



Niagara River Greenway Commission
Project Consultation & Review Submission

CAYUGA CREEK LAND PROTECTION

March 2021



PROJECT INFORMATION

Project Name: Cayuga Creek Land Protection
Location: Natural area between Porter Rd and Elderberry Place in the Town of Niagara
Site Address: " "
State: NY Zip Code: 14305
Minor Civil Division(s): _____
County: Niagara
Project Proponent Property Interest (own, lease, easement or other): detailed in proposal narrative

AUTHORIZED OFFICIAL

Name: Jill Jedlicka Title: Executive Director
Business Address: 721 Main Street, Buffalo
State: NY Zip Code: 14203
Telephone Number: 716-852-7483 x 21 Cell Number: _____
Fax Number: 716-885-0765
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PROJECT POINT OF CONTACT

Name: Emily Root Title: Director of Ecological Programs
Organization/Firm: Buffalo Niagara Waterkeeper
Business Address: 721 Main Street, Buffalo
State: NY Zip Code: 14203
Telephone Number: 716-852-7483 x 16 Cell Number: _____
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PROJECT NARRATIVE

1. PROJECT CONTEXT, PURPOSE, AND TIMELINE

Project Location: This proposal focuses on protection via acquisition and easement on a large, contiguous area (41 acres) of undeveloped and valuable natural habitat that exists along Cayuga Creek within the Town of Niagara. Located just south of the Niagara Falls International Airport and Air Reserve Station and in between Porter Road and Elderberry Place, the project location is the largest area of natural land cover that exists along the lower section of Cayuga Creek, and one of the few remaining natural areas of its size and type in the Town of Niagara.

Project Summary:

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

Progress to date within the project location has focused primarily on several parcels that were previously owned by the Weber family. After over a decade of partnership coordination and securing funds, in 2018 BNW along with other partners including the Western New York Land Conservancy, helped facilitate the Town of Niagara's acquisition of these parcels that were owned by the Weber family for permanent protection, totaling 25.65 acres. Currently, BNW is leading efforts to restore a portion of Cayuga Creek that flows through the property in order to address ongoing flooding issues that are impacting surrounding communities. In the 1970s Cayuga Creek was channelized and straightened. By restoring the original creek channel to a more natural state and reconnecting the stream to its historic floodplain, benefits such as reduced flooding, improved water quality, creation of important fish and wildlife habitat, and overall increased stream function will be achieved.

Land Protection Opportunities- This funding proposal focuses on the acquisition of up to 3 parcels for habitat protection, as well as the addition of a conservation easement on the parcels that are currently owned by the Town of Niagara (colloquially referred to as the Weber property).

As mentioned, progress to date in this area has focused on the parcels previously owned by the Weber family as the family was willing to donate the parcels for protection, and the Town of Niagara was able to take on the ownership for long term protection. The protection of these parcels was prioritized for these reasons, and because of the restoration work that was a priority within these parcels.

Over the past several years, BNW has engaged with property owners that adjoin the Weber property to explore opportunities to add additional acreage to the newly created Town preserve. Specifically, three adjacent parcels along Porter Road, each about 5 acres in size, provide an opportunity to protect an additional 15.4 acres of high-quality habitat. The land within the parcels is considered to be of exceptional ecological value due to the relatively rare forested wetlands found there. Based on historical photographs and site assessments, it appears that that forest community within these parcels has not been cleared previously, and is described as a high-quality mature forest. The properties support a variety of amphibians, birds, reptiles, and mammals. Several shellbark hickory, which are Threatened in NY, are also found within these properties.

Progress to Date- With support from the Niagara County Department of Economic Development, a Phase I Environmental Site Assessment (ESA) was completed on the properties by Day Environmental in early 2020. While no concerns were identified on site, additional investigation into potential impacts from adjacent sites will likely need to be completed prior to acquisition. Funding for a Phase II ESA will likely be supported by Niagara County,

and is anticipated to be completed before the full proposal stage so that those details can be considered in next steps. Initial appraisals have also been completed by BNW on all 3 parcels.

Since early 2019, BNW has advanced conversations with the landowners of the 3 parcels as well as with possible project partners who would hold title and a conservation easement in perpetuity. While there are multiple moving components to the project, we feel that there is presently an open window in time to pursue the acquisition and easement on the properties. This window is important due to a combination of political and landowner will, as well as recent real estate interests in the vicinity of the site that could result in development of the land if it were not protected. We fully anticipate that many details will be pinned down by the May dates for consistency review/vote and the GESC proposal stage, and an updated scope and budget will be provided at that time. Accordingly, we have estimated a budget that leaves room for the two scenarios that we are pursuing; the first proposes acquisition of 2 parcels along with a conservation easement on the Weber site and the second proposes acquisition of all 3 parcels, along with the Weber site conservation easement. BNW is also exploring other funding sources and may separate the proposal components based on how these opportunities develop within the next 2 months.

BNW will lead this work in partnership with the Town of Niagara and other partners. The entity that holds title to the property, and who holds the conservation easement will be responsible for monitoring the properties long-term. While we are unable to mention specific partners at this time due to confidentiality and the timing of the proposal, we are working with local, trusted experts in the realm of land conservation to bring a robust and carefully vetted full proposal to the table.

As our primary project partner, BNW is in close coordination with the Town of Niagara throughout this process to ensure their support of the work. The Town has confirmed their interest and willingness to add a conservation easement to the parcels in the project area that they currently own. They are conscious of the fact that Town leadership will not remain the same forever and wish to ensure that the vision for the recently created preserve remains protected.

Project Timeline:

Once funding is received, the project team will advance steps towards closing on the parcels for acquisition and execution of an easement immediately. It is expected that this process will take no longer than 6 months to a year.

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

2. CONSISTENCY WITH NIAGARA RIVER GREENWAY PLAN

Niagara River Greenway Vision Statement: *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.*

GUIDING PRINCIPLES

Sustainability: This project will ensure the long-term sustainability of years of work and investments to date in the protection and restoration of the Weber parcels. Through the addition of a conservation easement on these parcels, this land will be protected for generations to come. The additional adjacent parcels will further sustain

the protection of this important natural area within the Greenway.

Ecological Integrity: This project will ensure the long-term protection of existing habitat that is considered to be of exceptional ecological value, as well as the restored habitat within the town-owned property (restoration expected to be completed within next 1-2 years).

Public Well-Being: The project will protect an important green space within the Town of Niagara that provides important ecosystem services like carbon sequestration, fresh air, improved water quality, cooler water temperatures, increased flood storage capacity, and within the town-owned property will hopefully provide formal opportunities for public access which will be an important asset for the community.

Connectivity: This project is directly connected to the Cayuga Creek Corridor and can be accessed by bike or on foot from the Greenway Trail. The properties included in this proposal will be key in establishing connecting notes within the Niagara River Greenway.

Partnerships: This project will support the continued work between BNW and the Town of Niagara to advance protection and restoration within the project focus area and will include additional partners to complete the project successfully.

GOALS

Make Connections: This project will formally protect an important node of unique and relatively rare natural habitat as well as restored habitat within the Greenway. Very few protected natural areas exist within the surrounding area, or along the Cayuga Creek corridor, making this an important project both in the context of the town, and also the Greenway.

In reference to the Town-Owned property specifically- it is located along Cayuga Creek, one of two tributaries in the Town of Niagara that provides direct water access to the Niagara River for residents. In addition, several major transportation corridors including Porter Road (Rt.182), Niagara Falls Boulevard (Rt.62), Military Road (Rt. 265), and the NYS Thruway (I-90) are directly adjacent to, or within minutes of, the property allowing for easy access. With Niagara Falls State Park only 15 minutes away and the Niagara Falls International Airport across the street, this site has the potential to attract numerous out-of-town visitors.

Promote Long Term Sustainability: Long-term protection of important natural resources is the focus of this proposal. If successfully advanced, a stewardship fund and legal defense fund will be established to ensure the integrity of land protection in perpetuity.

Extend the Legacy of Fredrick Law Olmsted: This work directly extends Olmsted's legacy by protecting an important natural asset along the Niagara River corridor which is currently surrounded by commercial and residential development and is threatened by future development. The project will contribute towards his vision of a 'necklace of parks and open spaces' within the Greenway. With a steadily growing population and increased commercial development, the protection of a large open space like the town-owned property and adjacent parcels will be an extremely important economic and ecological asset for the Town and Niagara River Greenway.

Protect and Restore Environmental Systems: Protection of the properties in the proposed project area will ensure that this large natural area remains protected from residential and commercial development. As the largest natural habitat remaining along the lower portion of Cayuga Creek, and in an area that is primarily surrounded by developed lands, this area is a priority for long-term protection.

Celebrate History and Heritage: Post-restoration, the town-owned property will provide a place to enjoy the natural world just minutes from the dense urban environment in Niagara Falls. It will become an important part

of the natural heritage for the community that calls the Niagara River home as it offers opportunities for the next generation to hear chorus frogs and migratory songbirds each spring. Future opportunities may be explored for providing public access in the parcels that are currently privately owned after restoration has been achieved.

3. PRELIMINART BUDGET ESTIMATE

Planning	N/A
Construction	N/A
Acquisition/Easement	\$143,300 - \$228,300
Operation and Maintenance	\$91,000 - \$102,000
Match	\$43,700 - \$46,700
TOTAL PROJECT COST	\$278,000 - \$377,000

The estimate above provides a range of funding amounts which is dependent on several scenarios as details are determined in the next few months on the scope of what this proposal will support. The range of the funding request (total project cost minus match) is currently estimated to be between \$234,300 - \$330,300. These details are anticipated to be determined by the time of the consistency review in May, and solidified numbers will be provided at that time.

The costs included in the ‘Acquisition/Easement’ category include costs to cover the property purchase price for the parcels along Porter Road which is based on a recent restricted appraisal paid for by BNW. The category includes all costs required to execute the property transaction including attorney and recording fees, title search, title insurance, full appraisal, survey, boundary description and signs, and two year’s taxes. Incorporated into this budget estimate is also the funding necessary to execute a conservation easement on the town-owned parcels. BNW staff time is included at an estimated 10% of the funding requested, less the purchase price.

Costs for ‘Operation and Maintenance’ include estimated funds for a stewardship fund and legal defense fund for all of the properties that will be advanced through this proposal. This fund is calculated on a per acre basis and will be invested to ensure long-term funds are available to defend any legal issues that could arise on the site and to perform the annual monitoring requirements that a Land Trust must abide by and to ensure that no adverse impacts occur that would alter the conservation purposes of the site.

Cost Sharing/Match: Cost sharing for this proposal include a \$700 restricted appraisal fee which was provided by BNW, funding support provided by the Niagara County Department of Economic Development for a Phase II Environmental Site Assessment, as well as significant in-kind contributions from BNW and potential partner organizations for items including administrative support, baseline documentation, and some legal fees.

4. COMMUNITY AND GOVERNMENT SUPPORT

Several planning studies have identified this area as a major priority to improve the flooding conditions along Cayuga Creek and to protect an important area of habitat (Buffalo Niagara Riverkeeper, 2015, Ecology and Environment, 2014, and Frothingham & Brown, 2005). The Town Supervisor is in support of this project and has provided the attached letter of support. The community has been engaged in work at the town-owned property

through a variety of forums throughout the last decade as work in this area has been advanced (public meetings, site walks, door to door outreach) and are in support of the work. Potential future community engagement in the long-term stewardship of these sites is a desire of project partners that will be explored as a next step once protection and currently planned restoration is achieved.

5. ENVIRONMENTAL SETTING

This large undeveloped area is significant in the context of the Town of Niagara and the Cayuga Creek corridor. The area is considered particularly valuable given that it is the only remaining contiguous tract of wetland, shrubland, and grassland along Cayuga Creek that includes areas of relatively rare and valuable forested wetland habitat. The natural area supports a variety of amphibians, birds, reptiles, and mammals. Within the forested community there are areas of inundation which support amphibian breeding. The forest within the parcels is relatively free of invasive plant species, and houses about seven large shellbark hickory (*Carya laciniosa*) trees. This tree species is listed as “threatened” in New York State. The work included in this proposal is important in ensuring these existing unique and valuable habitats as well as the soon-to-be restored habitat within the town-owned property will be protected in perpetuity.

While not included as part of this funding request, the project team has advanced the design of recreational components within the town-owned property and is currently seeking funding for implementation of a portion of the trail network that has been designed. There is future opportunity for environmental stewardship activities within the greater project area as well as the creation of passive recreational trails. Attachment C provides a conceptual depiction of what a future trail network may look like in this area (in addition to planned restoration work) however protection is the ultimate priority.

Attachments:

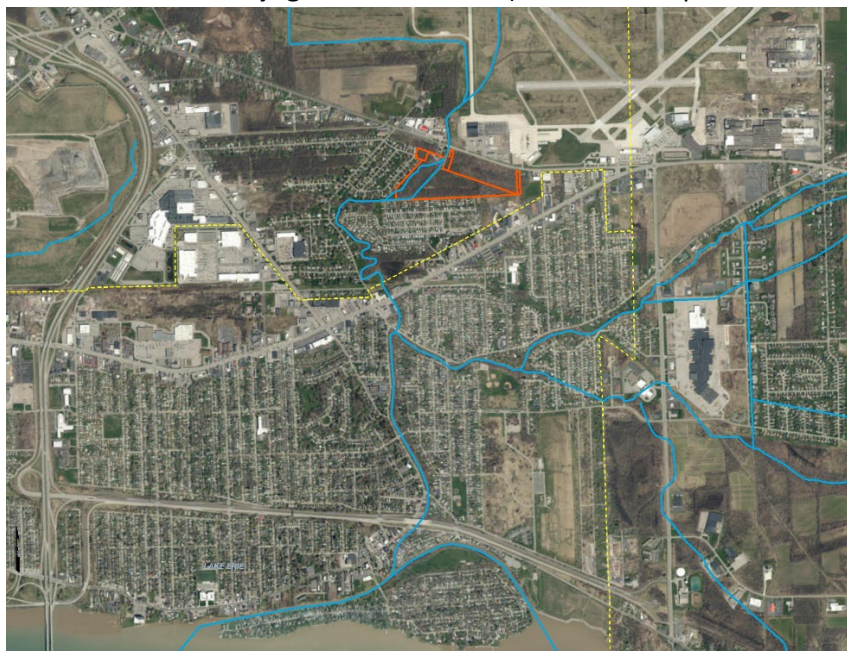
Attachment A- Map of Project Area

Attachment B- Map of Context within Greenway

Attachment C- Conceptual Trail Master Plan

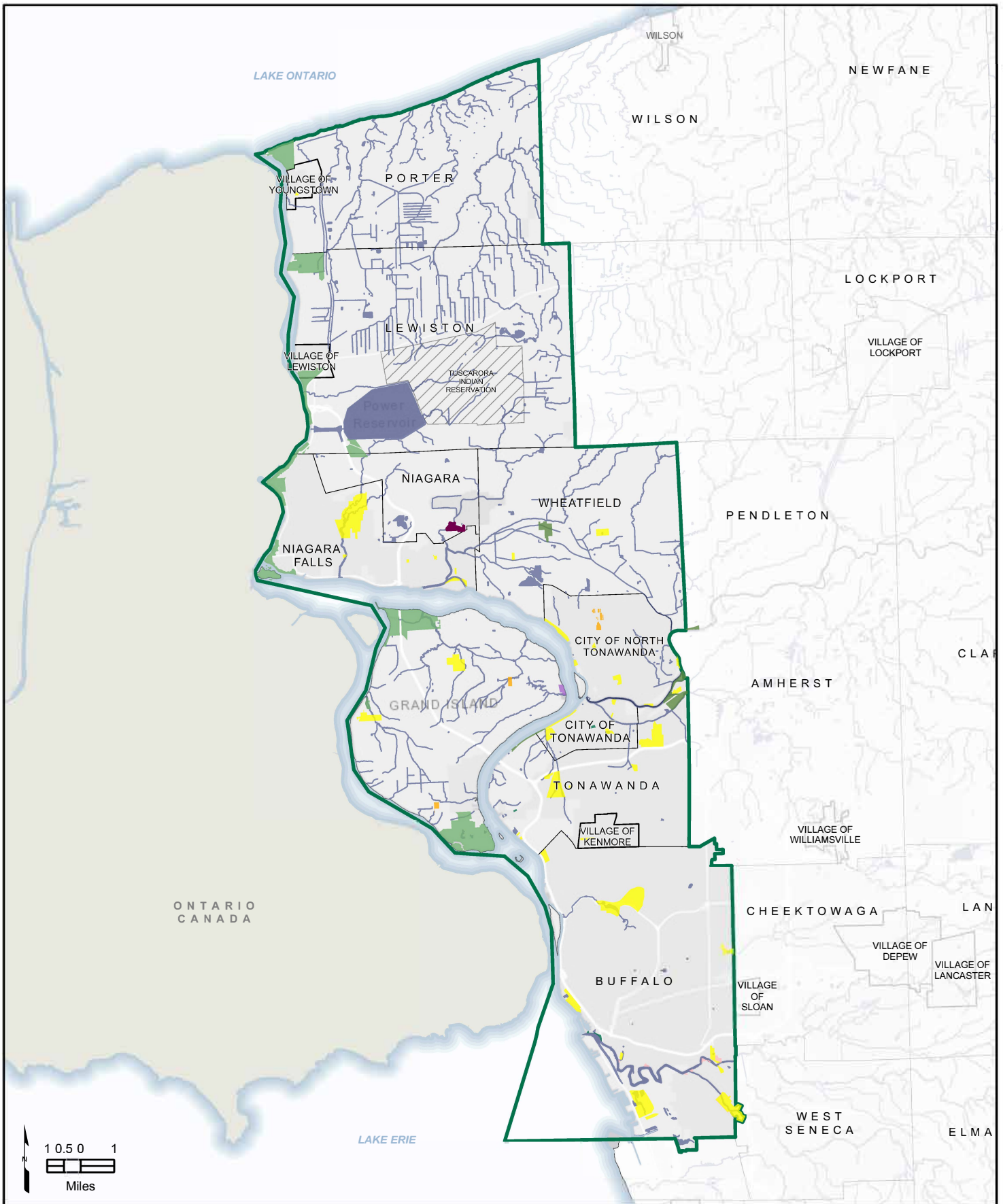
Attachment D- Town of Niagara Letter of Support

Site Context within Lower Cayuga Creek Corridor (Town-Owned parcels outlined in red)













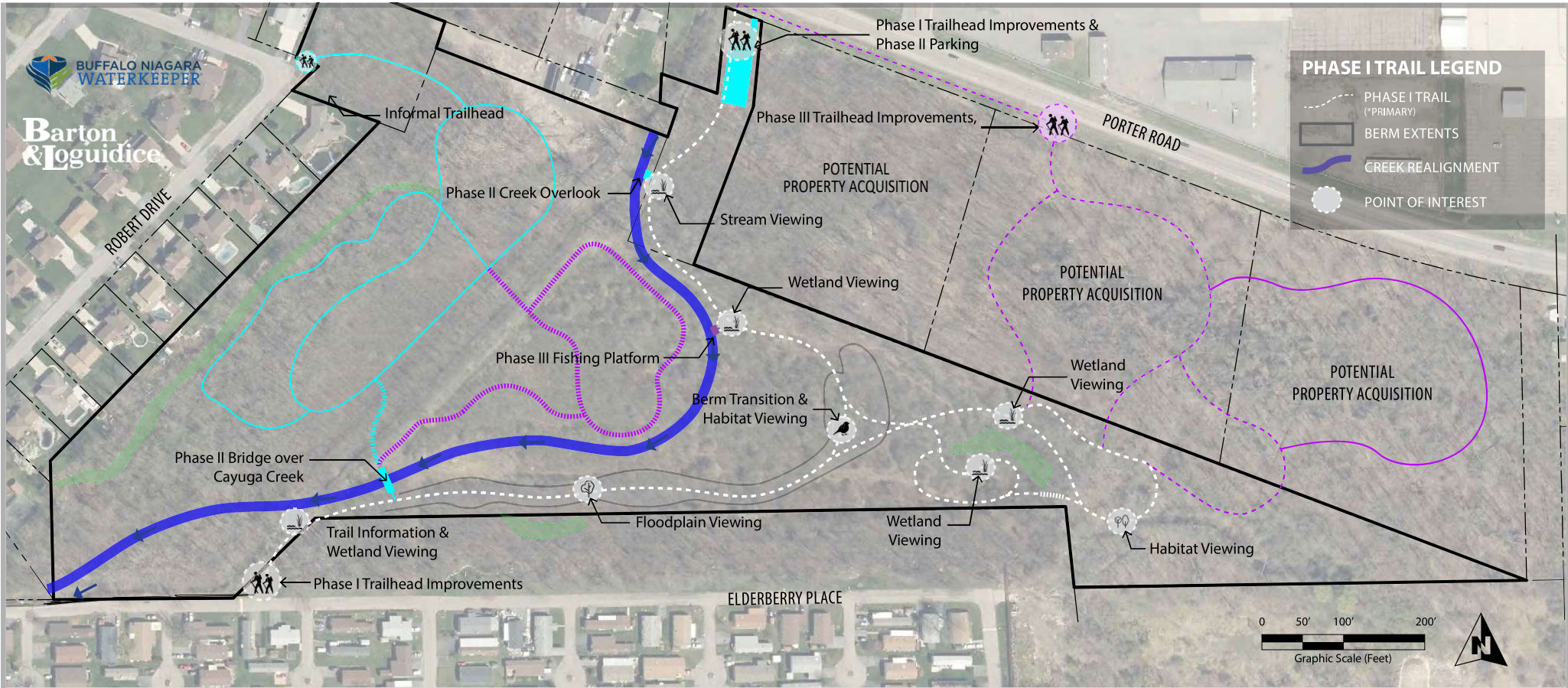
Cayuga Creek Parcels





Niagara River Greenway Protected Lands

- | | | |
|---|---|---|
|  Greenway Boundary |  State Recreation Land |  WNY Land Conservancy |
|  Cayuga Creek Project Area |  County Recreation Land |  Other Park (ESRI) |
|  State Land (NYSDEC) |  Municipal Recreation Land |  Other Protected Areas |
| |  NHD Waterways | |



DECEMBER 2020

Phase I Trail & Trail Master Plan

TOWN OF NIAGARA, NY

PROPOSED CONDITIONS LEGEND

- PHASE I TRAIL (*PRIMARY & BOARDWALK)
- PHASE II TRAIL & FEATURES (*SECONDARY & BOARDWALK)
- PHASE III TRAIL (*PRIMARY, SECONDARY, & BOARDWALK)

*TRAIL SURFACE LEGEND

- PRIMARY TRAIL: 8' WIDTH, ADA COMPLIANT
- SECONDARY TRAIL: 4' MIN WIDTH NATURAL SURFACE
- BOARDWALK: 8' WIDTH HELICAL PIER FOUNDATION

EXISTING CONDITIONS LEGEND

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

CAYUGA CREEK TRAILS: PHASE I

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



4,054 LF
PRIMARY TRAIL,
8' WIDE, ADA
COMPLIANT



36 LF
8' WIDE HELICAL
FOUNDATION
BOARDWALK



2
TRAILHEADS,
1 NORTH
& 1 SOUTH

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

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



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Office of the Supervisor
Lee S. Wallace

March 11, 2021

To Whom It May Concern,

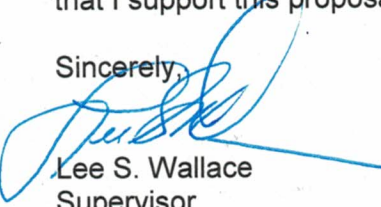
On behalf of the Town of Niagara Town Board, I would like to support the proposal from Buffalo Niagara Waterkeeper for funding to protect the parcels along Cayuga Creek between Porter Road and Elderberry Place.

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

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

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

Sincerely,


Lee S. Wallace
Supervisor
Town of Niagara