

NREC Meeting Minutes Monday, November 1st 2021

Members present: Kerrie Gallo (Buffalo Niagara Waterkeeper), Claudia Rosen (Buffalo Niagara Waterkeeper), Lauren Darcy (Buffalo Niagara Waterkeeper), Jajeon Rose-Burney (WNY Land Conservancy), Edward Sirianno (Buffalo Audubon Society), Ann Ingleman (League of Women Voters of Buffalo Niagara), John Jaroz (Niagara Muskee Association), Bob VanHise (Adirondack Mountain Club - Niagara Frontier)

Members absent (*votes provided before meeting*): Don Houck (Presbytery of Western New York), Larry Beahan (Sierra Club)

1. Day-to-Day Business

- a. August minutes approval
 - i. Motion by Ann, second by John to approve the August meeting minutes. All present vote in favor and the minutes are approved.
- b. Chair update – Kerrie
 - i. The Greenway Ecological Standing Committee (GESC) met last week and Kerrie attended.
 - ii. At the meeting, the GESC discussed the Habitat Improvement Projects (HIPs). There have been consistent issues with plantings establishment. At Motor Island the emergent plants are not growing behind the sills. The reason is not clear but could be due to continued sediment deposition and erosion patterns. Similar issues are occurring at Strawberry and Frog Island. The last osprey pole is being installed at 4-mile creek State Park.
 1. Gomez and Sullivan do the monitoring for the NYPA HIPs (Erin Sullivan is the representative) and will continue through the life of the license.
 2. Gomez and Sullivan is writing a report on 10 years of invasive management at Tiff Nature Preserve and Buckhorn State Park.
 - iii. There are approximately 6.5 million dollars remaining in the Habitat Enhancement and Restoration Fund (HERF). The Greenway Ecological Fund (GEF) will be allotted for 1 million in 2022. There was no surplus from this year to be rolled into 2022.
 1. John asked if there is any allowance for inflation for the NYPA settlement funds. Kerrie responded that no, the amount allocated into the GEF each year is the same for the life of the license and the HERF is a declining amount. The money is not invested because NYPA is risk averse. Ed suggested investment. NREC and the Standing Committees have suggested that several times over the years but have not had success because NYPA does not want to assume the risk.
 2. Ed recommended speaking with new Buffalo Audubon Board Member – Pablo Falca, who has financial experience from working at E&E and may be a resource.
 3. Kerrie will ask the question of investing funds and see if NYPA is willing to revisit the conversation.
 - iv. The GESC also discussed the Ellicott Island Bark Park and the HERF proposals that NREC voted on at the August meeting. There was a robust discussion regarding the Buffalo Audubon proposal.
 1. The proposal is for continued work on Term Island, an island in the Niagara River that was built for nesting Common Terns. The work will help encourage the Common Terns to continue nesting there in future years and will include features like the gull exclusion grids.

Biologists have suggested leaving the sheet pile wall to protect the nesting terns. The GESC committee members expressed concerned about leaving it in for the sake of the fisheries.

2. The GESC committee members also expressed concern over the idea of maintaining Tern and the cost of long-term care. NYS DEC cannot commit to on-going maintenance on the island, but they are the permit holder. The DEC and Buffalo Audubon need to have further conversations about solutions for cost in future years.
 - a. Bob asked about the possibility of a Tern Island Friends Group. Ed explained that volunteers would need transportation and certification form NYS DEC to visit the island. It is a labor-intensive process, especially to maintain the gull exclusion grid. The original location of the island when planning for this project allowed for High School students to help with the monitoring, but at the existing location that is not feasible.
 - b. Ed explained that every successful tern colony in the United States is being managed by humans and will need long-term maintenance to be successful. The GESC committee members will discuss this problem with Buffalo Audubon and the NYS DEC.
- c. Financial update – Ann
 - i. No report received since the August NREC meeting. When it arrives, Claudia will forward to NREC members.

2. Greenway Ecological Fund– project proposal

Action: Review proposals and vote on whether or not to fund

- a. Buffalo Niagara Waterkeeper, Ellicott Island
 - i. This project is to repurpose the monies originally awarded to BNW for the Raymond Klimek Park project. After deciding not to move forward with the project at Raymond Klimek Park due to likely chemical contamination, Waterkeeper is requesting to use the monies for a different project at Ellicott Creek Park. This project will produce a design to address erosion at the site. Contractors LDC construction and WSP design will provide input. Design will include in-water and upland work to stop erosion, soil lifts, emergent vegetation, and stabilization at toe of bank.
 1. The site is heavily impacted by dog access. The project will include intentional dog access at points away from eroding point.
 2. The NYS Canal Corporation transferred ownership of the back channel to Erie County. Discussion about allowing the channel to establish itself as an emergent wetland.
 - ii. This request is just for the design the project. BNW will apply later for construction funds (will look to other sources before the Greenway, including the Great Lakes Restoration Initiative).
 - iii. John asked about the Friends of Ellicott Creek Park helping with volunteer stewardship and trash cleanup efforts. Kerrie said that the Friends are good partners and would help with long-term stewardship. Connection to BNW’s Restore Corps program.
 - **Motion:** by John to approve funding for the project, second by Ann.
 - **Ayes:** Jajeane, Ann, Ed, John, Bob
 - **Abstain:** Kerrie
 - **Motion Carries**

3. Niagara River Greenway Commission – project proposal

Action: Review proposals and vote on consistency with the Niagara River Greenway Plan

- a. Niagara Community College, NCC Veterans Memorial Park
 - i. This proposal is for a project to relocate existing statuary and to make improvements to a Veterans Memorial.
 - ii. Concerns over the lack of connection to the Greenway, elements of maintenance, and concerns over location.
 - **Motion:** by John that the project is not consistent with the Niagara River Greenway Plan, second by Bob.
 - **Ayes:** Kerrie, Jajeen, Bob, John, and Ann
 - **Opposed:** None
 - **Motion Carries**

4. 2021 Activities Summary

- a. Kerrie reviewed the 2021 activities summary. Most meetings attended on behalf of NREC were held via Zoom.

5. 2022 Proposed Workplan and Meeting Schedule

- a. The 2022 proposed workplan did not incorporate a cost-of-living increase. BNWs federally approved indirect cost rate was lowered, which allowed for more hours at the same budget amount in 2021.
- b. NREC will vote on the 2022 workplan and meeting schedule via email.

6. Member Updates

- a. John will remain as the Niagara Muskee Association representative on NREC. A new volunteer, Louis Long, will be taking over his role as Conservation Director. Louis will also join NREC meetings.
- b. Lauren from BNW gave an update regarding the bitcoin issue. In NYS, companies are purchasing underutilized energy facilities to create their own energy for bitcoin creation. A local concern is the Fordistar plan in North Tonawanda, which was purchased by a company called Digihost.
 - i. There are intervention points at the state level and local level. Local citizens are planning to take on lawsuit against the North Tonawanda facility, Waterkeeper is not a part of that lawsuit. There is potential for a state-wide moratorium. A public comment period will be open soon related to Title 5 air permits.
 - 1. NREC could wait to see the citizen lawsuit that looks like, and then communicate with our organizations board. NREC could also draft a comment or sign on to another organizations letter related to the Title 5 air permits.
- c. The WNYLC is purchasing the 10-acre Funk property on Grand Island. The GESG will disperse money over years for large projects – it would be great if they could do one disbursement for projects like land acquisition.

Action Items:

- 1. NREC will vote on 2022 workplan and meeting schedule over email
- 2. Claudia and Kerrie will update Activities Summary at the end of the year
- 3. Kerrie will check on status of Gratwick Park improvement project
- 4. Kerrie will ask the question of investing Standing Committee funds and see if NYPA is willing to revisit the conversation.

