

## CHAPTER 7: COMMENTS AND RESPONSES

### 7.0 COMMENTS AND RESPONSES

This section contains the responses to the comments received by the Office of Parks, Recreation and Historic Preservation (OPRHP), as Lead Agency, for the Niagara River Greenway Plan and Draft Generic Environmental Impact Statement (GEIS). The draft plan/GEIS was released for public review on November 27, 2006. Two public hearings were held. The hearing in Niagara County was held on December 12, 2006 at the Niagara Falls Convention Center, Niagara Falls, NY. The hearing in Erie County was held on December 13, 2006 at the Buffalo and Erie County Historical Society, Buffalo, NY. Both meetings were well attended, with approximately 70 to 100 attendees at each meeting. A total of 34 attendees made verbal statements on the first night, and 32 attendees spoke on the second night. Several attendees also provided written materials for the record. Transcripts of both meetings have been entered into the comment record, as well as written materials provided by attendees.

The public comment period closed on January 17, 2007. During the comment period, the Agency received an additional 28 comment letters and e-mails providing input on the draft Niagara River Greenway Plan and Draft GEIS. Together, a total of 128 comments (written and verbal) were provided to the Agency. A list of persons and organizations who attended the hearings and/or provided comments is contained at the end of this chapter.

The types of comments received included general support for the concept of a Niagara River Greenway, additional stakeholder input, questions about procedural or organizational issues and comments relating to specific aspects of the plan. Other comments pertained to aspects of the Niagara River Greenway that are outside the scope of this document or outside the legislative authority of the Niagara River Greenway Commission. All comments were reviewed and subsequently organized by categories. Section A of this Chapter is a summary of changes made to the draft Plan and DGEIS. Section B of this Chapter is a listing of the comments received; grouped and summarized into categories. Under each category is the Agency's response to the comments. The order of the categories is random, and does not reflect their importance.

The Niagara River Greenway Commission and OPRPH appreciates the time and effort that persons interested in the Niagara River Greenway have invested in their review and comments on the Draft Plan and Draft GEIS and their participation in the public hearings.

#### A. Summary of Changes to the Plan and GEIS

The Niagara River Greenway Commission has revised the draft Niagara River Greenway Plan and Generic Environmental Impact Statement in response to the many constructive comments that it has received from the public and municipal stakeholders. While none of the changes are significant or change the intent of the plan, these changes clarify various provisions and concepts. The following list summarizes the changes that were incorporated into the document between the Draft Plan for Public Review and the Final Plan.

- Minor editorial changes throughout, to catch typographic errors, improper references grammatical errors.
- Page i: Revised Vision Statement (see page 19, below)
- Page iv: additional language clarifying relationship with relicensing settlement efforts
- Page iv: add "parks" (see page 29-30, below)
- Page iv-v: Geographic Priority reworded to Focus Area (see page 32, below)
- Page v: clarification regarding evidence of public support (see page 33, below)

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- Page v: remove last sentences under “Economic Viability” and “Matching Funds/Leveraging” to be consistent with revisions in body of report (see page 33, 34)
- Page v: reword to “consideration of” other planning efforts (see page 35, below)
- Page viii: add “acquisition” as potential ecological project type
- Page 8: Revisions to discussion of boundary:
  - Rephrase “Priority” area to “Focus” area – this revision is carried out throughout the report
  - Additional language regarding connecting systems
- Page 11: additional text describing connections to Greenway
- Page 13: additional text (from GEIS chapter) about ecological resources
- Page 13: added sentence stating there are efforts underway to capitalize on architectural, industrial and historical resources
- Page 14: added text supporting open space preservation, noting that school district and county are potential stewards of open space
- Page 16: clarification regarding LWRP status, added text about benefits of LWRP
- Page 17: additional Municipal Planning Documents listed
- Page 18: addition to list of Additional Planning Documents
- Page 19: revision to Vision Statement. Vision Statement now states:
  - *“The Niagara River Greenway is a world-class corridor of places, parks and landscapes that celebrates and interprets our unique natural, cultural, recreational, scenic and heritage resources and provides access to and connections between these important resources while giving rise to economic opportunities for the region”*
- Page 20: sentence added noting economic and tourism opportunities from ecological, heritage, recreational and cultural resources
- Page 22: additional description of intent of principles
- Page 23: add sentence re. quality of life
- Page 27: in text box: change “geographic priority” to “focus area”; change “economic feasibility” to “economic viability”; change “consistency with other planning efforts” to “consideration of other planning efforts”
- Page 28: clarification of relationship between Greenway Commission and Relicensing Settlement funds.
- Page 29-30: reworded to state “Development of an integrated trail and park system”
- Page 32: Item 3: Geographic Priority: reworded to “focus”
- Page 32: Item 4: Environmental Soundness: reworded for clarification. Removal of examples. Substantively no change.
- Page 33: Item 5: Implementable: word “reasonable” deleted
- Page 33: Item 5: Implementable: clarification that evidence of public support includes municipal resolution, public records or correspondence.
- Page 33: Item 6: Economic Viability: reworded for clarification of intent- evidence of support for on-going O&M costs; not economic impact or economic feasibility analysis.
- Page 34: Item 8: Matching Funds: removes last sentence
- Page 35: Item 9: Retitled from Consistency to Consideration of Other Planning Efforts; insertion regarding LWRPs.
- Page 35: Item 10: Clear Benefits: insertion to clarify intent, which is to maximize beneficial impacts to environment, economy and the region.
- Page 35-36: Funding Sources: additional language clarifying relationship between Greenway Commission and Relicensing Settlement Funds; adding language regarding DOS grants

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- Page 37: Operations and Maintenance: added language clarifying that estimates of costs are informational only, and each project sponsor must make their own best estimate of on-going O&M costs.
- Page 42: additional language clarifying relationship of Greenway Commission and Standing Committees.
- Page 43: Additional language regarding Greenway Commission and other funding sources; additional language about eminent domain; additional language about procedures for amending the plan
- Page 45: Additional language noting transportation processes incorporate intermunicipal notification and cooperation; additional language noting that the NRGC does not have legal authority to dictate how governmental agencies undertake transportation projects.
- Page 45: Additional language per LWRPs and consistency review
- Page 45: clarification of reference to I-190 – a replacement route would not be an interstate
- Page 49: additional language noting implementation concepts are conceptual, and do not preclude other concepts and solutions
- Page 53: additional language noting potential trail alignments are concepts and other solutions would be possible
- Page 59: clarification due to removal of I-190 SB tolls.
- Page 86: additional language recognizing there are many ways to devise ecological projects that benefit the Niagara River ecosystem
- Page 97: Niagara Wine Trail added as connecting feature
- Page 97-98: language to clarify that Shoreline Trail is separate from Niagara River Greenway
- Page 99: language regarding industrial heritage added
- Page 101: Vision statement addition, per page 19, above
- Page 104: Indian Nations added as Section C
- Page 106: additional language clarifying impacts will be regional in nature.
- Page 109: clarifying language about Coastal Zone Management Consistency
- Page 110 clarifying language about critical habitats and Scenic Areas of Statewide Significance
- Page 119 delete example
- Page 123 delete phrase “shall reserve the right” and insert “may”

Appendix A: no changes

Appendix B: no changes

Appendix C: add text from relicensing settlement agreements per the four funds

Appendix D: additional language regarding available grant programs (EPF, US Army Corps of Engineers, Scenic Byway)

Appendix E: additional input per public comments, Indian Nations as separate list.

Appendix F: no changes

Appendix G: revisions clarifying references to Relicensing agreements

### FIGURE CHANGES:

(only figures with revisions listed: all other figures are unchanged)

- Figure 1: Niagara River Greenway Boundary ..... Add connecting systems, clearer boundary
- Figure 2: State, County and Local Parks ..... Add some local parks
- Figure 3: Trailways and Byways ..... Changes to legend (corrections)
- Figure 7: Heritage ..... Add some locally significant sites
- Figure 8: Geographic Priority Area ..... Re-titled; minor revisions to boundary

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Figure 9:	Organizational Framework.....	Corrections
Figure 10:	Transportation Opportunities .....	Re-titled
Figure 12:	Destination Gateways .....	Add Buffalo River
Figure 15:	Gateways Network.....	Add Buffalo River
Figure 16:	Multi-Use Trails.....	Add E. Ferry Bike trail; NWCSD nature trail
Figure 21:	Implementation Concept – Lower River Area .....	Label Forebay
Figure 22:	Telling the Story.....	Additions
Figure 27:	Heritage and Cultural Centers.....	Add industrial heritage sites
Figure 29:	Interpretive Center Network .....	Add industrial heritage sites
Figure 37:	Municipal Projects Town of Grand Island .....	Revisions per Town request
Figure 41:	Municipal Projects Niagara Falls and Town of Niagara .....	Corrections
Figure 44:	Stakeholder Projects Overall Maps.....	Create Separate Indian Nations’ project map
Figure 45:	Stakeholder Projects City of Buffalo .....	Corrections
Figure 46:	Stakeholder Projects Grand Island – Niagara River.....	Revisions per WRHOA
Figure 48:	Stakeholder Projects North Tonawanda, Tonawanda and Ellicott Cr.....	Corrections
Figure 49:	Stakeholder Projects Niagara Falls - Niagara River.....	Corrections
Figure 50:	Stakeholder Projects Town and Village of Lewiston.....	Corrections
Figure 51:	Stakeholder Projects Porter, Youngstown, and Wilson .....	Add Lew-Port Schools
Figure 52:	Indian Nations Projects .....	Added as separate map

All remaining figures: renumbered; no substantive changes

### B. Comments and Responses

This section summarizes the substantive comments received by category and provides the Agency’s responses to those comments.

#### **Comment: Boundary**

*Several comments related to the question of the proposed boundary for the Niagara River Greenway.*

#### **Response:**

The issue of the boundary for the Greenway received extensive discussion and study during the preparation of the draft plan. The Niagara River Greenway Commission, after careful consideration, established the boundary of the Greenway along municipal lines, as shown in Figure 1 of the draft plan. The Commission recognizes that the Niagara River forms the core of the Greenway, and a focus area, referred to as a ‘priority area’ in the Draft report, has been established that encourages efforts to be focused along the River and its adjacent resources, as shown in Figure 3. The focus area is not to be interpreted as the boundary of the Greenway, which follows municipal lines.

There was confusion with the use of the term ‘priority’ in the Draft report, which implied a time limit to the core area along the river. In the Final Plan, therefore, the ‘priority’ area is now called the ‘focus’ area. Revisions to the boundaries of the focus area represent local adjustments.

The Greenway Commission also acknowledges that there are important connections to the Greenway boundary, including several State-designated trails: the Seaway Trail, the Niagara

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Wine Trail and the Erie Canalway. Projects that enhance these and similar connections are consistent with the Greenway. The Plan narrative has been revised to provide greater detail about the designated connections to the Niagara River Greenway.

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### **Comment: NYPA Relicensing Settlement Greenway funds**

*Several comments raised concerns about how NYPA Relicensing Settlement Greenway funds are structured or where they would be spent.*

#### **Response:**

The New York Power Authority (NYPA) Relicensing Settlement Greenway funds were established as part of the federal relicensing of the Power Project. The Niagara River Greenway Commission was not involved in those negotiations, and has no legal standing to suggest revisions to these agreements. The allocation of the NYPA Relicensing Settlement Greenway funds will be determined by the Standing Committees established under those agreements. The relicensing agreements indicate that any individual or organization may propose a project, but the Standing Committees have the sole responsibility for selecting projects, *provided* that the proposed project is consistent with the Niagara River Greenway Plan. The criteria included in the plan are designed to guide evaluation of consistency and promote the selection of projects that will enhance the Greenway.

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### **Comment: Consultation Process**

*A number of comments addressed the Niagara River Greenway Commission's role in regard to the 'Greenway' Relicensing Settlements and the Standing Committees and the process for applying for funds.*

#### **Response:**

The Niagara River Greenway Commission is not a party to the relicensing agreements, and does not have any direct role over the project funding process. All Project Sponsors, however, have the obligation to consult with the Niagara River Greenway Commission and the Standing Committees are obligated to ensure that the proposed project is consistent with the Niagara River Greenway Plan. The Plan sets forth the principles that projects should promote, and these criteria will guide the consistency review. No specific projects are endorsed by the plan.

The specifics of the consultation process that will be used is an administrative matter that is outside the scope of this document. The Niagara River Greenway Commission is in the process of developing a model for this consultation process, which will be circulated for review and comment prior to implementation.

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### **Comment: Non-Greenway funds**

*The Plan should spell out the Commission's role vis-à-vis greenway projects funded by sources other than NYPA.*

#### **Response:**

While the Niagara River Greenway Commission has no official stature with regard to funding sources other than the Greenway funds established as part of the NYPA Relicensing Agreements,

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it will encourage and support worthwhile projects seeking other sources of funding. Appendix D of the plan includes a list of potential funding sources for Greenway-related projects.

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**Comment: Project Listings**

*Listing certain projects in the plan could give them an advantage in applying for money.*

**Response:**

As stated in Section 5, the presentation of projects submitted by municipalities, stakeholders or the Indian Nations does *not* in any way imply endorsement by the Niagara River Greenway Commission. The Niagara River Greenway Commission recognizes that the list is not comprehensive, and that additional worthy projects may be formulated over the next years and decades. Each project must be evaluated individually on its own merits.

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**Comment: Legislation**

*Some comments suggested changes to the enabling legislation for the Niagara River Greenway.*

**Response:**

Legislative changes are outside the scope of this document, and can only be addressed by the proper legislative bodies.

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**Comment: Amendment**

*No part of the plan outlines how it may be amended over the next 50 years.*

**Response:**

A section addressing amendments to the plan has been added.

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**Comment: Economic Development**

*Nowhere in the document does it state that economic development projects would be eligible for funding.*

**Response:**

The Niagara River Greenway Commission does not have control over which projects will be funded, which is under the jurisdiction of the Standing Committees created as part of the contractual agreements with the New York Power Authority. Economic revitalization, particularly of urban centers, is a goal of the Greenway. The phrase “while giving rise to economic opportunities for the region” has been added to the Vision Statement for the Niagara River Greenway. Appropriate economic development projects would be considered consistent with the Niagara River Greenway Plan as long as they are compatible with the principles of the Plan.

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**Comment: Brownfield Revitalization**

*DGEIS page 111 talks about cleanup and redevelopment of brownfields requiring that they be subject to review by NYSDEC. For projects that are not on hazardous waste sites or which do*

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*not want or require tax credits, requiring this review by DEC could severely delay projects and provides jurisdiction to DEC where it has none.*

**Response:**

Regulatory reviews of brownfields will be conducted as required by New York State. No additional jurisdiction is granted or implied by this Plan. The phrase that references DEC has been deleted to avoid confusion over this fact.

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**Comment: Conflict of Interest**

*The Greenway Commission, if it is to review specific projects, should adopt conflict of interest guidelines for its members.*

**Response:**

The Niagara River Greenway Commission has an adopted Conflict of Interest Policy which is available from the Commission for review. The proposed consultation procedure, when it is developed, will be consistent with ethical standards. The Niagara River Greenway Plan does not advocate specific projects. In the future, as individual projects are evaluated for consistency, individual Commissioners may need to recuse themselves if there is a potential for a conflict of interest. This situation is addressed in the Conflict of Interest Policy.

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**Comment: Property Rights**

*Projects should take the input of private property owners into consideration.*

**Response:**

The plan is conceptual in nature and does not advocate any specific projects. All future project implementation would be subject to all applicable regulations and procedures, as required under local, state and federal laws. It is the obligation of the responsible governmental entity to inform private property owners of any actions that may affect them.

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**Comment: Eminent Domain**

*The Niagara River Greenway Commission should not seek nor support legislation granting to it the power of eminent domain, nor seek nor support the exercise of such power by any New York Department or Agency without a specific agreement of the affected municipalities.*

**Response:**

The Niagara River Greenway Commission is prohibited from taking property by eminent domain, and this prohibition is clearly stated in the enabling legislation at § 39.09 Powers and duties of the commission. The Niagara Greenway Commission will not seek to obtain the power of eminent domain. State Agencies are required to comply with New York State Eminent Domain Procedure Law, which establishes the exclusive procedure by which property shall be acquired by the power of eminent domain in New York State. That legislation includes requirements for public participation in the planning of public projects necessitating the exercise of eminent domain. Language was added to Chapter 4 of the Plan to clarify the Commission's position regarding eminent domain.

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### **Comment: Transportation Concerns**

*The Plan should include a declaration that the Commission would not support or seek any changes in Federal, State or County roads serving two or more municipalities without specific agreement to such change among the municipalities so affected. Several commenters argued that the Plan should advocate the removal of the Robert Moses Parkway.*

### **Response:**

This issue is beyond the jurisdiction of the Niagara River Greenway Commission, which does not have the legal authority to dictate how governmental agencies undertake transportation projects. As noted in Chapter 4 (subsection F) in the discussion on Transportation Issues, before entering the design and construction phases, a specific transportation project is required to undergo a specific public scoping process to study alternatives, assess potential impacts and select a preferred solution. New York State underwent such a scoping process for a portion of the southern section of the Robert Moses Parkway in Niagara County, west of the Daly Boulevard interchange (which is currently entering the preliminary and final design phases), and is initiating such a process for the north sections of the Parkway. Any other recommended transportation projects would be required to undergo similar procedures. While the Niagara River Greenway Plan has established general principles that the State must take into consideration in their assessment of alternatives, the Commission has no direct influence on that independent process.

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### **Comment: Homeland Security**

*It is a glaring deficiency of the Draft plan that the security issue is not addressed and there is no mention of possible terrorist threats at the Niagara Power Project.*

### **Response:**

Security issues at the Niagara Power Project are the responsibility of the New York Power Authority and outside the jurisdiction of the Niagara River Greenway Commission. Security in general is the responsibility of Federal, State and local law enforcement agencies, not the Niagara River Greenway Commission.

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### **Comment: Future Study**

*Respondent was concerned that the plan does not mention the need for a master plan for the Niagara Gorge.*

### **Response:**

The Niagara River Greenway Plan is conceptual in nature. There are several important assets, including the Niagara Gorge, where further study will be necessary. The fact that they are not specifically addressed within the plan does not imply that they are not important. Due to the special significance of the Niagara Gorge, the Niagara River Greenway Commission acknowledges that an area-specific Master Plan should be developed for the Niagara Gorge.

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### **Comment: Inventory**

*Certain local parks and greenspaces are not included. Several places and projects key to the Greenway vision are omitted.*

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**Response:**

All State, County and local parks are depicted on Figure 2. Where specific omissions have been noted, editorial changes have been made to the inventory. The table of State Parks and Public Lands included in the document only lists State-owned facilities, but local and county parks are also important resources along the Greenway. Key features, such as the Outer Harbor, Goat Island and the Niagara Gorge all fall within the designated focus area and the Commission affirms their importance to the Greenway.

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**Comment: Canada**

*It is important that we reach out to the Canadian government and provinces. The Plan does not address this.*

**Response:**

The Plan considers connections to Canada in the form of Gateways, interpretive linkages and programming. The Niagara Greenway Commission intends to continue to work toward greater cooperation across the region and with Canada.

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**Comment: Connections**

*The proposed draft greenway boundary map fails to label the three designated trail corridors (Seaway, Wine and Erie Canal) in Niagara County.*

**Response:**

The issue of the boundary for the Greenway received extensive discussion and study during the preparation of the draft plan. The Niagara River Greenway Commission, after careful consideration, established the boundary of the Greenway along municipal lines, as shown in Figure 1. It is recognized that the Niagara River forms the core of the Greenway, and a focus area, which was called a ‘priority area’ in the Draft report, has been established that encourages efforts to be focused along the River and its adjacent resources, as shown in Figure 3. The focus area is not to be interpreted as the boundary of the Greenway, which follows municipal lines.

There was confusion with the use of the term ‘priority’ in the Draft report, which implied a time limit to the core area along the river. In the Final Plan, therefore, the ‘priority’ area is now called the ‘focus’ area. Minor adjustments to the focus area were made in response to comments by localities requesting that specific assets, such as a creek corridor or proposed trail system, fall within the focus area.

The Greenway Commission also acknowledges that there are important connections to the Greenway boundary, including several State-designated trails: the Seaway Trail, the Niagara Wine Trail and the Erie Canalway. Projects that enhance these and similar connections are consistent with the Greenway. The Plan narrative has been revised to provide greater detail about the designated connections to the Niagara River Greenway.

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**Comment: Vision Statement**

*The report’s vision and vision statement fail to offer language that supports linking both municipal and state designated trails and conservation areas that may be developed.*

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*Furthermore, the report fails to take into account the use of municipal comprehensive plans and countywide planning related documents, which will play an important role in supporting the report's vision. The report's vision statement fails to recognize "economic development," "tourism," or "education."*

**Response:**

The Vision Statement supports linking trails and conservation areas together, with the phrase “connections between these important resources.” It does not distinguish between existing resources and those which may be developed, or explicitly reference local planning efforts because the Vision Statement is intended to be a succinct statement that will remain relevant for years into the future. The fact that reference to local planning efforts is not contained within the Vision Statement does not mean it is not important. The text of the Plan clearly acknowledges the importance of local planning efforts.

In response to various comments, the phrase “while giving rise to economic opportunities for the region” has been added to the Vision Statement for the Niagara River Greenway. To further support the importance of tourism and economic development as an element of the Niagara River Greenway, the following sentence has been added to the end of the section *The Niagara River Greenway is a place to celebrate and interpret shared resources*: “The Greenway presents an opportunity to contribute to the economy of the region by promoting economic and tourism opportunities that capitalize on the region’s rich inventory of ecological, heritage, recreational and cultural resources.”

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**Comment: Open Space**

*While the report recognizes the state's importance to preserve open space, there is no mention of municipal or county efforts to preserve open space, even though preservation of open space is identified in existing municipal plans. The school districts may also undertake projects that require acquisition or dedication to further enhance the greenway.*

**Response:**

Although the New York State Open Space Plan was used to establish priorities for open space acquisition and/or preservation, the Plan clearly notes that stewardship of open space will be accomplished by a range of entities. Editorial changes have been made to note that acquisition is an acceptable method of open space preservation and to note that the list of potential stewards of open space includes counties and school districts. The Niagara River Greenway Plan supports open space preservation, prioritizing significant ecological areas, areas that provide recreational opportunities, and/or promote water resource protection. It supports existing local efforts, and encourages future activities toward this goal. The Plan does not explicitly list all specific tools that can be used to encourage open space preservation in order to avoid limiting options, and to enable maximum flexibility to the local project sponsors in developing appropriate methods for achieving their open space goals. While Chapter 4 identifies potential project types, it does not preclude other options.

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**Comment: Local Waterfront Revitalization Programs (LWRPs)**

*Requests clarification on LWRP status of various municipalities.*

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**Response:**

Editorial changes have been made to reflect the fact that seven of the eleven communities fronting the Niagara River have prepared Local Waterfront Revitalization Programs (LWRPs) pursuant to Article 42 of the NYS Executive Laws. This list includes the Town of Grand Island, whose LWRP was approved by New York State in December 2006. While the City of Niagara Falls does not have an LWRP, it has completed a waterfront plan. The Town of Niagara and the Village of Kenmore do not have waterfront lands.

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**Comment: Industrial Heritage Initiatives**

*The report fails to mention the industrial heritage initiatives being undertaken in the area as well as those initiatives that could be implemented in the future.*

**Response:**

It is agreed that the region's rich industrial heritage is integral to the development of heritage tourism within the region. It is recognized that there are industrial heritage initiatives being undertaken, particularly in the Cities of Niagara Falls and Buffalo. It is recommended that a Heritage Plan be undertaken for the Niagara River Greenway that will inventory existing historic resources and seek to develop themes and methods for interpreting these resources. Additional language has been added to the Plan to underscore the importance of industrial heritage.

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**Comment: Upland and Interior Communities**

*The report fails to provide solid language that links the draft greenway boundary to upland and interior communities. While references are made sporadically in the report, only one small section titled "Linkages" highlights the trails. There is no discussion or recommendation given "how" the greenway could be linked to upland and interior communities to provide linkages to the river.*

**Response:**

The issue of connections between the Greenway and upland and interior communities is addressed in the response on "Connections" above. The Plan contains no discussion on "how" to link the Greenway because it is the plan's intent to provide the flexibility to allow the project sponsors to describe their projects and how they contribute to linkages. In addition, several of these trails have their own plans which projects would need to adhere to. It is emphasized that the Greenway Plan does not endorse any specific projects; conversely, omission from the Plan does not disqualify future project concepts.

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**Comment: Regional Approach**

*The concept of a greenway as described in the legislation impacts the region as a whole. The report's discussion of economic development focuses on the urban centers and fails to address activities region wide. While development in urban areas is important, there needs to be elements added that relate to economic development at all municipal levels. Ensuring that the diverse types of communities in the region are represented will further strengthen the support of a greenway plan.*

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**Response:**

Economic revitalization is a goal of the Greenway. The phrase “while giving rise to economic opportunities for the region” has been added to the Vision Statement for the Niagara River Greenway to underscore this fact. While the Plan includes a focus on the redevelopment of urban areas, this does not mean that other economic development activities are excluded. Appropriate economic development projects will be considered consistent with the Niagara River Greenway Plan as long as they are consistent with the principles of the Plan.

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**Comment: Consistency with Principles**

*Several of these principles do not mirror the 15 elements the legislation states the Greenway Plan must address. The principles in most respects are mutually exclusive to the Niagara River and not to municipalities as the draft boundary suggests.*

**Response:**

The principles are intended as a guide to actions and development over the long-term, so that the cumulative effect of projects is to move toward achieving the shared vision for the Niagara River Greenway. The principles are applicable to municipalities without waterfront lands as well as those fronting the River. They promote access and connections, including trail linkages. They support high quality, ecologically-sound projects throughout the region.

The enabling legislation presents a list of fifteen elements that the Niagara River Greenway Plan must address, and the Plan does address each of these points. These fifteen elements, however, are not the same as the criteria that have been developed to help the Niagara River Greenway Commission evaluate projects. The criteria, which were built from previous planning efforts and extensive public input, are intended to provide stronger guidance for project sponsors as to the types of projects that would help promote the Greenway.

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**Comment: Priority Status**

*There was concern that the priority status criterion was too restrictive, particularly for communities with no waterfront lands.*

**Response:**

It is not the intent of this criterion, which is one of 10, to exclude projects submitted by communities with no waterfront lands. Editorial changes have been made to clarify that the development of an integrated trail and park system would be consistent, and that connecting trail systems are also consistent. All proposed projects will be evaluated based on the totality of the project.

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**Comment: Geographic Priority**

*There was confusion over the geographic priority criterion.*

**Response:**

The terminology “Geographic Priority” has been changed to “Focus Area,” and references to ‘priority’ have been adjusted to reflect this change. Editorial changes note that projects close to the River, within the municipal boundaries of the Greenway, along state-designated trails and

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related assets should be elevated. Projects outside the focus area should help establish strong linkages between the Greenway core area and the surrounding area.

As noted in the response on “Boundary” above, the focus area encourages activities along the River. However, it does not preclude projects outside of the focus area. Municipalities without waterfront lands, or whose waterfront lands are already developed, will develop their own priorities. The Plan provides flexibility to allow for projects away from the water, as long as they benefit or enhance the Niagara River Greenway.

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**Comment: Environmental Soundness**

*There were questions regarding the environmental soundness criterion.*

**Response:**

The intent of this criterion is to encourage activities to consider environmental soundness in their design and implementation. Editorial changes have been made to clarify this intent.

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**Comment: “Implementable”**

*There was a question as to how evidence of public support would be documented.*

**Response:**

Editorial changes make it clear that evidence of public support include municipal resolution, public records or correspondence.

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**Comment: Economic Feasibility**

*There was a question regarding economic “viability” vs. “feasibility.”*

**Response:**

Use of the word “feasibility” was an editing oversight which has been changed to “viability.” The intent of this criterion is to ensure that project sponsors have considered projects’ on-going operation and maintenance costs, as is required under the legislation, and editorial changes clarify this intent. This criterion does not imply that all projects must demonstrate economic impacts, and the Niagara River Greenway Commission will not require economic feasibility analyses from project sponsors.

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**Comment: Matching Funds/Leveraging**

*There was concern that the Plan misrepresented the dedicated funding through NYPA Relicensing Agreements.*

**Response:**

Editorial changes to the Plan have been made to state that the Niagara River Greenway Commission recognizes the efforts of the New York Power Authority to settle with various municipalities and interests in relation to a new 50-year Niagara Power Project License. The Niagara River Greenway Commission is not a party to these agreements and will not provide an interpretation of their intent, which can be derived from the documents themselves. Appendix C of the Niagara River Greenway Plan now provides the relevant sections of the Agreements for the

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Niagara River Greenway Ecological Fund, the State Parks Greenway Fund, the Greenway Recreation/Tourism Fund and the Erie County Greenway Fund as reference.

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**Comment: Clear Benefits**

*Commenter noted a lack of clarity regarding intent of this criterion.*

**Response:**

The intent of this criterion is to ensure project sponsors think about how to structure their proposals to maximize the beneficial impacts to the environment, to the economy and to the region. Terms have not been defined to allow flexibility to project sponsors to make their own case.

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**Comment: Operations & Maintenance (O&M) Costs:**

*There was concern over the figures provided as illustrative O&M costs.*

**Response:**

The cost estimates are provided for informative purposes only. It is the responsibility of each project sponsor to make their best estimate of the on-going costs of their projects.

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**Comment: Transportation Projects:**

*There was concern about the issue of maximizing access.*

**Response:**

The Plan presents recommendations, but not requirements. Emphasizing access to the River and its resources is encouraged, but not mandated. Each project, including projects sponsored by the NYS Department of Transportation, must undergo their own evaluation of consistency with the Plan.

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**Comment: Implementation Concepts**

*There were several questions regarding the nature of the Implementation Concepts, and concern that specific concepts were not included.*

**Response:**

The Implementation Concepts are conceptual in nature, and they do not preclude additional concepts and solutions.

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**Comment: DGEIS**

*A question was raised as to why county level figures were used in the DGEIS.*

**Response:**

County-level and regional figures were utilized due to the generic nature of the Environmental Impact Statement. The GEIS was designed to assess the impacts of the Plan itself, as a document,

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## CHAPTER 7: COMMENTS AND RESPONSES

and not any future projects that may result. Future projects may be required to undergo their own environmental reviews, based on the specifics of the project.

In general, the Niagara River Greenway Plan, when implemented, will provide benefits on a regional basis. Improved environmental quality, improved tourism development, improved connections to the Niagara River, direct/indirect economic activity and improved quality of life will provide real and substantial beneficial impacts that extend beyond the Greenway boundaries.

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**Comment: APPENDIX E**  
*Omissions in Appendix E were noted.*

**Response:**  
These omissions were an editing oversight and have been corrected.

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**Comment: Editorial Changes**  
*Several comments requested specific editorial revisions to language within the Draft Niagara River Greenway Plan.*

**Response:**  
Please see the summary of Plan Changes in Section A of this chapter for a listing of the editorial changes that were made to the document.

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**Comment: Support**  
*Several comments expressed overall support for the plan or support for elements of the plan.*

**Response:**  
These comments are noted and appreciated.

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The following table provides a list of the persons that provided comments on the Draft Niagara River Greenway Plan and Draft Environmental Impact Statement.

**Table 10: Persons / Organizations Providing Comment**

Name	Representing
Harvey Albond	Town of Wheatfield
G.H. Bauer	
Bob Baxter	Niagara Heritage Partnership
Larry Beahan	Sierra Club Niagara Group
David Birt	Ferry Village Area Residents/ Disabled American Veterans
Joan Bozer	WNY Sustainable Energy Association
Larry Brooks	Campaign for Greater Buffalo
Clinton Brown	
David Colligan	Buffalo Olmsted Parks Conservancy
Roger Cook	Quality Quest Coalition of Grand Island
Mary Cooke	Town of Grand Island

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Name	Representing
Garry Coons	WNY Chapter of Trout Unlimited
W. Maxwell Coykendall	Niagara Waterfront Revitalization Taskforce
Rob Daly	New York Power Authority
Tim Demler	Town of Wheatfield
Marian Deutschman	League of Women Voters of Buffalo/ Niagara
Joe Donofrio	
Kerin Dumphrey	Niagara Wheatfield CSD
Robert L. Emerson	Old Fort Niagara
Polly Ferguson	League of Women Voters
Mary Ann Ferguson	League of Women Voters of Buffalo/ Niagara
Sam Ferraro	Niagara Power Coalition, Niagara County Economic Development
Anna Kay France	VOICE Buffalo
Thomas W. Frank	
Bruce Franklin	
Doug Funke	
Dennis Galucki	Landmark Society Niagara Frontier
Peter Gessner	Polish Arts Club of Buffalo
Andrew Giarrizzo	
Ellen Gibson	
Gladys Gifford	Citizens Regional Transit; Presbytery of WNY
Reg Gilbert	Great Lakes United
David Gornlak	Adirondack Mountain Club (ADK)
Andrew R. Graham	VOICE Buffalo
Frank Greco	West River Home Owners Association (WRHOA)
Charles Griffasi	West Side Niagara River Boardwalk
Paul Gromosiak	NA
Jay Grossman	
Larry Helwig	Town of Wheatfield
Tim Horanburg	Town of Newfane
Sam Hoyt	Assemblyman Sam Hoyt
James Hufnagel	Niagara Heritage Partnership
John Jacoby	
Valerie Jamik	
Joe Jastrzemski	Town of Wilson
John Jordan	
James Kane	Ambassador Niagara Signature Bridge Group
Art Klein	Adirondack Mountain Club (ADK)
Mark N. Lahey	
Sanford Levy	
Patricia L. Mackenna	LaSalle PRIDE
Janet Massaro	
Jay McCarthy	Waterfront Micro Park
Amy Mirand	
Teresa Mitchell	Seaway Trail Corporation
James Mroz	Waterfront Commission, City of North Tonawanda

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Name	Representing
Charles Nilsson	Integrated Resource Information Systems (IRIS)
Nancy J. Orsi	Town of Porter
Barbara Palazzo	
Art Palmer	Town of Wheatfield
Renee Parsons	NYS Department of State
Neil Patterson, Jr.	Tuscarora Nation
Mark Pearce	
Monica Pellegrino	Assemblyman Sam Hoyt
Ronald J. Pilozzi	City of Tonawanda
Virginia Prunella	
Lynn Rehfeld-Kenney	
Steven C. Richards	Town of Niagara
Charlene Ritter-Lester	Advancing Arts and Culture Buffalo Niagara
Richard Roach	
William L. Ross	Niagara County Legislature, Niagara Power Coalition
Byron R. Rupp	US Army Corps of Engineers, Buffalo District
Thomas Schofield	One Region Two Niagaras
Janet Sciolino	
Patricia Scremin	
Dennis Seekins	
Ken Sherman	LaSalle Pride
Brian Smith	Citizens Campaign for the Environment
Richard Soluri	Village of Lewiston
Richard Speth	
Antoine Thompson	New York State Senate- 60th district
James Tomkins	Quality Quest Coalition of Grand Island
Jim Tomkins	Quality Quest Environmental Coalition, Grand Island
Megan Toohey	Buffalo Niagara Riverkeeper
Michelle Vanstrom	Niagara Frontier Wildlife Habitat Council
Lisa Vitello	
E. Gail Walder	Niagara County Environmental Management Council
Tim Wanamaker	City of Buffalo
Dorothy Westhafer	Grand Island Conservation Commission
Margaret Wooster	Buffalo Niagara Riverkeeper
Terry L. Yonker	
Bill Zimmerman	Buffalo Waterfront Alliance
Michael Ziolkowski	
Mark Zito	