

NREC Meeting Minutes Monday, August 30th 2021

Members present: Kerrie Gallo (Buffalo Niagara Waterkeeper), Claudia Rosen (Buffalo Niagara Waterkeeper), Jajeane Rose-Burney (WNY Land Conservancy), Don Houck (Presbytery of Western New York), Larry Beahan (Sierra Club), Edward Sirianno (Buffalo Audubon Society), Ann Ingleman (League of Women Voters of Buffalo Niagara), John Jaroz (Niagara Muskeg Association)

Members absent (*votes provided before meeting*): Bob VanHise (Adirondack Mountain Club - Niagara Frontier)

1. Day-to-Day Business

- a. June minutes approval
 - i. Motion by Don, second by Ed to approve the June meeting minutes. All present vote in favor and the minutes are approved.
- b. Chair update – Kerrie
 - i. The Greenway Ecological Standing Committee met on June 29th at Beaver Island State Park.
 1. Discussion about the project led by Buffalo Niagara Waterkeeper at Raymond Klimek Veterans Park. This project was approved for funding by the GESC in 2020. When an RFP was released, a consultant informed BNW of likely chemical contamination at the site. The contamination was related to a stormwater pipe that had been diverted to the inlet where BNW was proposing to work in. The pipe has since been shut off, but the contamination likely remains, and the site will be going through a voluntary cleanup program. BNW did not want to assume the risk associated with the project and proposed a plan to repurpose the monies to a similar project at Ellicott Creek County Park.
 2. The project led by the Pollinator Conservation Association at the Aqua Lane Pollinator Site was approved for funding with the condition of including no-mow fencing and signage.
 3. The Greenway Land Protection project led by the Western New York Land Conservancy was approved for funding with a condition that the WNYLC discuss the project with the Tuscarora Nation. Jajeane said that the WNYLC has since met with nation representatives, the tribal council, and the Haudenosaunee Environmental Task Force.
 4. The GESC also discussed standardizing proposal deadlines and biannual meetings for 2022, to allow for applicants and NREC to better plan their own meeting schedules and applications.
- c. Financial update – Ann
 - i. Claudia will forward new financial update when it is received to NREC members.

2. Niagara River Greenway Commission – project proposals

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

- a. Old Fort Niagara Association, Old Fort Niagara Historic Structure Preservation
 - i. This project requests \$75,000 to support repairs to three historic structures at the Old Fort Niagara Site. NREC discussed elements of maintenance. NREC has said that maintenance projects are not consistent with the Greenway Plan.
 - ii. Jajeon said that this project is consistent, because it involves restoration of historically significant structures. The intent of the maintenance rule does not apply in this case.
 - iii. Larry said that NREC should consider this restoration. Ann said that the structures at Old Fort Niagara are irreplaceable.
 - **Motion:** by Don that this project consistent with the Niagara River Greenway Plan, second by Larry
 - **Discussion on Motion:** Include a comment that because this project involves the restoration of a historically significant structure, it does not constitute maintenance and is therefore consistent with the Niagara River Greenway Plan. Amended motion second by John.
 - **Ayes:** Kerrie, Jajeon, Ed, Don, Larry, John, Ann
 - **Opposed:** Bob
 - **Abstain:** None
 - **Motion Carries**

- b. Town of Wheatfield Lions Club, Lions Nature Trail and Fishing Pond (Designed for Blind and Disabled & Public)
 - i. Larry voiced concerns about the lack of ecological improvements and potential for clearing away native vegetation along shoreline. Kerrie said that the details in the proposal are too vague. She said the applicant should include match from operations and maintenance club activities.
 - **Motion:** by Jajeon that this project consistent with the Niagara River Greenway Plan, but significant details are needed in order to properly evaluate it. Second by John.
 - **Ayes:** Kerrie, Jajeon, Ed, Don, Larry, John, Ann, Bob
 - **Opposed:** None
 - **Abstain:** None
 - **Motion Carries**

3. ESC – HERF – project proposals

Action: Review proposals and vote on whether to fund

- a. Buffalo Audubon Society, Tern Island Phase Two
 - i. This project is to continue work on Tern 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.

- ii. Larry asked if the project will always require upkeep to support the terns. Ed said the biologists working on the project believe that yes, there will be some support needed because the Tern colony is very susceptible to disruption from natural and human causes.
 - iii. Jajeon spoke about how the Niagara River system is altered from its natural state, so the risk to Common Terns is abnormally high. Human impacts are the reason that continued efforts are needed.
 - **Motion:** by Kerrie to approve the funding as requested. Second by John.
 - **Ayes:** Bob, Don, Larry, John, Kerrie
 - **Opposed:** None
 - **Abstain:** Jajeon and Ed
 - **Motion Carries**
- b. Buffalo Niagara Waterkeeper, Cayuga Creek Land Protection
- i. BNW is requesting \$232,000 to protect property near Cayuga Creek through property acquisition and conservation easements. Jajeon said that it looks like a good project with the proper steps being followed and including plans for long-term stewardship.
 - ii. Larry asked if the site is impacted by runoff from the airport. Kerrie answered that the complex storm drain system is exacerbating the flooding problem in the surrounding community. A separate restoration project intends to provide more flood storage capacity and mitigate flooding extremes. It will not eliminate these issues, because of contributions from the town's storm water system.
 - **Motion:** by Larry to approve the funding as requested. Second by Ed.
 - **Ayes:** Jajeon, Ed, Don, Larry, John, Ann, Bob
 - **Opposed:** None
 - **Abstain:** Kerrie
 - **Motion Carries**
- c. Jajeon asked how much money is left in the Habitat Enhancement and Restoration Fund (HERF). Kerrie estimates about 6 million dollars. She will ask Steve and will share the answer with the group.

4. Member Updates

- a. Buffalo Niagara Waterkeeper has been engaging with the proposal for a Bitcoin facility in North Tonawanda. BNW provided written comments to the Town of North Tonawanda and will be submitting comments to the Public Service Commission. Kerrie will share these comments with NREC.
 - i. A company called Digihost is proposing to repurpose the North Tonawanda Ford Star energy plant to support cryptocurrency mining. BNW is considering many problems with this including the potential thermal impacts, incomplete environmental assessment forms, and lack of appropriate public process. The biggest concern is

that the facility would be operated behind the meter because they are generating their own energy so it does not get calculated in state goals for climate change.

1. A court case is a possibility. Ann asked if NREC funds could be used to support legal effort. Kerrie said that each member would need to request approval from their boards.
 - a. Larry said the Sierra Club is leading similar action in the Finger Lakes and is hoping for a precedent setting decision. John said he would need a written document to take to his board for review.
 2. NREC members will give an update to their boards. This issue will most likely result in a lawsuit and at that point there may be a request for NREC to help provide funds for a lawyer.
- b. John asked if there are any plans for NREC to meet in-person. Kerrie suggested meeting outside if the weather is good during the next meeting in November.
 - c. John is resigning from his position as Conservation Director at Niagara Musky Association at the end of this year. He will ask if he can remain as an NREC member for NMA as a volunteer.

Action Items:

- Claudia will share most recent financial statement with NREC.
- Kerrie will ask Steve how much money is remaining in the HERF fund and share with NREC.
- Kerrie will share written BNW bitcoin comments with NREC.
- NREC members will inform their boards about the Bitcoin issue and the potential for a lawsuit.