

To: NREC members

The Niagara Frontier Wildlife Habitat Council (NFWHC) votes against EDR being paid the retention funds for the "completion" of the study, Regional Economic Growth Through Ecological Restoration of the Niagara Gorge Rim, because it hasn't been completed. What follows is our perspective for the record.

Under "Ancillary Infrastructural Elements" are several projects the study failed to fully complete, or to consider at all. One of these is the Whirlpool Bridge overpass: when the EDR conceptual notion of retaining it was presented (without investigation of removing it), this decision appeared to influence other aspects related to gorge rim restoration.

This gorge rim ecological restoration study (to which economic benefits are understood to be integrally related), can reasonably be expected to examine the entire gorge rim in those terms. This is reflected in Part III of the study, Restored Niagara Gorge Rim Concept and Benefits (pg 53), where it states under # 1 of "...specific goals for the Restoration Concept," : "Remove man-made features that are underused and/or interfering with natural ecological process." The overpass qualifies by definition.

The Whirlpool Bridge overpass portion of the parkway, however, is visualized by the study as being left in place (not removed as part of the parkway) and then "greened" and used as a vantage point for viewing and taking photographs, and so on. EDR does a compelling job of describing this and it is an appealing idea. To fully consider the overpass as an impediment to restoration, however, the cost of removal also should have been presented as an alternative. State & federal agencies, municipalities, and others would then be in a better position to make informed decisions about future actions. Further, we have no idea of whether a wheelchair-bound citizen, with or without a powered chair, or other handicapped individuals, could make it to the top of this long and somewhat steep overpass. (We take it as a given, as does EDR, that confirmation to the ADA would be achieved in all situations, but information here is lacking.)

If the overpass is retained, every hiker, bicyclist, jogger, etc, including the handicapped and wheelchair users, would be required to use it to utilize this portion of the gorge trail; removing the overpass would require solving the problem of how hikers and others could safely circumvent the Whirlpool Bridge entrance and street-level traffic--a part of the study that is avoided by leaving it in place. The removal alternative and resulting conditions also needed to be investigated.

Once the overpass is accepted as staying in place, moreover, then the notion of an outside elevator to top deck viewing from the Wrobel Towers can be more readily dismissed as problematic, without further investigation. And it was. Yet this is an instance where economic benefits could be realized (given that cooperation between public and private interests could be achieved)--where tourists and residents could be provided the opportunity of viewing the falls and river gorge from this higher (than the overpass) vantage point.

With the overpass imagined as staying in place, it is less likely that attention will be paid to the OPRHP maintenance garage (3-5 acres?)--located on and taking up a significant portion of the gorge rim in a significant viewing area--that is partly beneath this overpass. This area, currently occupied by huge and long metal garages, a brick house that may be three or four bedroom, at least 20 pieces of construction & other equipment, some operable, some junk, chunks of concrete, old tires, stacks of pallets and other such debris, is fenced off to block most of the view, and often escapes notice. But it is within a stone's throw, literally, from the URR Interpretative Bldg currently being renovated, from the site of the new train station--and takes up gorge rim property that should be a magnificent green, gorge-edge park that greets visitors as they get off the train. With these buildings and fencing remaining in place it's impossible to establish a continuous walking trail at gorge edge. That the EDR report ignores this blotch on the gorge rim is unacceptable, or should be, resulting in an incomplete study.

The language of the study is unclear re the topics of Devil's Hole parking; the access road "non-bridging;" where the trail goes north from that point; and the treatment of the rock debris from the construction of the access road that now, and has for the fifty-plus years that have passed since the road was built, significantly altered the contour of the gorge at the point of discard, creating a "dead-zone" in the gorge where nothing grows.

1) We can guess that trail users (bicyclists, walkers, joggers, etc) will proceed across the power plant, under the Power Vista corridor, and north toward Lewiston. But this is unclear in the study.

2) the parking lots at Devil's Hole now divided by the parkway should not be "joined" or "combined," (the language of the study), which suggests an even larger footprint of asphalt than currently exists; the lot now furthest from the gorge rim should be enlarged, the one closest eliminated in favor of natural restoration; we concluded that this might be meant by the report, but it is unclear.

3) Re the restoration of the "dead-zone" by removing the spoil pile of discarded rock. (No one has ever suggested this rock be used to create a bridge or anything else; this is a misperception.) Its removal was to restore the original gorge contour and to prepare the area for botanical restoration; the NFWHC consensus (not unanimous) was that this would be out of reach economically, for the return on money spent) and the the EDR misperception here was of little consequence.

4) bridging the access road for the purpose of uniting the now divided portions of gorge rim Devil's Hole State Park: we postulated an actual "bridge," joining them. This would have been a re-adaptive use for massive steel girders, etc currently in the Whirlpool Bridge overpass; this would then be "greened." (And, of course, retaining the overpass would make outright purchase of girders necessary--but this option was not explored, either.) EDR's notion seems to be that with the parkway gone, the portion of Devil's Hole Park now rendered inaccessible by the access road could be accessed from another direction; but the park would remain in separate chunks. This isn't clearly stated by the study--and in any case the "bridging" option needs to be investigated as a potential choice, not ignored. Otherwise, what we do is decide by inaction that significant terrain-altering damage done to the gorge rim as a direct result of power plant construction and continuing operation is acceptable, even when it could be mitigated.

The last of the "ancillary elements" is the feasibility study of the construction a greenhouse facility over the parkway lanes currently existing directly over the concrete power plant. This is only an issue because EDR has refused until recently to do it (and "refused" is the appropriate, not an inflated, word choice), even though they were obligated to do so by contract with Wild Ones Niagara (currently "owned" by WO National.)

There seem to be differing opinions about this contract, with those who've taken the position that because they were "not privy" to the contract it is somehow rendered invalid (so the funding proposal and subsequent granting of the funds become governing documents); from our perspective, not being familiar with it should have been reason enough to postpone the rush to conclude that EDR work was complete and to request a copy of said contract--EDR certainly has a copy; they all but wrote it, and signed it. Quite another reality is that according to the by-laws of WO National, all the work produced by Chapters is their property; therefore they own the contract WO Niagara and EDR signed and can choose to honor it, alter it, or disregard it.

EDR has been aware of this feasibility study requirement since very near the date of signing, and has been reminded of it more than several times, the last time being October of 2011 at the GESC meeting where they presented their study to those in attendance. (Whether this was an in-progress report or a demonstration by which they hoped to hasten final payments is unclear). But two things happened at that meeting pertinent to this issue: 1) I asked during the Q&A whether changes had been made to the contract and whether it was still in effect. Both Jane Rice of EDR, and the Wild Ones National rep, Bonnie Harper-Lore, were insistent that no changes had been made, and the contract was, indeed, the operative document to which they were adhering. Evidently, this was insufficient evidence for the GESC, NREC, and Riverkeeper members present who now prefer to regard the contract as immaterial. (Bonnie gave me further reassurances before leaving that the feasibility/greenhouse would be completed.) 2) I spoke out to give high praise to some completed parts of the study and I would still do that. But the excellent parts don't cover for what hasn't been done well, or at all--my final remarks addressed to EDR and to WO National that day were that, a) the regional economic study, an essential and integral component, was still un-addressed by the study b) as well as the greenhouse. The regional economic issue has now been dealt with.

The greenhouse topic is introduced in this last EDR study as: "purpose is to take advantage of energy generated by the power plant." This is a gross misrepresentation. We made mention of the possibility of heat being generated by turbine operation (now released to the atmosphere) as a potential supplementary heat source for the greenhouse, as an example of one thing that might be investigated during a feasibility study. We didn't imagine this heat or make it up. Joanne M. Willmott, former NYPA employee, mentioned it publicly during re-licensing negotiations. (This wasn't a "make-or-break" deal: no heat, no feasibility.)

What we imagined (and conveyed to EDR more than once) was a greenhouse over power plant lanes of sufficient length to house State or Parks restoration efforts re starting genetically true gorge-native seedlings; space (additional) for area schools and universities with horticultural programs to do work, offer courses; space to rent to local nurseries during the summer to show & sell what they produce; a restaurant for drinks and light refreshments for trail users; access to this facility via elevator for wheelchair and handicapped to experience the greenhouse, the view, restaurant, and whatever portion of the trail was suitable to them from this point; a tremendous continuing public relations potential for NYPA; an outstanding one-of-a-kind tourist attraction. There's over a mile of lanes available for this feasibility consideration (not a half mile, as the study says), but two, two-lane roads on different levels.

Most of us have a general idea what a "feasibility study" means: Is it possible? Can it be accomplished? Is it doable? In this instance we, as lay persons, imagine the following to be a rough idea of the kinds of information that might be sought, even roughly estimated: the size of the space to be enclosed; cost estimates from companies who fabricate panels from "glass," or some more contemporary composite material. (How much per 100 linear feet?); can the existing power plant walls bear the weight? (If not what reinforcements would be required and at what cost); would the shape of the glass overheads prevent damage from snow buildup?; what's the btu value of the massive concrete of the plant as a sun-heat sink (painted black?); can the heat generated from turbine operation be effectively directed to greenhouse use?; how will the greenhouse facility also accommodate "hike through" trail users? And this, for a considerable span of time, is what we were led to believe they were agreeing to do, though they had not yet done it.

Theorizing superficially about why the power plant location is not a good one, which is what EDR did, is arguably an adequate response based on contract language. But WO Niagara had been led to believe that the study (every time it was promised) would be more than that, approximating or responding to in some way the specific details mentioned in the previous paragraph. (If this were not intended, why the reluctance to do it until now, ten months after the completion date?) Additionally, the half dozen or so reasons EDR presents re why it's not a good location, are highly questionable to the point of insult: Examples: 1) the power plant isn't centrally located in relation to the restoration area {Does anyone believe this a significant drawback, even worth mentioning, in a six linear mile restoration area?} 2) the power plant area isn't large enough to accommodate large trucks {they imagine such a volume of seedlings flowing out (or potting soil carted in) that a pickup truck or even a four-wheeler pulling a flatbed couldn't handle it? There are two-lane roads there presently.} But even if these flimsy objections are without merit--it is finally irrelevant. EDR's task was to do a "conceptual" feasibility study on the greenhouse/plant location, and however poorly we might believe this was accomplished, this they finally did, when they were pushed to it.

Others would have decided, based on what facts were gathered re a feasibility study, whether or not the idea was worth pursuing, or whether or not the payoff would be worth

the work to overcome disadvantages, should any be significant. But there's nothing to work with here.

Two other notes:

1) the restored (to grassland) area atop the Lewiston Plateau is already a Wildlife Refuge (in the last few years Grasshopper Sparrows, a species of concern, and butterflies not seen previously in Niagara County, the Dreamy Duskywing and the Silvery Blue, have been documented there), and thus should not be a potential area for "reforestation."

2) On the list of potential funding sources for the restoration of the gorge rim, absent is the crucial HERF funds (about 16 million), the Fish and Wildlife Habitat Enhancement and Restoration Fund, that has been established specifically to address NYPA mitigations and, as such, is perfectly aligned for this project.

Given the general attitude among Greenway standing committees and others that the consultant has completed the project, that either it's perfect, or "close enough," or whatever range of conclusions will lead to the consultant being paid and the project being over---the NFWHC maintains (and this was unanimous) that the process by which we reached this point was very flawed and this final push to declare it over (without genuine discussion) before year's end was unwise.

The membership is nevertheless proud to have been part of what, for us, has been a fifteen year struggle to accomplish some of what this study has established: the value of the natural environment of the gorge rim. For the first time in over a century (or ever) this significant area has been recognized and documented as an organic entity worthy of protection and restoration. We all look forward to a ecologically restored Niagara gorge rim.

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Conservation Chair