation area and connect with the main trail. By making it safe to enter the protected area and trail we allow families to enjoy this property and expand the network of trails available for safe recreation in Western New York. There are 1.2 million people residing in the Buffalo-Niagara Region and according to The Outdoor Fitness Society (<https://outdoorfitnesssociety.com/adventure/surprising-stats-about-hiking-in-the-usa/>), 34% of Americans hike at least once a year. That means potentially 408,000 people will consider hiking at Cayuga Creek. The population of Niagara County is 210,880 and the City of nearby Niagara Falls is 48,671, so it is realistic to think 16,000 people from the surrounding area will choose this new, accessible option to bring their family out to the Cayuga Creek natural area for a day hike. For more information about this protected land please visit: <https://bnwaterkeeper.org/cayuga-creek/>

2. Referring to the Niagara River Greenway Plan, clearly document and describe how the proposed project will advance the Niagara River Greenway vision including the goals, principles, and criteria that define that vision.

Principles

Accessibility- Currently site access at this beautiful property is limited to those who live in the adjacent neighborhoods or those who risk safety by parking on the side of the road and have the tenacity to find the entrance to the trail that runs to the interior of the property. Adding a parking lot that is ADA accessible along with a connecting trail and clear signage will allow the general public to access the site.

Partnerships – This project is a strong partnership between the Buffalo Niagara River Land Trust, the Town of Niagara and Buffalo Niagara Waterkeeper. The County of Niagara has also been involved to do site assessment work.

Public Well-Being- The impetus for improving this site was to help alleviate a problem with flooding in the area and at the houses bordering the property. By creating a new footprint for the creek that more closely mirrored the natural flow of the water along with barriers to prevent seasonal flooding from extending beyond the property to some extent the impacts of overflow have been mitigated. Now this property offers a peaceful respite within a busy area. Birds are returning and BNW has created a positive nesting area for visitors to enjoy and interact with the wildlife. With safe parking and access the site is ideally suited for young families with the gentle terrain and clear sightlines that allow youngsters to explore safely with their families.

Goals (pages 23 – 25 of the Niagara River Greenway Plan)

Improve Access - the goal of this project is to offer access to the Cayuga Creek property that is now almost non-existent. There is no clearly marked entrance to the property. There is no parking designated and so visitors park alongside busy Porter Road on a narrow strip that is bounded on the other side by a drainage ditch. There is no ADA accessibility at all. By building a parking lot with a trail to connect to the interior of the site and clear signage people will be invited to hike the trail in a way that is now impossible.

Criteria (pages 27 – 35 of the Niagara River Greenway Plan)

Implementable - The extensive work that BNW has done to date at the site alongside the project partners including BNRLT allows us to move quickly to this phase of the project – creating accessibility. Plans are included in this application for the parking area along with a budget and timeline. Funds are currently being sought from a number of sources. The BNRLT staff and Board have the ability to oversee this project and ensure timely implementation.

Clear Benefits- the clear benefit is the accessibility of the site. First from an awareness point of view. The public does not even know that there is a natural area and hiking trail at Cayuga Creek unless they live in the houses and neighborhoods immediately surrounding the site. Or if they do know about it they are faced with a significant challenge finding a place to park and a place to enter into the site. By allowing the public to gain access to the property, the organizations involved can build upon the investment in time, money and effort that has been made to date to ensure that the public has access to a beautiful, peaceful area that has been restored at Cayuga Creek.

3. Define the budget for the total proposed project and include costs for the following:

Planning	\$0
Construction	\$137,000
Acquisition	\$0
Administration	\$14,800
Operation and Maintenance / Year	\$0
TOTAL PROJECT COST	\$151,800

Identify all sources of funding and the amount of funding expected from each source. Identify and quantify funds that are already on hand or have been allocated for the proposed project. Explain how the project will be operated and maintained.

<u>Grant Applications</u>	<u>Status</u>	<u>Amount Requested</u>
Ralph C. Wilson Jr. Legacy Funds – Design and Access	Applied 12/23	\$50,000

T-Mobile Hometown Awards	Applying 12/23	\$50,000
Greenway Funds	Anticipate application 3/24	\$51,800

4. Describe the measures taken at the local level to gain community and government support for this project (hearings, petitions, public surveys, resolutions of support or other methods). If this project has been cited or described in a local planning document or some equivalent thereof, attach copies of that documentation highlighting the sections that are relevant to the proposed project. Describe the role of municipal agencies, stakeholder groups, consultants, volunteers or others who will be involved in the proposed project.

This project is a partnership between Buffalo Niagara Waterkeeper (BNW), the Buffalo Niagara River Land Trust (BNRLT) and the Town of Niagara. BNRLT is submitting this project, particularly the Lozina properties adjacent to the Cayuga Creek property for consistency, but it should be noted that BNW has already applied for an gained Consistency and funding for the Cayuga Creek properties, including the Lozina partnership. From the BNW Project Plan regarding these properties you will find the following details:

Project Location:

This proposal focuses on protection via acquisition and a conservation easement for approximately 37 acres of land within a large, contiguous area of undeveloped and valuable natural habitat that exists along Cayuga Creek within the Town of Niagara. Located just south of the Niagara Falls International Airport and Air Reserve Station and in between Porter Road and Elderberry Place, the project location is the largest area of natural land cover that exists along the lower section of Cayuga Creek, and one of the few remaining natural areas of its size and type in the Town of Niagara.

Project Partners:

Primary project partners for this project include the Town of Niagara and the Buffalo Niagara River Land Trust (BNRLT). Details of these partnerships are included throughout the proposal.

Project Goal:

Ensure investments in protecting and restoring the land within the Town-owned property along Cayuga Creek remain in perpetuity, and expand the amount of protected land through the acquisition of two additional contiguous parcels.

Project Description:

Background- As a result of the degraded and impaired conditions, the Cayuga Creek watershed has been a focus for many studies and planning efforts over the past several decades including the Cayuga Creek Watershed Assessment Report that was completed in 2006 as part of the NYPA relicensing settlement process.

A significant priority that was outlined in these documents is the acquisition and protection of natural areas along Cayuga Creek, especially in the lower watershed, as these measures can be essential stepping stones in improving the characteristics of the watershed (NYPA, 2006).

Progress to date within the project location has focused primarily on several parcels that were previously owned by the Weber family. After over a decade of partnership coordination and securing funds, in 2018 BNW along with other partners including the Western New York Land Conservancy, helped facilitate the Town of Niagara's acquisition of these parcels that were owned by the Weber family for permanent protection, totaling 25.79 acres. Funding for the acquisition phase was provided through the Host Community Standing Committee and the Niagara County Brownfield Revitalization Program.

Currently, BNW is leading efforts to restore a portion of Cayuga Creek that flows through the Town-owned property in order to address ongoing flooding issues that are impacting surrounding communities. In the 1970s Cayuga Creek was channelized and straightened. By restoring the original creek channel to a more natural state and reconnecting the stream to its historic floodplain, benefits such as reduced flooding, improved water quality, creation of important fish and wildlife habitat, and overall increased stream function will be achieved.

This funding proposal focuses on the acquisition of 2 parcels that are owned by the Lozina Family for habitat protection, as well as the addition of a conservation easement on the parcels that are currently owned by the Town of Niagara.

The priority is to achieve the permanent protection of the unique and significant natural habitat that is found within the project location, adding acreage to the Niagara River Greenway. Land acquisition and protection is therefore the focus on this funding request. There is future opportunity for environmental stewardship activities within this area as well as the creation of passive recreational trails, however protection is the ultimate priority.

Lozina Parcels: Over the past several years, BNW has engaged with property owners that adjoin the town owned property to explore opportunities to add additional acreage to the newly created Town preserve. After completing initial appraisals for these properties and discussing our interest in protecting them with the property owners, two parcels owned by the Lozina Family have risen to the top and are ready to be acquired for permanent protection. Directly adjacent to and contiguous with the Town-owned parcels, these two properties are each approximately 5.5 acres in size providing an opportunity to protect an additional 11 acres of high-quality habitat.

The land within the parcels is considered to be of exceptional ecological value due to the relatively rare forested wetlands found there. Based on historical photographs and site assessments, it appears that that forest community within these parcels has not been cleared previously, and is described as a high-quality mature forest. The properties support a variety of amphibians, birds, reptiles, and mammals. Within the forested community there are areas of inundation which support amphibian breeding. The forest within the parcels is relatively free of invasive plant species, and houses about seven large shellbark hickory (*Carya laciniosa*) trees. This tree species is listed as "threatened" in New York State. Both properties are entirely mapped as a federal wetland (Freshwater Forested/Shrub Wetland).

Consistency with Conservation Plans:

The following excerpts from local conservation plans reflect the critical need for this project and the protected habitat that will be generated as a result:

Cayuga Creek Watershed Restoration Roadmap

- The Cayuga Creek watershed will be considered "healthy" when the following conditions have been met (not all listed):
 - Cayuga and Bergholtz Creeks have been removed from the State's impaired waterbody lists (303(d) and 305(b).
 - Sustained efforts have been undertaken to conserve and restore wildlife and fisheries habitat, to increase public awareness of the need for preservation, conservation, restoration, and enhancement of habitat. Projects will involve a variety of habitat types to create diverse landscape elements in the watershed, including habitat in streams, wetlands, stream banks and riparian areas, and uplands.
- Stormwater Management

- Flooding risk to Cayuga Village is reduced and stream banks in the vicinity and downstream of the Village are stabilized.
- Off-channel and fringe wetlands are protected, enhanced, restored, and/or created for flood water detention, flood flow dissipation, and expanded riparian habitat.

Niagara River Greenway Habitat Conservation Strategy

• Overarching Recommendations:

- Strategy 1: Increase stream buffers, especially where connectivity to active floodplains, riparian wetlands, or other habitats is enhanced or where problems with runoff, flooding, and/or erosion are known to exist.
- Strategy 6: Work with public and private landowners on best management practices to gain maximum ecosystem and community values of wetlands including stormwater retention and filtration, native species diversity, and beauty.
- Strategy 7: Work with municipalities, land conservancies, and private owners to transform vulnerable woodlots into ecologically functional, resilient forests through protection and connection of existing lots.
- Strategy 11: Contribute to the creation of a Niagara River Greenway by protecting and connecting natural areas.

5. Describe and document the environmental setting and existing conditions at the proposed project site. If you are not the owner of the property include a letter(s) or resolution(s) evidencing support for the project by the owner. Provide photographs, conceptual plans and drawings that show the site as it presently exists and how the site will change with the addition of the proposed project. Describe how your project will comply with the State Environmental Quality Review Act (SEQRA). The existence of wetlands, significant upland and aquatic habitats, and plant or animal species that are classified as rare, threatened, or endangered should be noted. Explain how such natural resources will be protected and/or enhanced. Cite any relevant project-related studies.

Again, from the BNW project plan for all the properties:

With support from the Niagara County Department of Economic Development, a Phase I Environmental Site Assessment (ESA) was completed for the properties by Day Environmental in early 2020. While no concerns were identified on site, additional investigation into potential impacts from adjacent sites was identified as a need. A Phase II ESA is currently underway, which is also supported by Niagara County, and is anticipated to be completed this fall. Project partners and technical experts do not anticipate any effect of the Phase 2 investigation on the acquisition but will provide an update to the committee once the study is finalized.

Town-Owned Parcels: While much progress has been made over the past decade to protect these properties through transferring ownership to the Town and advancing restoration through a strong partnership between BNW and the Town, there is nothing in place that protects the land in perpetuity. By adding a conservation easement to these parcels, the work that has been advanced to date and is planned in the coming years which totals over \$2 million in investments, will permanently exist as public, natural land and an important asset within the Niagara River Greenway without the risk of future alteration or degradation. BNRLT will lead the execution of a conservation easement in close coordination with the Town and BNW.

The Town has confirmed their interest and willingness to add a conservation easement to the parcels in the project area that they currently own. They are conscious of the fact that Town leadership will not remain the same forever and wish to ensure that the vision for the recently created preserve remains protected. Since BNW is leading restoration work within this area and intend to complete long-term stewardship activities post-restoration, BNW will keep BNRLT informed on this work and potential future work to ensure activities are in line with the conditions set forth in the easement.

6. Please attach the proposed project timeline, identify any relevant milestones, and provide an estimated date for project completion/opening. If funded, it is expected that the project sponsor or point of contact will notify the Commission of the project opening date as it nears completion. *(Note: This addition to the application was made September 2018.)*

Timeline

Phases 1, 2 and 3:

Award by August 1, 2024

Preparation of bid documents

Finalize bids and select vendors - Fall 2024

Construction of Parking lot - Fall, winter and spring 2024 (these are inexact dates to allow for weather variations)

Signage placement - June, 2024

Finalize project including grant reporting- July, 2024

Attachments:

Attachment A – Estimate for creating accessibility at Lozina Cayuga Creek

Attachment B – Lozina Cayuga Creek Site Plan

Attachment C – BNW Proposal Cayuga Creek Land Protection (Includes maps, photos and letter from the Town of Niagara)



**Buffalo Niagara River
Land Trust**

JOB TITLE Lozina Site - Engineer's Est. of Probable Construction Costs
 JOB NO. _____
 CALCULATED BY MLB DATE 12/1/2023
 CHECKED BY _____ DATE _____

ITEM NUMBER	ITEM DESCRIPTION	UNIT	ESTIMATED GRANT QUANTITY	ESTIMATED UNIT PRICE	ESTIMATED GRANT AMOUNT
PHASE 1 - PARKING LOT					
1	CONSTRUCTION SURVEY OPERATIONS	LS	1	\$ 2,200.00	\$ 2,200.00
2	EROSION AND SEDIMENT CONTROL	LS	1	\$ 2,100.00	\$ 2,100.00
3	TRAIL BLAZING - SEGMENT 1	LS	1	\$ 2,100.00	\$ 2,100.00
4	PARKING AREA	LS	1	\$ 34,700.00	\$ 34,700.00
5	BOLLARDS	EA	1	\$ 500.00	\$ 500.00
6	MOBILIZATION	LS	1	\$ 1,700.00	\$ 1,700.00
CONSTRUCTION SUBTOTAL =					\$ 43,300.00
7	GRANT ADMINISTRATION	LS	1	\$ 1,200.00	\$ 1,200.00
8	COMMUNITY OUTREACH	LS	1	\$ 1,500.00	\$ 1,500.00
9	CONSTRUCTION SUPPORT	LS	1	\$ 2,800.00	\$ 2,800.00
10	POST GRANT AUDIT	LS	1	\$ 1,100.00	\$ 1,100.00
PHASE 1 TOTAL =					\$ 49,900.00
Grant Funding Request =					\$ 50,000.00

PHASE 2 - TRAIL SEGMENTS 1 AND 2					
	CONSTRUCTION SURVEY OPERATIONS	LS	1	\$ 1,800.00	\$ 1,800.00
	EROSION AND SEDIMENT CONTROL	LS	1	\$ 800.00	\$ 800.00
	TRAIL BLAZING - SEGMENT 2	LS	1	\$ 1,900.00	\$ 1,900.00
	TRAIL HEAD SIGN	EA	1	\$ 2,400.00	\$ 2,400.00
	STONE WALKING PATH - SEGMENTS 1 AND 2	LS	1	\$ 35,900.00	\$ 35,900.00
	WAYFARING SIGNS	EA	4	\$ 700.00	\$ 2,800.00
	BIKE RACK	EA	2	\$ 400.00	\$ 800.00
	MOBILIZATION	LS	1	\$ 1,900.00	\$ 1,900.00
CONSTRUCTION SUBTOTAL =					\$ 48,300.00
	GRANT ADMINISTRATION	LS	1	\$ 1,200.00	\$ 1,200.00
	CONSTRUCTION SUPPORT	LS	1	\$ 1,800.00	\$ 1,800.00
	POST GRANT AUDIT	LS	1	\$ 1,100.00	\$ 1,100.00
PHASE 2 TOTAL =					\$ 52,400.00

PHASE 3 - TRAIL SEGMENTS 3 AND 4					
	CONSTRUCTION SURVEY OPERATIONS	LS	1	\$ 1,800.00	\$ 1,800.00
	EROSION AND SEDIMENT CONTROL	LS	1	\$ 800.00	\$ 800.00
	TRAIL BLAZING - SEGMENTS 3 AND 4	LS	1	\$ 4,600.00	\$ 4,600.00
	TRAIL HEAD SIGN	EA	1	\$ 2,400.00	\$ 2,400.00
	STONE WALKING PATH - SEGMENTS 3 AND 4	LS	1	\$ 36,200.00	\$ 36,200.00
	WAYFARING SIGNS	EA	3	\$ 700.00	\$ 2,100.00
	MOBILIZATION	LS	1	\$ 2,000.00	\$ 2,000.00
CONSTRUCTION SUBTOTAL =					\$ 49,900.00
	GRANT ADMINISTRATION	LS	1	\$ 1,200.00	\$ 1,200.00
	CONSTRUCTION SUPPORT	LS	1	\$ 1,800.00	\$ 1,800.00
	POST GRANT AUDIT	LS	1	\$ 1,100.00	\$ 1,100.00
PHASE 3 TOTAL =					\$ 54,000.00

CAYUGA CREEK LAND PROTECTION

Sponsor/Contact Information:

Buffalo Niagara Waterkeeper (BNW), Emily Root, eroot@bnwaterkeeper.org
721 Main Street, Buffalo, NY 14203, Tel: (716) 852-7483 ext.16, Fax: (716) 885-0765

Project Location:

This proposal focuses on protection via acquisition and a conservation easement for approximately 37 acres of land within a large, contiguous area of undeveloped and valuable natural habitat that exists along Cayuga Creek within the Town of Niagara. Located just south of the Niagara Falls International Airport and Air Reserve Station and in between Porter Road and Elderberry Place, the project location is the largest area of natural land cover that exists along the lower section of Cayuga Creek, and one of the few remaining natural areas of its size and type in the Town of Niagara.

Project Partners:

Primary project partners for this project include the Town of Niagara and the Buffalo Niagara River Land Trust (BNRLT). Details of these partnerships are included throughout the proposal.

Project Goal:

Ensure investments in protecting and restoring the land within the Town-owned property along Cayuga Creek remain in perpetuity, and expand the amount of protected land through the acquisition of two additional contiguous parcels.

Project Description:

Background- As a result of the degraded and impaired conditions, the Cayuga Creek watershed has been a focus for many studies and planning efforts over the past several decades including the Cayuga Creek Watershed Assessment Report that was completed in 2006 as part of the NYPA relicensing settlement process. A significant priority that was outlined in these documents is the acquisition and protection of natural areas along Cayuga Creek, especially in the lower watershed, as these measures can be essential stepping stones in improving the characteristics of the watershed (NYPA, 2006).

Progress to date within the project location has focused primarily on several parcels that were previously owned by the Weber family. After over a decade of partnership coordination and securing funds, in 2018 BNW along with other partners including the Western New York Land Conservancy, helped facilitate the Town of Niagara's acquisition of these parcels that were owned by the Weber family for permanent protection, totaling 25.79 acres. Funding for the acquisition phase was provided through the Host Community Standing Committee and the Niagara County Brownfield Revitalization Program.

Currently, BNW is leading efforts to restore a portion of Cayuga Creek that flows through the Town-owned property in order to address ongoing flooding issues that are impacting surrounding communities. In the 1970s Cayuga Creek was channelized and straightened. By restoring the original creek channel to a more natural state and reconnecting the stream to its historic floodplain, benefits such as reduced flooding, improved water quality, creation of important fish and wildlife habitat, and overall increased stream function will be achieved.



Habitat Enhancement and Restoration Fund, Detailed Proposal
July 15, 2021

This funding proposal focuses on the acquisition of 2 parcels that are owned by the Lozina Family for habitat protection, as well as the addition of a conservation easement on the parcels that are currently owned by the Town of Niagara.

The priority is to achieve the permanent protection of the unique and significant natural habitat that is found within the project location, adding acreage to the Niagara River Greenway. Land acquisition and protection is therefore the focus on this funding request. There is future opportunity for environmental stewardship activities within this area as well as the creation of passive recreational trails, however protection is the ultimate priority.

Lozina Parcels: Over the past several years, BNW has engaged with property owners that adjoin the town-owned property to explore opportunities to add additional acreage to the newly created Town preserve. After completing initial appraisals for these properties and discussing our interest in protecting them with the property owners, two parcels owned by the Lozina Family have risen to the top and are ready to be acquired for permanent protection. Directly adjacent to and contiguous with the Town-owned parcels, these two properties are each approximately 5.5 acres in size providing an opportunity to protect an additional 11 acres of high-quality habitat.

The land within the parcels is considered to be of exceptional ecological value due to the relatively rare forested wetlands found there. Based on historical photographs and site assessments, it appears that that forest community within these parcels has not been cleared previously, and is described as a high-quality mature forest. The properties support a variety of amphibians, birds, reptiles, and mammals. Within the forested community there are areas of inundation which support amphibian breeding. The forest within the parcels is relatively free of invasive plant species, and houses about seven large shellbark hickory (*Carya laciniosa*) trees. This tree species is listed as “threatened” in New York State. Both properties are entirely mapped as a federal wetland (Freshwater Forested/Shrub Wetland).

This funding request includes costs to cover the purchase and transactional costs to facilitate the BNRLT to take ownership of these properties for protection in perpetuity. While there are no solidified plans to complete habitat management activities or other improvements on the property, it is possible that trails, invasive species management, and other habitat improvement activities may take place within these areas in the future. These opportunities would be coordinated between BNW and BNRLT, however the current focus is to achieve protection.

With support from the Niagara County Department of Economic Development, a Phase I Environmental Site Assessment (ESA) was completed for the properties by Day Environmental in early 2020. While no concerns were identified on site, additional investigation into potential impacts from adjacent sites was identified as a need. A Phase II ESA is currently underway, which is also supported by Niagara County, and is anticipated to be completed this fall. Project partners and technical experts do not anticipate any effect of the Phase 2 investigation on the acquisition but will provide an update to the committee once the study is finalized.

An option agreement has also been developed and is currently being signed by the current property owner. Due to the fact that each parcel has several owners within the family with some represented by heirs, gathering signatures has taken more time than anticipated; however, it is anticipated that the contract will be complete within several weeks of submission of this proposal.



Habitat Enhancement and Restoration Fund, Detailed Proposal
July 15, 2021

Town-Owned Parcels: While much progress has been made over the past decade to protect these properties through transferring ownership to the Town and advancing restoration through a strong partnership between BNW and the Town, there is nothing in place that protects the land in perpetuity. By adding a conservation easement to these parcels, the work that has been advanced to date and is planned in the coming years which totals over \$2 million in investments, will permanently exist as public, natural land and an important asset within the Niagara River Greenway without the risk of future alteration or degradation. BNRLT will lead the execution of a conservation easement in close coordination with the Town and BNW.

The Town has confirmed their interest and willingness to add a conservation easement to the parcels in the project area that they currently own. They are conscious of the fact that Town leadership will not remain the same forever and wish to ensure that the vision for the recently created preserve remains protected.

Since BNW is leading restoration work within this area and intend to complete long-term stewardship activities post-restoration, BNW will keep BNRLT informed on this work and potential future work to ensure activities are in line with the conditions set forth in the easement.

Timeline:

Lozina Parcels:

- July 2021- Complete option agreement for Lozina parcels
- Fall 2021- Phase II Environmental Site Assessment for Lozina parcels complete
- Upon award of funding:
 - Within four months after award: complete title search, survey, boundary description, and property acquisition due diligence pursuant to terms of option agreement
 - Within six months after award: complete property acquisition by BNRLT (through an LLC) as owner
 - Once transaction is complete, stewardship fees will be paid to BNRLT and annual stewardship monitoring and reporting will begin in perpetuity

Town-Owned Parcels:

- Upon award of funding:
 - Within four months after award: All partners work together to develop conditions of easement
 - Within six months after award: Conservation Easement is recorded in Niagara County Clerk's Office and stewardship fee paid to BNRLT, and semi-annual monitoring begins to ensure compliance with conditions set forth in the easement

Annual Operation and Maintenance Requirements:

BNRLT will complete annual monitoring on the Lozina parcels and semi-annual monitoring on the Town-Owned parcels to inspect the properties to monitor for evidence of violations of the terms and conditions of the easement. A site inspection checklist is completed during each site visit.

The BNRLT is a 501(c)(3) not-for-profit, established in 2012 to enhance, preserve and protect properties located along the waterways of Western New York. Their mission is to acquire, restore and manage lands along Lake Erie, Lake Ontario, the Niagara River, and their tributaries for ecological protection and to improve public access to the water and waterfront. As a not-for-profit 501(c)(3) corporation, the BNRLT's efforts are intended to help create a truly connected system of public waterfront sites, by acquiring waterfront lands to link existing public sites, provide for new passive and active public access sites in underserved areas, and



undertake environmental remediation and ecological restoration projects. The Cayuga Creek project is well-aligned with the BNRLT's mission and capabilities.

HERF Eligibility Criteria:

Should the project be funded, the project will meet the eligibility criteria as follows:

- Through the protection of the important habitat found within the project area as well as the area in which extensive stream and floodplain restoration work will take place within the next 1-2 years, the project will contribute towards the following criteria: addressing a demonstrated power project impact; preserving RTE species; having a strong scientific foundation; achieving multiple ecological goals; and ultimately achieving long-term protection and enhancement of RTE species and their habitat in the Niagara Basin.
- This project is consistent with many regional resource management plans and opportunity assessments which identify this area as a priority for protection and restoration (more detail on this below).
- The project is both feasible from a probability of success perspective and is time sensitive.
- The project leverages many years of ongoing work within this area and will protect the land from the active threat of development, making the timeliness of this work critical.
- The work is supported by the Town of Niagara which is evidenced by the attached letter of support. In addition to the Town of Niagara, additional partners including BNRLT and Niagara County will be involved in this work, therefore achieving multi-stakeholder collaboration.
- As described in the budget overview, matching resources will be included as part of this work.

Fish and Wildlife Species:

The work that will be achieved through this project will provide protection of critical existing and restored habitat that will benefit a number of fish and wildlife species. Target species include warmwater fish species such as northern pike, amphibians, and a variety of birds and waterfowl.

Cayuga Creek currently is thought to support typical fish species endemic to the region. The restored creek, floodplain and associated habitat will improve the ability of the creek to support aquatic species and will provide spawning and nursery habitat for fish species anticipated to include northern pike. Improving water quality, reducing sedimentation, and providing wetland habitat is expected to benefit pike, as well as other species belonging to the darter, sucker, shiner and sunfish families. USFWS, as a technical partner, is closely involved in project design and implementation to ensure it will make progress towards achieving associated benefits.

Designated as a globally significant Important Bird Area (IBA), the Niagara River is a significant stop-over and wintering site for many thousands of migratory birds. Industrial development, contamination, and loss of wetland, forest, and shrub habitats have been identified as threats to Niagara River IBA species. Currently, the mix of shrubland and forest habitat within the project area provides structurally diverse habitat for many bird species. Habitat improvements are expected to increase the utilization of the site for nesting habitat (particularly for species that utilize successional shrublands), and increase use as a stopover during spring and fall migration by neotropical migrants. Restoration will improve habitat for Birds of Conservation Concern, vulnerable, and priority species including: short-eared owl, American bittern, northern harrier, grasshopper sparrow, horned lark, upland sandpiper, bald eagle, lesser yellowlegs, short-billed dowitcher, snowy owl, wood thrush, wood duck, and eastern meadowlark.

Habitat Enhancement and Restoration Fund, Detailed Proposal
July 15, 2021

Both the existing and restored habitat will provide important breeding habitat for amphibian species such as the wood frog, green frog, and spotted salamander.

By protecting both the unique and valuable existing habitat within the Lozina properties, as well as the restored habitats within the Town-Owned property, numerous fish, wildlife, and pollinator species will benefit through this project by ensuring that these habitats remain intact in perpetuity.

Consistency with Conservation Plans:

The following excerpts from local conservation plans reflect the critical need for this project and the protected habitat that will be generated as a result:

Cayuga Creek Watershed Restoration Roadmap

- The Cayuga Creek watershed will be considered “healthy” when the following conditions have been met (not all listed):
 - Cayuga and Bergholtz Creeks have been removed from the State’s impaired waterbody lists (303(d) and 305(b).
 - Sustained efforts have been undertaken to conserve and restore wildlife and fisheries habitat, to increase public awareness of the need for preservation, conservation, restoration, and enhancement of habitat. Projects will involve a variety of habitat types to create diverse landscape elements in the watershed, including habitat in streams, wetlands, stream banks and riparian areas, and uplands.
- Stormwater Management
 - Flooding risk to Cayuga Village is reduced and stream banks in the vicinity and downstream of the Village are stabilized.
 - Off-channel and fringe wetlands are protected, enhanced, restored, and/or created for flood water detention, flood flow dissipation, and expanded riparian habitat.

Niagara River Greenway Habitat Conservation Strategy

- Overarching Recommendations:
 - Strategy 1: Increase stream buffers, especially where connectivity to active floodplains, riparian wetlands, or other habitats is enhanced or where problems with runoff, flooding, and/or erosion are known to exist.
 - Strategy 6: Work with public and private landowners on best management practices to gain maximum ecosystem and community values of wetlands including stormwater retention and filtration, native species diversity, and beauty.
 - Strategy 7: Work with municipalities, land conservancies, and private owners to transform vulnerable woodlots into ecologically functional, resilient forests through protection and connection of existing lots.
 - Strategy 11: Contribute to the creation of a Niagara River Greenway by protecting and connecting natural areas.
- Site Specific Information/Recommendations:
 - The Weber Property, located just south of the Niagara Falls International Airport and Air Reserve Station, is a large area of natural land currently for sale that contains significant, high quality habitat along Cayuga Creek. The primary objective for this site is protection and use as a living infrastructure demonstration project for mitigating flooding through the restoration of wetlands and floodplains.
 - The primary objective for this site is acquisition and long-term protection given the quality of habitat it contains and its significance within a stream corridor that has experienced development



Habitat Enhancement and Restoration Fund, Detailed Proposal
July 15, 2021

and lost much of its natural function. In addition, opportunities for habitat enhancement include stream alterations to mitigate flooding, enhancing habitat of amphibian populations, and addressing invasive species. Acquiring and establishing the Weber Property as a living infrastructure demonstration site will help the town in meeting multiple objectives related to natural resource protection, flood attenuation and mitigation, community and coastal resiliency, and recreation.

Project Cost and Funding Request:

A detailed breakdown of the funding request and associated tasks as well as matching resources is attached. The total project cost is \$275,790. Of that, \$232,090 is requested through the HERF, and \$43,700 will be contributed through in-kind and matching funds and resources.

Please note that the acreages used to calculate costs are rounded up. Final, exact acreages will be determined as the project is executed. A 5% contingency cost is also factored in for any unanticipated costs that may arise. Any funding not spent on the tasks as specified will be returned to the Committee upon project close-out.

Attachments:

Attachment A: Detailed Budget

Attachment B: Project Maps (Parcel Boundaries, Existing Habitats, Trails Master Plan)



Attachment C: Letter of support from TON

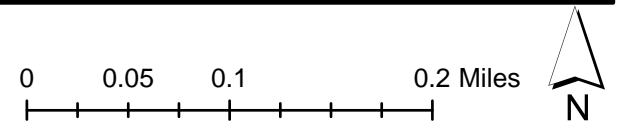
Attachment D: Photos

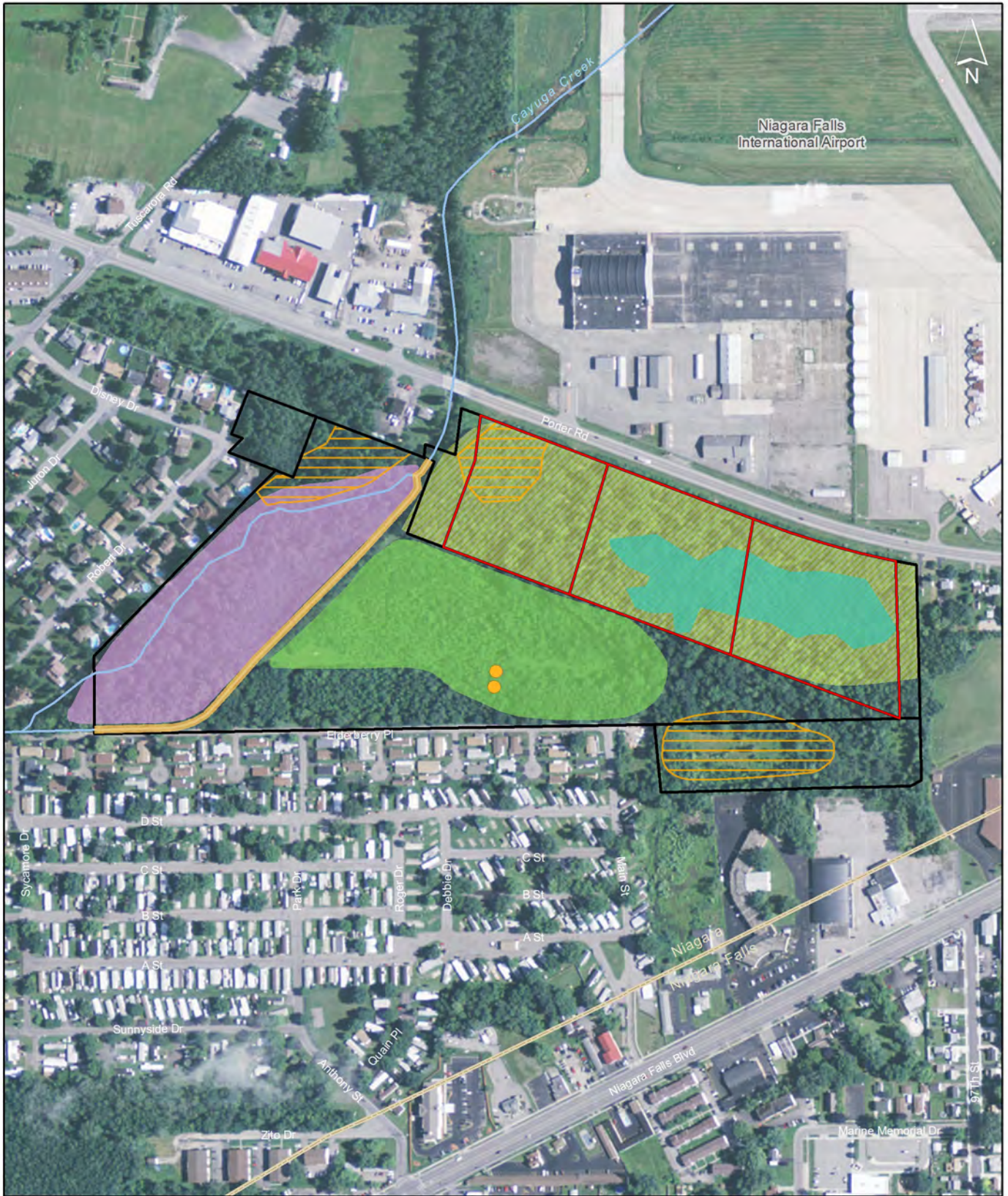
BNW + BNRLT Partnership- Lozina Acquisition + Town of Niagara Easement	Cost	Notes	Matching Funds	Notes	Total Project Cost
Lozina- Acquisition					
Purchase price	\$ 55,125.00				
Option Fee	\$ 500.00				
Attorney's Fees	\$ 8,000.00				
Recording Fees	\$ 300.00				
Title Search	\$ 350.00				
Title Insurance	\$ 720.00	\$60/acre @ 12 acres			
Initial Appraisal			\$ 700.00	BNW Paid	
Full Appraisal	\$ 3,500.00				
Phase 1 EA		Complete			
Phase 2 EA			\$ 12,000.00	Niagara County	
Survey	\$ 2,500.00				
Boundary Description	\$ 350.00				
Boundary Signs	\$ 40.00				
Baseline Documentation			\$ 3,000.00	BNRLT in-kind	
Management Plan	\$ 1,500.00				
Two Year's Taxes	\$ 700.00				
First Year's Liability Insurance	\$ 1,000.00				
BNRLT Stewardship & Legal Defense fund	\$ 35,940.00	\$2,995/acre @ 12 acres			
Subtotal Direct Acquisition Fees	\$ 110,525.00		\$ 15,700.00		\$ 126,225.00
Town-Owned Property- Easement					
Attorney's Fees	\$ 2,000.00				
Recording Fees	\$ 300.00				
Title Search	\$ 1,500.00				
Title Insurance	\$ 500.00				
Full Appraisal	\$ 3,500.00				
Phase 1 ESA		Completed			
Phase 2 ESA		Completed			
Survey	\$ 5,000.00				
Boundary Description	\$ 350.00				
Baseline Documentation			\$ 3,000.00	BNRLT in-kind	
BNRLT Stewardship & Legal Defense fund	\$ 67,365.00	\$2,495/acre @ 27 acres			
Subtotal Direct Easement Costs	\$ 80,515.00		\$ 3,000.00		\$ 83,515.00
Subtotal Acquisition & Easement Direct Costs	\$ 191,040.00		\$ 18,700.00		\$ 209,740.00
BNW Staff Transactional Administration	\$ 30,000.00				
BNRLT Staff Administration			\$ 25,000.00	BNRLT Board members and staff will provide general project support throughout the term of the project. In addition, BNRLT will contribute legal support to negotiate an option agreement with the owners of the Lozina Parcels and to negotiate a conservation easement with the Town of Niagara on the Town-owned property.	
Subtotal with Administration Costs	\$ 221,040.00		\$ 43,700.00		\$ 264,740.00
5% Contingency	\$ 11,050.00	rounded to nearest 10th			
Total Costs	\$ 232,090.00				\$ 275,790.00

Cayuga Creek Land Protection Project Area













-  Lozina Parcels
-  Town-Owned Parcels

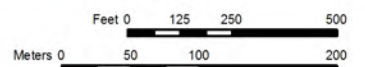


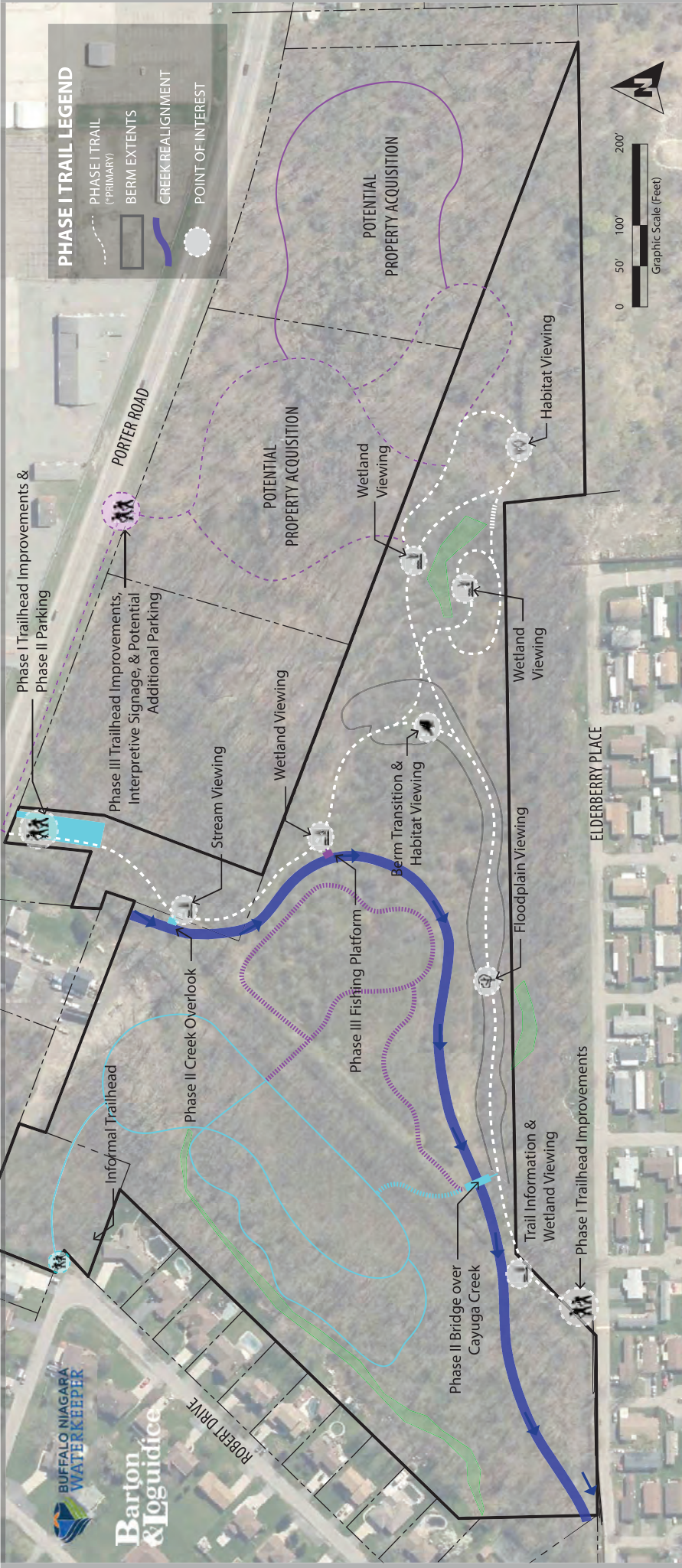


KEY:

-  Municipal Boundary
-  Cayuga Creek
-  Channelized Section of Cayuga Creek
-  Weber Property
-  Bottomland Forest Habitat
-  Historic Floodplain Forest
-  Forested Wetland Habitat Delineated by Earth Dimensions
-  Successional Shrubland
-  Scattered Dump Piles
-  Closed Bottle Gentian Population

**Existing Conditions
Weber Property
Town of Niagara, New York**





PHASE I TRAIL LEGEND

- PHASE I TRAIL (*PRIMARY)
- BERM EXTENTS
- CREEK REALIGNMENT
- POINT OF INTEREST



DECEMBER 2020 **Phase I Trail & Trail Master Plan** **TOWN OF NIAGARA, NY**

PROPOSED CONDITIONS LEGEND

- PHASE I TRAIL (*PRIMARY & BOARDWALK)
- PHASE II TRAIL & FEATURES (*SECONDARY & BOARDWALK)
- PHASE III TRAIL (*PRIMARY, SECONDARY, & BOARDWALK)
- *TRAIL SURFACE LEGEND**
 PRIMARY TRAIL: 8' WIDTH, ADA COMPLIANT
 SECONDARY TRAIL: 4' MIN WIDTH NATURAL SURFACE
 BOARDWALK: 8' WIDTH HELICAL PIER FOUNDATION

EXISTING CONDITIONS LEGEND

- EXISTING WETLANDS POST CONSTRUCTION
- CREEK FLOW
- PROPERTY BOUNDARY
- TOWN-OWNED PROPERTY

CAYUGA CREEK TRAILS: PHASE I

The preferred alternative focuses trail systems in the eastern portion of the site. There is a segment proposed over the proposed berm, two loops to the east, interacting with swales and wetlands, as well as a segment to a new trailhead along Porter Road. Several points of interest have been identified based on site visit observations, site features, and topography. **Key features include:**

- 4,054 LF PRIMARY TRAIL, 8' WIDE, ADA COMPLIANT**
- 36 LF 8' WIDE HELICAL FOUNDATION BOARDWALK**
- 2 TRAILHEADS, 1 NORTH & 1 SOUTH**



ROBERT DRIVE

PORTER ROAD

ELDERBERRY PLACE

Phase I Trailhead Improvements & Phase II Parking
 Phase III Trailhead Improvements, Interpretive Signage, & Potential Additional Parking
 Stream Viewing
 Wetland Viewing
 Wetland Viewing
 Wetland Viewing
 Wetland Viewing
 Wetland Viewing
 Floodplain Viewing
 Phase II Bridge over Cayuga Creek
 Trail Information & Wetland Viewing
 Phase I Trailhead Improvements

POTENTIAL PROPERTY ACQUISITION

POTENTIAL PROPERTY ACQUISITION

Habitat Viewing

Berm Transition & Habitat Viewing

Phase III Fishing Platform

Phase II Creek Overlook

Informal Trailhead

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Habitat Viewing

ELDERBERRY PLACE

0 50' 100' 200'



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ELDERBERRY PLACE

0 50' 100' 200'



TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

Office of the Supervisor
Lee S. Wallace

March 11, 2021

To Whom It May Concern,

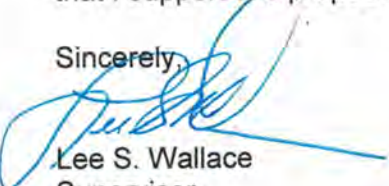
On behalf of the Town of Niagara Town Board, I would like to support the proposal from Buffalo Niagara Waterkeeper for funding to protect the parcels along Cayuga Creek between Porter Road and Elderberry Place.

The Town of Niagara has partnered with Buffalo Niagara Waterkeeper to acquire the parcel of land in the area referenced above. These parcels are an important part of the Cayuga Creek watershed and the section of the creek that runs through it has been identified in several watershed planning efforts as a high priority site that should be preserved and restored. Over the past several years, the Town of Niagara has been working closely with Buffalo Niagara Waterkeeper on the planning of both stream and floodplain restoration as well as a public access system within this property, with the goal of moving forward to implementation in the next year.

Several adjacent parcels along Porter Road and directly connected to the town-owned properties present an important opportunity to expand upon the currently protected area, and ensure the natural habitat contained within this area is preserved for generations to come. The Town supports Waterkeeper's proposal to protect the adjacent parcels and to implement a conservation easement on the parcels that are owned by the town.

This work combined with the accomplishments to date, and planned restoration will preserve critical habitat along the Cayuga Creek corridor, provide an important green space in the town, and will achieve improved conditions along the creek associated with flooding and other impairments like poor water quality. As a project partner we look forward to continuing to work with Buffalo Niagara Waterkeeper to complete this priority project, and it is without hesitation that I support this proposal.

Sincerely,


Lee S. Wallace
Supervisor
Town of Niagara

Site Photos

Photo 1: Town-Owned Property. Successional grassland & shrubland habitat with a forested edge



Photo 2: Town-Owned Property. Closed bottle gentian



Photo 3: Town-Owned Property. Forested wetland habitat for amphibians and reptiles



Photo 4: Somewhere along property boundary between Town-Owned and Lozina Properties.



Photo 5: Habitat within Lozina Property.

