



**PROJECT INFORMATION**

Project Name: Expanding the Niagara Escarpment Preserve  
Location: Adjacent to the Niagara Escarpment Preserve  
Site Address: Sunset Drive (no mailing address)  
State: NY Zip Code: 14094  
Minor Civil Division(s): Lockport  
County: Niagara  
Project Proponent Property Interest (own, lease, easement or other): Own

**AUTHORIZED OFFICIAL**

Name: Nancy Smith Title: Executive Director  
Business Address: P.O. Box 471, East Aurora  
State: NY Zip Code: 14052  
Telephone Number: (716) 687-1225 x117 Cell Number: \_\_\_\_\_  
Fax Number: NA  
E-Mail Address: nancyrs@wnylc.org

**PROJECT POINT OF CONTACT**

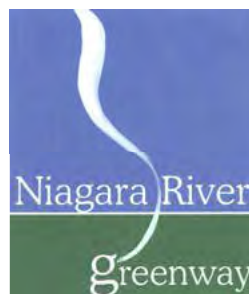
Name: Jajeen Rose-Burney Title: Deputy Executive Director  
Organization/Firm: Western New York Land Conservancy  
Business Address: P.O. Box 471, East Aurora  
State: NY Zip Code: 14052  
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# **EXPANDING THE NIAGARA ESCARPMENT PRESERVE**

**A RESULT OF THE  
NIAGARA RIVER GREENWAY-SUPPORTED  
NIAGARA ESCARPMENT LEGACY PROGRAM**



**Prepared for:**



**NIAGARA RIVER GREENWAY COMMISSION  
Project Consultation and Review**

**Prepared by:  
Western New York Land Conservancy  
June 8, 2020**



# **Project Narrative: Expanding the Niagara Escarpment Preserve**

## **1. OVERVIEW**

The Western New York Land Conservancy, a regional not-for-profit land trust, proposes to expand our 36.5-acre Niagara Escarpment Preserve, a publicly accessible nature preserve with trails, as well as rare and protected plants and animals, in Lockport. The Land Conservancy will purchase a 9.5-acre portion of a 10.3-acre property adjacent to the preserve. That property was former farmland, and was restored as grassland nearly a decade ago with funding from the U.S. Fish and Wildlife Service. The new combined preserve will be 46 acres.

The new property will be opened to low impact public access, like the rest of the Niagara Escarpment Preserve. Since this new parcel has access to Sunset Dr., we may develop a trail system (walking, snowshoeing, and cross-country skiing) and a small parking area here in the future. The Land Conservancy will continue to manage the land as grassland by removing invasive species and conducting occasional prescribed burns. We will also add several native trees around the edges to buffer the property from adjacent properties. The acquisition is expected to be complete in 2021 and restoration will begin in 2022. The Land Conservancy will be responsible for all phases of this project.

The Niagara Escarpment extends from Western New York, through Ontario, across Michigan's Upper Peninsula, and into Wisconsin. In some places in our region, it is a narrow strip of dramatic, 150-foot-high outcroppings that transects Niagara County east to west. The Niagara River has carved its way into the escarpment, forming Niagara Falls. The Erie Canal locks in Lockport traverse the escarpment. Not only is the Niagara Escarpment an internationally recognized geologic marvel that is responsible for the Niagara Falls, it holds flora, fauna, fossils, soils, waterways, and wetlands in an astonishing variety. Because of its important geographic span, the escarpment has been a passageway for generations of both wildlife and humans. It has been the setting for a history so rich and relevant—from Native American cultural sites, to crucial stops on the Underground Railroad—it should be kept in the public consciousness.

While our proposed expansion to the Niagara Escarpment Preserve is culturally and ecologically important, this property is also threatened. According to the U.S. Census, although the population of the Buffalo Region (Erie and Niagara Counties) declined by more than 16% between 1970 and 2010, urbanized areas increased by 78% during the same time period, a condition referred to as sprawl without growth. Without our long-term stewardship, the property is also threatened by invasive species which are in small but dense patches throughout the site and could choke out the rare plants unique to the escarpment grassland, shrubland, and woodland.

In 2011, with support from the Greenway Ecological Standing Committee, the Land Conservancy completed the Niagara Escarpment Legacy Project in order to identify the unique ecological and historical features of the escarpment and create a conservation strategy to protect

it. This expansion of the Niagara Escarpment Preserve is an important next step. If this land isn't protected now, it could be lost. The land is co-owned by two families. One of those families is planning to relocate, and would like to sell the land now. Expanding the Niagara Escarpment Preserve will preserve important wildlife habitat while adding a crucial new link of open space and outdoor recreation to the Niagara River Greenway.

## **2: CONSISTENCY WITH THE NIAGARA RIVER GREENWAY PLAN**

The proposed addition to the Niagara Escarpment Preserve is perfectly aligned with the Niagara River Greenway Plan. The Niagara River Greenway Plan states that “One of the mandates of the Niagara River Greenway legislation is to recommend how the Greenway can be linked to upland and interior communities in order to promote linkages to the River”, and it lists the Niagara Escarpment as one of those priority linkages. The plan lists the Niagara Escarpment in the “categories of properties that should receive priority consideration for preservation for conservation purposes.” It describes the Niagara Escarpment as a priority for protection, and references the Land Conservancy specifically as an organization that should conserve land along the escarpment to contribute to the Greenway. This current project is a result of the Land Conservancy’s Niagara Escarpment Legacy Project, funded in 2011 by the Greenway Ecological Standing Committee, which had a purpose of catalyzing more land protection along the escarpment.

This project will help achieve the vision for the Greenway. As a nature preserve that protects important open space and wildlife habitat, combined with low-impact public access, it will enhance the world-class “corridor of places, parks and landscapes” in the Greenway.

The proposed addition to the preserve is guided by the same principles as those of the Niagara River Greenway:

1. **Excellence:** In the Land Conservancy’s 29-year history we have preserved and protected over 7,000 acres of land, including farms, forests and scenic vistas on over 90 properties. Sixteen of our properties are publicly accessible parks or nature preserves. In all of this work, the Land Conservancy has adopted and strives to exceed the Standards and Practices set forth by the Land Trust Alliance, a national conservation organization that establishes best practices for regional land trusts.
2. **Sustainability:** After the property is acquired, the Land Conservancy will manage the preserve to ensure that the property, its habitats, and the ecological services that it provides are protected into the future. The Land Conservancy will ensure the economic sustainability of the project by contributing funding to a stewardship fund and to a legal defense fund to help cover ongoing costs.
3. **Accessibility:** The proposed addition to the Niagara Escarpment Preserve will be part of a publicly accessible nature preserve with low-impact nature trails.
4. **Ecological Integrity:** The addition to the Niagara Escarpment Preserve will protect an ecologically significant grassland and woodland. Conserving this land will help sustain many Species of Greatest Conservation Need that exist there.
5. **Public Well-being:** The addition to the Niagara Escarpment Preserve will provide people with a health-improving connection to nature through passive recreation on its nature

trails. As natural land, the property provides clean air, clean water, and flood control to surrounding communities.

6. **Connectivity:** The proposed addition will expand the network of protected open spaces that provide important linkages to the Niagara River. The Niagara Escarpment is described as an important linkage in the Greenway Plan. The Land Conservancy hopes to protect more land along the escarpment in the future.
7. **Restoration:** The Land Conservancy will manage the addition to the Niagara Escarpment Preserve to enhance and restore wildlife habitats that have been degraded over time. Invasive plant species management will be a key element of wildlife habitat restoration.
8. **Authenticity:** The preserve will protect the authentic natural history of the Niagara escarpment that promotes a “sense of place”. The restoration will reflect the natural heritage of the escarpment.
9. **Celebration:** The guided hikes to celebrate the unique spring ephemeral flowers at the Niagara Escarpment Preserve are a popular event. We will continue these guided hikes at the addition to the Niagara Escarpment Preserve. These events will celebrate the cultural significance and ecological distinction of the site.
10. **Partnerships:** The Land Conservancy, a regional not-for-profit land trust, is committed to adding to the Niagara Escarpment Preserve and maintaining the entire property. The proposal is supported by the current property owners, the city of Lockport, and other elected officials and organizations. One of the current landowners of this addition is also the volunteer preserve steward at the Niagara Escarpment Preserve. The Land Conservancy will continue to partner with these groups during the acquisition and eventual planning of the addition.
11. **Community-based:** The proposed addition to the Niagara Escarpment Preserve originated with the landowners, residents of Lockport, who volunteered to sell their land to the Land Conservancy. The Land Conservancy is a regional land trust with deep ties in Niagara County and the rest of the Western New York region. The project is aligned with local, regional, and statewide planning documents.

The proposed addition to the Niagara Escarpment Preserve achieves all of the goals of the Niagara River Greenway Plan:

1. **Improve Access:** Although there is a small access strip to the existing preserve on Leete Rd., parking is limited. Organized hikes start from our volunteer preserve steward’s house and driveway. The proposed addition will provide another point of access and could include a small parking area and trails in the future. This would mean an increase in the opportunities for the public to access and enjoy the Niagara Escarpment Preserve.
2. **Make Connections:** The Niagara Escarpment is described as an important linkage in the Greenway Plan. The Land Conservancy hopes to protect more land along the escarpment in the future.
3. **Protect and Restore Environmental Systems:** The addition to the Niagara Escarpment Preserve will protect unique and threatened plant communities, including grasslands. These habitats support many Species of Greatest Conservation Need. The Land Conservancy will manage the expanded Niagara Escarpment Preserve to enhance and restore wildlife habitats that have been degraded over time. Invasive plant species management will be a key element of wildlife habitat restoration.

4. **Spark Revitalization and Renewal:** The addition to the Niagara Escarpment Preserve will contribute to an emerging recreation and tourism industry in Niagara County and a renewed focus for promoting ecotourism by the city of Lockport. The addition will also increase the quality of life of residents by providing greater access to nature.
5. **Promote Long Term Sustainability:** The Niagara Escarpment Preserve is already an asset to the community. It provides open space and ecosystem services, like flood control and water quality improvements. These values will be protected for future generations through this project. The Land Conservancy will set aside funding for long term stewardship costs of the preserve addition.
6. **Extend Olmsted's Legacy:** Expanding the Niagara Escarpment Preserve will help achieve Olmsted's vision of a necklace of open spaces that follow the Niagara River and link inland.  
**Celebrate History and Heritage:** The Niagara escarpment has witnessed centuries of rich human history. This includes Native American history, the Erie Canal, and the Underground Railroad.

And lastly, this project is aligned with the evaluative criteria established in the Niagara River Greenway Plan's "Action Plan."

1. **Consistency with Principles:** As noted already, the proposed project is guided by the same 11 principles that guide the Niagara River Greenway Plan.
2. **Priority Status:** The proposed addition to the Niagara Escarpment Preserve addresses many of the priorities in the Niagara River Greenway Plan: The Niagara Escarpment Preserve will be part of an *integrated trail and park system*; the protection of this property and the restoration and enhancement of its wildlife habitats will support the *restoration of the Niagara River ecosystem*; and future interpretive programming will help with *interpretation and education about the region's cultural, natural and historic resources*.
3. **Focus Area:** While the site is located outside of the focus area, the Niagara Escarpment is an important link to the Niagara River and is listed as a priority area for conservation in many different sections of the Niagara River Greenway Plan.
4. **Environmental Soundness:** Environmental conservation is at the core of this project. Protecting this property will expand an existing nature preserve, and help buffer that nature preserve from surrounding residential development. The addition to the Niagara Escarpment Preserve will be managed to protect sensitive wildlife habitats and the species that are sustained there. The possible future trail system and parking area will be designed to reduce impacts on these wildlife habitats and species. The trail will be for hiking, snowshoeing, and cross-country skiing.
5. **Implementable:** With a partnership with the current landowner, and the Land Conservancy's track record of similar projects, the addition to the Niagara Escarpment Preserve project is implementable.
6. **Economic viability:** The addition to the Niagara Escarpment Preserve is economically viable. Costs are based on estimates from our experience with many similar projects; long-term stewardship costs are included in the total project costs.
7. **Local Sponsor or Partner:** The Western New York Land Conservancy will be responsible for implementing each phase of project.



8. **Matching or Leveraged Funds:** The Land Conservancy will leverage approximately \$16,000 of non-Greenway funds. The Land Conservancy has already spent approximately \$3,000 on staff time and the initial appraisal. The Land Conservancy will spend approximately \$6,000 from our existing stewardship fund at the Niagara Escarpment Preserve over the next three years. We will also spend an additional \$7,000 on a prescribed burn on the grassland portion of the addition and the existing preserve, the recommended management strategy to maintain grassland habitat. The Land Conservancy successfully completed prescribed burns at the Niagara Escarpment Preserve in 2016 and 2018.
9. **Consideration of Other Planning Efforts:** The project is consistent with local and regional planning documents.
  - The Town of Lockport Comprehensive plan lists the escarpment as a natural resource and an important environmental feature. It states that “The Town should work with State and County officials and other organizations, to gain a better understanding of the Niagara Escarpment through the Town of Lockport, and how it could be protected.” The plan references the Land Conservancy’s Niagara Escarpment Legacy Project.
  - The NYS Wildlife Action Plan priorities for implementation in the Great Lakes region include natural habitat protection and restoration. Amongst the priority habitats listed in the plan and found at the addition to the Niagara Escarpment Preserve are grasslands and shrublands that support Species of Greatest Conservation Need (SGCN).
  - The NYS Open Space Conservation Plan lists the Niagara Escarpment as a priority conservation project. It prioritizes the conservation of Species of Greatest Conservation Need (SGCN), including those found at the addition to the Niagara Escarpment Preserve. The plan states that “The Niagara Escarpment contains some of the best exposures of 500 million-year-old fossils found anywhere in the world, threatened, rare and endangered plants and unique ecological communities”. The NYS Open Space Conservation Plan also prioritizes grassland preservation and restoration in Western New York.
  - The Niagara Communities Comprehensive Plan 2030 identifies preservation of the natural features of the Niagara Escarpment as a priority issue for the county. The Plan categorized the Niagara Escarpment as an asset and opportunity for the county. The Plan states that “concerted efforts are under way to protect and preserve the Niagara Escarpment and its valuable ecosystems consisting of unique floral and faunal habitats. The Escarpment contributes significantly to the visual character of many communities in Niagara County, and to the region’s economy as well”.
10. **Clear Benefits:** The addition to the Niagara Escarpment Preserve offers clear benefits to Niagara County and the Niagara River Greenway and its vision. The preserve will protect the unique habitat and natural heritage of the Niagara Escarpment—an internationally recognized ecological wonder. It will also improve public access to nature. As natural land, the property provides clean air, clean water, and flood control to surrounding communities.

### 3. BUDGET

<b>Sources of Funds</b>	
Greenway Ecological Standing Committee (to be requested)	\$168,306
Leveraged Funds (secured)	\$16,000
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$184,306</b>
<b>Uses of Funds</b>	
Planning	\$1,500
Construction	\$56,000
Acquisition	\$56,586
Administration	\$11,263
Operation and Maintenance / Year	\$58,957 (\$2,358/yr)
<b>TOTAL USES OF FUNDS</b>	<b>\$184,306</b>

#### Project Budgets (Uses of Funds)

- Total project costs are \$184,306.
  - \$1,500 for Planning includes: the development of a management plan by Land Conservancy staff.
  - \$56,000 for Construction includes: invasive species control and native plantings at the property addition; a prescribed burn at the property addition and the existing preserve; additional preserve management activities; and Land Conservancy staff time.
  - \$58,586 for Acquisition includes: purchase price (\$20,000); legal costs; title search and insurance; preliminary and full appraisals; phase one environmental assessment; recording fees; legal defense fund contribution; boundary survey and description; boundary markers; baseline document report; and Land Conservancy staff time.
  - \$11,263 for Administration includes: indirect / overhead costs (15% of all costs being requested from the Greenway Ecological Standing Committee except for the purchase price and stewardship fund contribution).
  - \$58,957 for Operation and Maintenance includes: stewardship fund contribution for long-term preserve management (funds are invested, and are calculated by dividing annual costs of \$2,358 by 4%, an estimated annual rate of return).
  - Note: In the long-run, the Land Conservancy may add a small parking area and new trails on the addition. Those costs are not included here.

## **Project Funding (Sources of Funds)**

- Total project costs are \$184,306.
  - \$168,306 from the Greenway Ecological Standing Committee (to be requested): This will pay for all of the Planning, Acquisition (except for the preliminary appraisal), Administrative, and Operation and Maintenance costs (Land Conservancy stewardship fund). It will pay for most of the Construction costs (except for the grassland burn and other preserve management activities).
  - \$16,000 of Leveraged Fund (secured): This includes approximately \$3,000 for a preliminary appraisal from the Land Conservancy's operating funds, \$6,000 from our existing stewardship fund for additional preserve management activities, and \$7,000 from the US Fish and Wildlife Service for a controlled grassland burn.

## **4. COMMUNITY AND GOVERNMENT SUPPORT**

Throughout this project, the Land Conservancy will continue to ensure public support. Attached to this proposal are letters of support from: the current landowners; the Town of Lockport's supervisor, Mark Crocker; and other elected officials.

Protection of the Niagara Escarpment is also consistent with local and regional planning documents which were developed with significant public and stakeholder input, as described earlier in this application.

The Land Conservancy will oversee all phases of this project. The Land Conservancy will involve neighbors and elected officials in future plans for the preserve. Consultants will help plan and implement public access improvements and habitat enhancements. Volunteers may be involved in plantings and future trail building.

## **5. ENVIRONMENTAL SETTING**

### **Priority Plant and Wildlife Habitats**

The Niagara Escarpment is a geological phenomenon that is the result of tectonic uplift, multiple glaciations, and millions of years of erosion. Land near the escarpment is ideal for fruit trees and vineyards because of the warm air trapped along the southern shore of Lake Ontario. This microclimate also supports diverse plant and animal communities.

The grassland on the proposed addition was previously an agricultural field but was restored to a native grassland by USFWS a decade ago. It is also bordered by a hedgerow and woodland. The hedgerow that borders the eastern boundary of the parcel is a woodland containing a rich mix of species that reflect the natural heritage of the site. These include mature black walnut, hackberry, and chokecherry trees, and shrub species including gray dogwood, gooseberry, sumac, box elder, and hawthorn. A wide variety of native sedge species and forbs are also present.

This property likely supports a wide array of bird species. Based on eBird data, we estimate that there are 137 bird species that depend on the proposed addition. This data is from similar habitats

nearby: The Niagara Escarpment Preserve and Bond Lake County Park (with all aquatic species from Bond Lake County Park excluded).

Of the 137 species, 14 are listed as NYS Species of Greatest Conservation Need (SGCN) according to the 2015 NYS Wildlife Action Plan. Six of those are listed as High Priority SGCN: Brown Thrasher, Rusty Blackbird, Cape May Warbler, Canada Warbler, Bobolink, and Bay-breasted Warbler. The remaining eight SGCN are: Bald Eagle, Northern Harrier, Red-shouldered Hawk, American Kestrel, Wood Thrush, Blue-winged Warbler, Black-throated Blue Warbler, and Scarlet Tanager.

Six bird species of the 137 were listed in NYS. Two were listed as threatened: Bald Eagle and Northern Harrier; and four were listed as special concern: Common Nighthawk, Osprey, Red-headed Woodpecker, and Sharp-shinned Hawk.

Invasive plant species on the property threaten the native plants and the birds that depend on them. Invasive plant species found on the property include reed canary grass, knapweed, Queen Anne's lace, curly dock, and narrow-leaved plantain, all of which occur both in small but dense patches throughout the meadow. Widely scattered woody invasive species are present both within the hedgerow, the forest bordering the southern boundary of the site, and the grassland, and are primarily bush honeysuckle and multiflora rose.

### **Protecting and Enhancing Natural Resources**

The main purpose of this project is to protect and restore the natural resources that exist on the property. The acquisition of the land by the Land Conservancy will help achieve this. The Land Conservancy will manage the property to ensure its wildlife habitats and species are protected. The Land Conservancy will conduct a prescribed burn on the grassland to decrease thatch and allow native species to thrive, will also decreasing invasive species load.

### **State Environmental Quality Review Act (SEQR)**

This project will not require State Environmental Quality Review Act (SEQRA). Permits and coordination with the local fire department will be needed for the prescribed burn.

### **Proposed Conceptual Plan**

The addition to the Niagara Escarpment Preserve may include a new trail system and a small parking area in the future. These activities are not part of this initial project proposal, and a plan for these public access improvements will be developed later.

### **Property Owner Support**

Please see the attached project agreement from the current property owners, Lee and Carla Smith and Bob and Dawn Leiser. Lee Smith is also the Niagara Escarpment Preserve Steward and is committed to preserving and protecting his property for conservation.

## 6. PROJECT TIMELINE

This project will be complete within three years from fall 2020.

- Fall 2020 through Fall 2021
  - Purchase the property (title search, full appraisal, phase one environmental review, boundary survey, closing)
- Fall 2021 through Fall 2022
  - Conduct tree plantings
  - Conduct a prescribed burn
- Fall 2022 through Fall 2023
  - Continue controlling invasive plant species

## Literature Cited

eBird. 2020. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, <https://ebird.org/home>

New York State Department of Environmental Conservation (DEC). Endangered Species Website. “List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State.” <http://www.dec.ny.gov/animals/7494.html>

New York State Department of Environmental Conservation (DEC). 2016. *New York State Open Space Conservation Plan*.

New York State Department of Environmental Conservation (DEC). 2015. *New York State Wildlife Action Plan*.

Niagara Communities Comprehensive Plan 2030: *A Plan to Communicate, Collaborate and Connect*. Niagara County, NY. July 2009.

Town of Lockport. 2014. *Town of Lockport Comprehensive Plan*

Western New York Land Conservancy. 2014. *The Niagara Escarpment Legacy Project*

## **ATTACHMENTS**

- A. LETTERS OF SUPPORT**
- B. MAPS**
- C. PHOTOS**
- D. TAX EXEMPT STATUS**

## A. LETTERS OF SUPPORT

### PROJECT AGREEMENT Land Acquisition: Niagara Escarpment Preserve Addition

**Agreement Date:** May 20, 2020

**Property:** Sunset Drive, Lockport, NY  
~9.5 acres  
Part of SBL 94.03-1-63 (See Exhibit A)

**Current Landowner:** Lee & Carla Smith and Bob & Dawn Leiser

#### Parties to Agreement:

Western New York Land Conservancy, Inc.  
Office Address-  
11663 Old Strykersville Road  
Wales, NY 14052

Lee & Carla Smith  
4597 Sunset Drive  
Lockport, NY 14094  
grady44@verizon.net

Mailing Address-  
P.O. Box 471  
East Aurora, NY 14052-0471  
marisa@wnylc.org

Bob & Dawn Leiser  
5622 Leete Road  
Lockport, NY 14094  
zeva434@gmail.com

#### Background

The Western New York Land Conservancy, Inc. (the "Land Conservancy") and Lee & Carla Smith and Bob & Dawn Leiser (the "Landowner"), collectively the "Parties", enter into this non-binding project agreement (this "Agreement") effective as of the Agreement Date set forth above on the basis of the following facts, understandings, and intentions.

- A. **Purpose.**  
This Agreement is evidence of the Parties' willingness and commitment to work towards the sale/purchase of the property identified above (the "Property"). This Agreement neither binds the Land Conservancy to purchase, nor the Landowner to sell the Property; rather, it sets the terms under which the Parties agree to proceed in good faith towards a satisfactory transaction. It is the intention of the Parties to formalize the terms of this Agreement into a Purchase and Sale Agreement ("PSA"), noting that certain provisions may be subject to modification and/or restructuring based on due diligence and related efforts by the parties.
- B. **Land Conservancy.**  
The Land Conservancy is a New York not-for-profit corporation within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the "ECL") with a mission to permanently protect land with significant conservation value in Western New York for the benefit of future generations. The Land Conservancy is organized for conserving real property and is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(iv) of the Internal Revenue Code.

- C. **Property.**  
For the purposes of this agreement, "Property" will mean the parcel of real estate shown on the attached map ("Property Map", Exhibit A). The Property is an approximately 9.5-acre vacant subsection of the larger approximately 10.35-acre parcel, further identified by the following SBL#: 94.03-1-63.
- D. **Valuation.**  
The Parties agree that the asking price for the Property is \$20,000; not to exceed the fair market value based on a current appraisal completed prior to closing. The price is based on a purchase of approx. 9.5 acres, and will be adjusted on a proportionate per acre basis if the size of the property to be purchased changes.
- E. **Access.**  
The Property is accessible from Sunset Drive, Lockport, New York. The Landowner agrees the Land Conservancy may access the Property for generating interest in protecting the Property, property inspections, wildlife studies, and all other acquisition related activities during the life of this Agreement.
- F. **Site Investigation.**  
The Land Conservancy and its contractors shall be permitted to enter the Property to complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
- G. **Reliance.**  
The Land Conservancy is willing to move forward with the project based upon this Project Agreement and to incur costs associated with the due diligence required to evaluate the Property for conservation and to raise funds for its acquisition. The Landowner confirms that the following statements are accurate:
1. **Ownership.** No person or party, other than the Landowner, has any ownership or leasehold interest in the Property.
  2. **Voluntary Grant.** The Landowner is not obligated to sell the property to the Land Conservancy by any contractual arrangement or to satisfy any legal requirement.
  3. **Liens.** The Landowner will ensure that all liens are released before the Property is sold to the Land Conservancy.
  4. **Property Information.** The Landowner will give the Land Conservancy a copy of any lease, easement or other servitude affecting the Property upon execution of this Agreement. The Landowner will inform the Land Conservancy of any survey or environmental assessment of the Property in its possession or that they are aware of, and these will be furnished to the Land Conservancy.
  5. **Property Condition.** To the best of the Landowner's knowledge, there are no hazardous or toxic wastes or debris, nor any underground storage tanks, on or under the Property.
- H. **Professional Assistance.**



Each party will select any advisors and service providers (e.g., legal and financial advisors) it deems necessary to complete this transaction. Each party will rely solely on the advice and counsel of its own advisors to determine whether or not any feature of this transaction is in the best interests of the party.

- I. **Information Sharing.**  
Parties may share information about the proposed transaction with government agencies and other parties to find funding and to build support for the project.
- J. **Fundraising**  
The Landowner acknowledges that the Land Conservancy needs to submit grants and seek funding for this project. The Landowner further permits the Land Conservancy release pertinent information about the property and project to potential funders and grant applications in an effort to raise money for the completion of this project. The Land Conservancy's ability to secure funding will be a contingency in the PSA entered into between the Parties. The Landowner understands that it may take up to 2 years for the Land Conservancy to secure funding, and such extended time period to secure funding will be reflected in the PSA.
- K. **Care of Information.**  
Notwithstanding Items I and J above, the Parties named herein will use discretion with respect to the distribution of information learned as a result of this proposed transaction.
- L. **Publicity.**  
The Parties will consult with each other about timing and content before issuing any press release or otherwise making any public statements in connection with this Agreement. The party publicly disclosing information will provide a meaningful opportunity to the other party to review and comment upon any draft press release or other announcement and shall give due consideration to all reasonable suggested additions, deletions, or changes.
- M. **Project Completion.**  
The Parties plan to complete the acquisition of the Property within two years from the date this Agreement is fully executed. Once this Agreement is signed, the Parties will proceed in good faith to complete the steps outlined below within the stated two-year period. Each party will keep the other advised as to the progress of tasks it is responsible to complete. Time extensions may be requested when there is good cause for same, and will not be unreasonably withheld.

**Steps to Complete the Project  
Western New York Land Conservancy**

1. **Funding**  
Initiate fundraising activities, which may include private funding sources, agency grant opportunities, and appeals to the public.
2. **Site Assessment**  
Complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
3. **Title**  
Review the Title Search (as defined below) provided by the Landowner in a timely manner.
4. **Survey**  
The Land Conservancy will obtain an updated survey of the Property which complies with NYS survey standards, certified to the Western New York Land Conservancy, Inc. and its title company. The Land Conservancy will not order the survey until they have confidence in their fundraising for the full project and Property purchase. Should the Landowner decide not to move forward with closing after the survey has been ordered, the Landowner will reimburse the Land Conservancy for all costs of the survey.

**The Landowner (Lee & Carla Smith and Bob & Dawn Leiser)**

1. **Title**  
The Landowner will provide the Land Conservancy, within sixty (60) days after Landowner or their attorneys have been provided with the following: 1) written proof that the fundraising as detailed in Section J above has been successfully completed, and 2) a print of the premises only survey by the Land Conservancy as described at Section 4 above, a fully guaranteed tax and title search covering the Premises only (the "Title Search"), the first set-out of which shall be the first recorded source of title prior to 1920 in the Niagara County Clerk's Office, the last continuation of which shall be dated subsequent to the Effective Date and where not covered by the search, a local tax certificate.
2. **Subdivision**  
The Landowner will subdivide or property split the subsection Bob & Dawn are retaining with their property (mapped as .8 acres and shown on Exhibit A) from the 9.5 acres the Land Conservancy is interested in purchasing. Final municipal approval will be required prior to closing the sale of the Property with the Land Conservancy.
3. **Deed**  
The Landowner will instruct its attorney to prepare a Warranty Deed (the "Deed") and associated required recording documents to effectuate the fee simple acquisition of the Property by the Land Conservancy. The Land Conservancy's Board of Directors and/or its attorney must review and approve the Deed before it can be recorded.
4. **Closing Documents**  
Prior to closing, the Land Conservancy will be supplied by the Landowner with the items listed below. Where applicable, the documents must be properly signed and in form for recording.

- a. The Deed, properly executed by the landowner and with all exhibits attached.
  - b. The signed Baseline Documentation Report certified to be true, correct, and completed.
  - c. Evidence satisfactory to the Land Conservancy that no unpaid tax or other liens encumber the Property as of the acquisition date.
  - d. The Title Search and any other documents or items required to be produced by the Landowner to establish clear title to the Property.
5. **Recording**  
The Deed will be recorded at the Niagara County Clerk's office. Each Party will pay its own costs associated with the closing according to what is customary in Niagara County, New York for arm's length transactions. A real property transfer tax will be assessed, which is the responsibility of the Landowner.
6. **Required Approvals**  
The Landowner will obtain all approvals required for the sale of the Property, including subdivision/property split approval.

**Acceptance**

The Landowner and the Land Conservancy enter into this non-binding Agreement as of the Agreement Date set forth above.

**The Landowner**

By: Lee Smith  
Lee Smith

Date: 26 May 2020

By: Carla Smith  
Carla Smith

Date: 26 May 2020

By: Bob Leiser  
Bob Leiser

Date: 23 May 2020

By: Dawn Leiser  
Dawn Leiser

Date: 23 May 2020

**Western New York Land Conservancy, Inc.**

By: Nancy R. Smith  
Nancy R. Smith, Executive Director

Date: 5/27/2020

EXHIBIT A  
PROPERTY MAP



May 20, 2020

Gregory D. Stevens  
Niagara River Greenway Commission  
PO Box 1132  
Niagara Falls NY 14303

Dear Mr. Stevens,

On behalf of the Town of Lockport, I am writing to support the Western New York Land Conservancy and their proposed addition to the Niagara Escarpment Preserve. By purchasing the adjoining property, the Land Conservancy will help protect and celebrate our important natural heritage.

The Niagara Escarpment is a defining feature of Lockport. The historic locks in the city bring boats up and down the escarpment on the Erie Canal. Vineyards and orchards in the town owe their existence to the soils along the escarpment. Our forests are home to unique plants and animals because of the escarpment. Protecting more of the escarpment is a shared goal.

The Town of Lockport and the Land Conservancy have a history of working together to enhance our quality of life. The current Niagara Escarpment Preserve is treasured by many of the residents who often participate in organized nature hikes each year. Our town is more attractive to visitors and future residents when there is access to open space.

The Land Conservancy works with the community closely to ensure that the needs of neighbors and other local stakeholders are considered and addressed. This project originated with the current landowners who are residents of the Town of Lockport. They treasure this land so much that they asked the Land Conservancy to buy it from them and protect it. I welcome this expansion of the Niagara Escarpment Preserve.

Thank you for your time in considering this application.

Sincerely,



Mark C. Crocker  
Supervisor

*Lockport*





THE LEGISLATURE  
NIAGARA COUNTY

LEGISLATOR ANTHONY J. NEMI  
11<sup>th</sup> DISTRICT  
CHAIRMAN, ADMINISTRATION COMMITTEE

June 3, 2020

Gregory D. Stevens  
Niagara River Greenway Commission  
PO Box 1132  
Niagara Falls NY 14303

Dear Mr. Stevens,

On behalf of Niagara County's 11<sup>th</sup> district, I fully support the Western New York Land Conservancy's proposed addition to the Niagara Escarpment Preserve in the Town of Lockport. The addition would protect the unique natural heritage of our community, the same heritage that links Lockport to the Niagara River Greenway along the Niagara Escarpment.

Many outdoor recreation activities that bring revenue to my district require protected open spaces such as parks and nature preserves. Activities such as hiking, birding, snowshoeing, and cross-country-skiing are extremely important for the health and wellbeing of residents. Providing more opportunities for residents and visitors to witness the rare plants and wildlife found in the escarpment is also important to me.

The Niagara Escarpment and its beautiful forests and meadows are assets to the community. I am grateful for the Land Conservancy's continued commitment to enhance the quality of life in Niagara County. I am also grateful that the current property owners wish to protect their land so that future generations can enjoy it.

Thank you for your time and consideration on this important project.

Sincerely yours,

  
Anthony J. Nemi  
Niagara County Legislator  
11<sup>th</sup> District



MICHAEL J. NORRIS  
Assemblyman 144<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER  
Election Law Committee

COMMITTEES  
Judiciary  
Tourism, Parks, Arts and  
Sports Development  
Transportation  
Ways and Means

June 1, 2020

Gregory D. Stevens  
Niagara River Greenway Commission  
PO Box 1132  
Niagara Falls NY 14303

Dear Mr. Stevens,

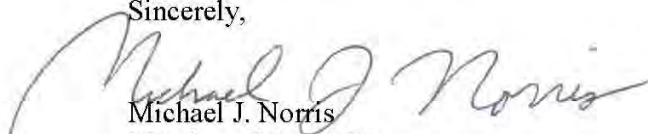
I am writing on behalf of the Western New York Land Conservancy to offer my support in their efforts to expand their Niagara Escarpment Preserve in the Town of Lockport. Like all of their work, purchasing this property is voluntary, with the support of the current landowners. The Western New York Land Conservancy has a long history of protecting important farms and forests in my district and I am proud to support this initiative.

As you may know, the Niagara Escarpment, a ridge of rock extending from the Niagara River east through my district, is a defining feature for all of Niagara County, and Lockport in particular. The escarpment forms a ribbon of green forest throughout the region. From above, it provides spectacular views across Niagara County to Lake Ontario. Protecting this addition will allow residents and visitors of my district to experience the plants, wildlife, and cultural heritage that make our region so special. The Western New York Land Conservancy is seeking \$150,000 from the Greenway Ecological Standing Committee to pay for purchasing the property, some tree restoration, and long-term stewardship.

For more than a decade, the Land Conservancy worked with the Town of Clarence to protect numerous forests and farms there and in 2008 they helped protect the Town-owned Lytle Park in Lockport. In 2017, they helped a family protect their 63-acre forest and meadow along Lake Ontario in Barker. Expanding the Niagara Escarpment Preserve will be another accomplishment for our community. The Western New York Land Conservancy has spearheaded a number of significant projects across Western New York and I will continue to support their efforts in our community and in my district.

Thank you for your consideration and please do not hesitate to contact me if you have any questions or in need of any additional information.

Sincerely,

  
Michael J. Norris  
Member of Assembly  
144<sup>th</sup> District



**RANKING MINORITY MEMBER**  
AGRICULTURE  
VETERANS, HOMELAND SECURITY AND  
MILITARY AFFAIRS

**COMMITTEE MEMBER**  
ENERGY AND TELECOMMUNICATIONS  
HEALTH  
INSURANCE

**THE SENATE  
STATE OF NEW YORK**



**ROBERT G. ORTT  
SENATOR, 62<sup>ND</sup> DISTRICT**

**ALBANY OFFICE:**  
617 LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2024

**DISTRICT OFFICE:**  
175 WALNUT STREET, SUITE 6  
LOCKPORT, NEW YORK 14094  
(716) 434-0680

May 21, 2020

Gregory D. Stevens  
Niagara River Greenway Commission  
PO Box 1132  
Niagara Falls NY 14303

Dear Mr. Stevens,

On behalf of my district, I would like to express my support for the Western New York Land Conservancy and their proposed addition to their Niagara Escarpment Preserve in the Town of Lockport.

The narrow strip of land that makes up the Niagara Escarpment is praised internationally for its unique geology and important plants and animals. The Land Conservancy has been helping families and communities protect our region's natural heritage for nearly 30 years. This will be a significant accomplishment for all of us.

When we provide more opportunities for people to experience the outdoors, we also attract new businesses and create more jobs. It is important to me that my constituents and visitors to my district have the opportunity to enjoy the natural heritage of the escarpment. The project to expand the Niagara Escarpment Preserve is a chance to provide more of those opportunities.

I am grateful that the Land Conservancy continues to do work in my district, and I hope the Niagara River Greenway Commission will support this project as well.

Sincerely,

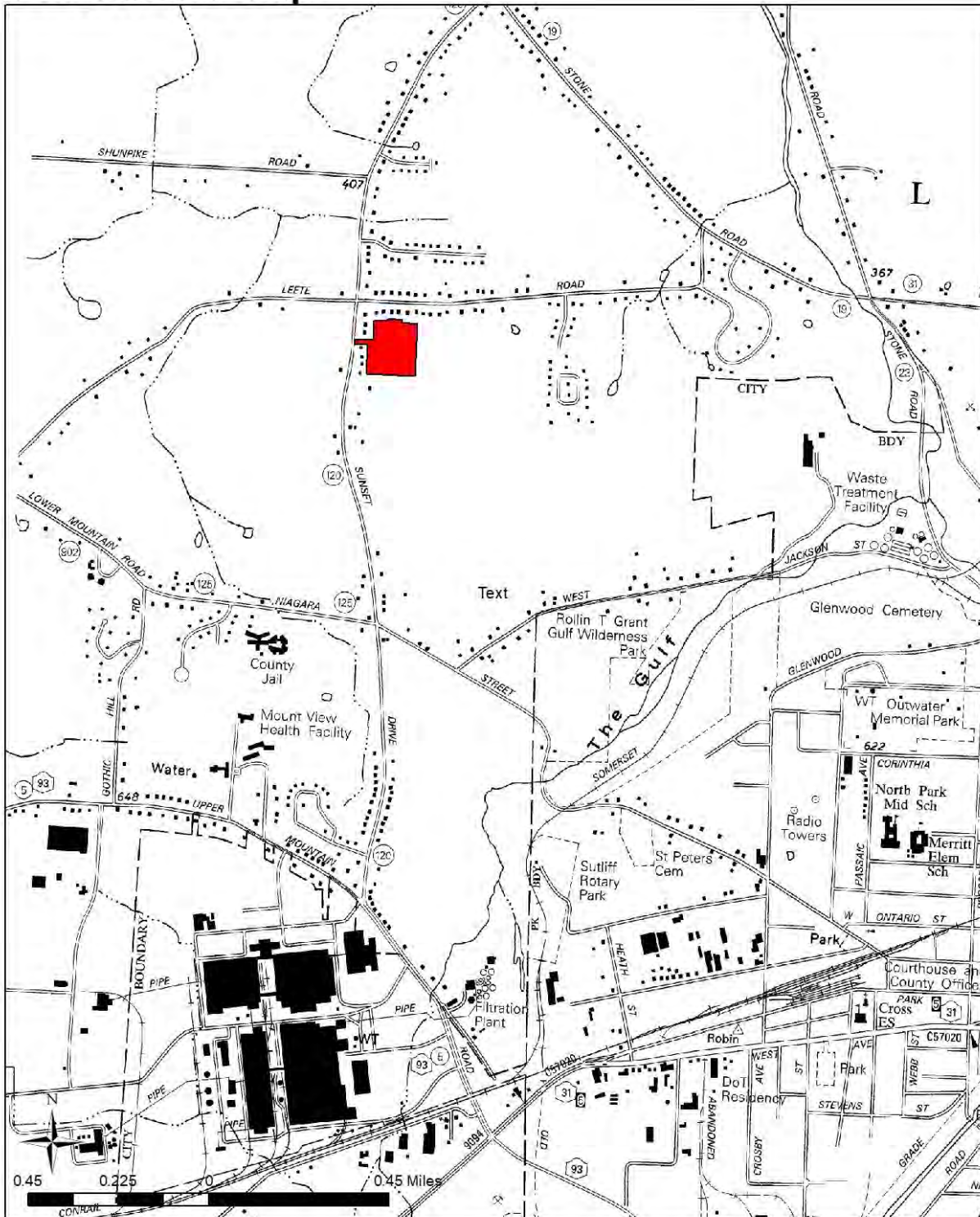
A handwritten signature in black ink, appearing to read 'Robert G. Ort'.

Senator Robert G. Ort  
New York State Senate District 62



B. MAPS

# Planimetric Map







# Niagara Escarpment Preserve Addition

**Legend**

- NEP Addition
- Niagara Escarpment Preserve

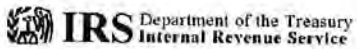


C. PHOTOS





**D. TAX EXEMPT STATUS**



CINCINNATI OH 45999-0038

In reply refer to: 0248421964  
June 11, 2013 LTR 4168C 0  
22-3160426 000000 00  
00019936  
BODC: TE

WESTERN NEW YORK LAND CONSERVANCY  
INC  
PO BOX 471  
EAST AURORA NY 14052



024975

Employer Identification Number: 22-3160426  
Person to Contact: Ms. L Mitchell  
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your May 31, 2020, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in April 1992.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website [www.irs.gov/eo](http://www.irs.gov/eo) for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

