

January 15, 2007

Mr. Tom Lyons, Director  
Environmental Management Bureau  
NYS OPRHP  
Agency Building, 17<sup>th</sup> Floor  
Empire State Plaza  
Albany, NY 12238

Re: Comments on Draft Generic Environmental Impact Study  
for Niagara River Greenway

Dear Mr. Lyons:

When was the last time someone asked you to do something great?

In the Niagara River Corridor, we've been asked to do something great. We've been gifted with an opportunity to not only do something but were given the funds to create and preserve something magnificent and we're not doing well in living up to that opportunity.

After attending 18 months of Citizens Advisory Committee, and Niagara Greenway Commission meetings, and one Local Government Advisory meeting this is what I observed:

1.

The design team and the Niagara River Greenway Commissioners neglected or refused to educate themselves, the general public, the business communities, and the local government leaders on

- [A] what eco-tourism is and what the eco-tourist looks for,
- [B] what a genuine greenway in its purest form is,
- [C] the social, economic, health, environmental, and quality of life benefits communities reap by creating sections of a genuine, non-motorized greenway and
- [D] what "pollution-based prosperity" is.

According to an interview given by Bobby Kennedy Jr.

Good environmental policy is identical to good economic policy 100 percent of the time. We can measure the economy in one of two ways. We can base our assessment on whether the economy produces jobs of dignity over the long-term and preserves our community assets. Or we can do what the polluters are urging us to do: treat the planet as if it were a business in liquidation and convert our natural resources into cash as quickly as possible. This is pollution-based prosperity. It creates the illusion of a prosperous economy, but our children will pay for our joyride. They will pay for it with denuded landscapes, poor health,

and huge cleanup costs. Environmental injury is deficit spending. It loads the cost of our generation's prosperity onto the backs of our children.

...Environmentalism has become the most important civil rights issue. The role of government is to protect the commons: the air we breathe, the water we drink, the fisheries, the wildlife, the public lands. Those resources are our social safety net.

...The environment is the infrastructure of our communities. As a nation, as a civilization, it's our obligation to create communities for our children that provide them with opportunities for dignity and good health. When we destroy nature, we diminish ourselves and impoverish our children. We ignore that at our own peril. (O The Oprah Magazine, Feb. 2007, page 230-234)

2.

The predetermined ownership of the funds and the focus of the Niagara River Greenway were in place long before the process was officially implemented making two-county consensus almost impossible to achieve. This became public knowledge at the November 2006 Local Gov. Advisory Meeting, Beaver Island State Park.

The proof: When the Co-chair of the Niagara County Environmental Management Council, Gail Walder, asked the greenway planners and Commissioner Ron Moline, Chairman of the Local Gov. Advisory Committee, "If the municipalities do not accept the Niagara River Greenway Plan, what happens to the money?"

Mr. Warren Kahn, attorney for the Power Coalition member, Lewiston-Porter School District, stated that, "if the plan is not adopted we have already agreed to meet with NYPA and to renegotiate our funds." (For some reason, the Niagara Gazette omitted this statement from the subsequent newspaper article.)

3.

In documenting Olmsted, the planners omitted several key points and philosophies. The National Association of Olmsted Parks (NAOP) ([www.olmsted.org](http://www.olmsted.org)) identifies:

...examples of the many kinds of designs by which the profession of landscape architecture could improve the quality of life in America. These included the large urban park, devoted primarily to the experience of scenery and designed so as to counteract the artificiality of the city and the stress of urban life; the parkway; the scenic reservation, protecting areas of special scenic beauty from destruction and commercial exploitation... His principal projects in each category are:

**Scenic reservation:** the Niagara Reservation (1887)

**Parkways:** Bidwell and Chapin Parkways, Buffalo (1870)

**Park system:** Buffalo-Delaware Park

Olmsted believed that it was the purpose of his art to affect the emotions. This was especially evident in his park design, where he created passages of scenery in

which the visitor would become immersed; experiencing the restorative action of the landscape by what Olmsted termed an “unconscious” process. To achieve this result, he subordinated all elements of the design to the single purpose of making the landscape experience most profound. Olmsted always sought to look beyond the current taste and fashion and to base his designs on fundamental principals of human psychology. As Olmsted expressed it, the term “scenery” does not apply to any field of vision in which all that is to be seen is clear and well defined in outline. References quoted: Beveridge, Charles, et al

Note: (Mr. Beveridge is the same resource two of the Niagara Heritage Partnership (NHP) founders used when they filmed “Fading in the Mist,” the award-winning, PBS documentary about the ongoing scenic destruction of Niagara Falls. A copy of this documentary was mailed to NYS OSPRHP Commissioner, Bernadette Castro. Our understanding from her is that she did not view the film.)

The NAOP’s Advocacy Role: Frederick Law Olmsted was more than a park designer; he was the leading voice for the provision of healthful, accessible and beautiful greenspaces for all citizens. Today, the NAOP sees its role in much the same way. This network preserves specific places and ensures that the Olmsted ideals of high quality design, abundance of natural elements and democratic accommodations are part of the modern parks movement.

4.

Strategic Pataki appointments and on-going ethics violations were ignored or dismissed. Former Gov. Pataki appointed the NYPA chairman, the NYS Parks Commissioner, the members of the Niagara Greenway Commission, the Secretary of State (this person oversees the Ethics Commission and is a Niagara Greenway Commissioner), he appoints members of the Ethics Commission and members to the Department of Transportation. Before leaving office he appointed the former NYPA chairman and local developer, Louis Ciminelli, to the NRG, replacing Commissioner Michael Cornell.

The Conservation Fund’s book, Greenways: A Guide to Planning, Design, and Development, states in its preface “even federal agencies involved in creating greenways concede that a top-down approach doesn’t work.” After reading the Draft Generic Environmental Impact Study (DGEIS) for Niagara River Greenway (NRG) and watching the forming of the Niagara Greenway, it’s become increasingly clear that The Conservation Fund’s statement is valid.

5.

The Niagara River Greenway’s DGEIS plan outlines eleven guiding principals and anticipates regional and governmental compliance. Yet, over half of those principals have already been either blatantly ignored or violated by members of the design team, some members of the NRG, two Niagara County Chambers of Commerce, and the Niagara Power Coalition the group that ultimately decides the fate of any suggested projects in Niagara County. (Please see the attached letter requesting an ethics investigation and other supporting documentation)

The Niagara Heritage Partnership's ([www.niagaraheritage.org](http://www.niagaraheritage.org)) proposal for four lane parkway removal—between Niagara Falls and Lewiston—not only epitomizes every draft plan guiding principal, it's actually a proposal for a genuine greenway that meets and exceeds every guiding principal put forth by the Wendel Duchscherer design team and the Niagara River Greenway Commission.

Despite the fact that NHP, as a NYPA relicensing stakeholder, was informed during the NYPA relicensing process that this issue of road removal, reclamation, and restoration would be addressed in the Niagara Greenway venue as it was “project specific,” this team of experts refused to support or implement their own guiding principals and proved this by omitting the NHP proposal. In fact, at the Citizens' Advisory Meeting, held the same night as the revealing Gov. Advisory Meeting, Mr. Mistretta flatly stated that he “is not changing the plan.”

6.

The planners left off the “conceptual plan” every project the Niagara Frontier Wildlife Habitat Council put forth.

If the genuine greenway proposal and genuine greenway conservation and environmental concepts put forth by NHP and the Habitat Council can be erroneously perceived by some as detrimental and lacking quality of life merit and economic value, what then is the widely accepted, genuine definition of a Greenway, according to viewpoints of other non-biased states in the nation who have successfully implemented them?

The Conservation Fund's American Greenways Program:

First, greenways offer a way to preserve vital habitat corridors, and to promote plant and animal species diversity. A greenway serves as a critical filtering zone, absorbing contaminants in surface runoff, and trees, and shrubs, and cover vegetation along the corridor cleanse and replenish the air. Greenways provide much needed space for outdoor recreation. It is ideally suited to such popular outdoor activities as jogging, walking, biking, fishing, and canoeing. They provide safe, alternative, non-motorized transportation routes. Greenways link us to our communities, and, by lessening our dependence on the automobile, can improve air quality and reduce road congestion. Greenways offer a way to protect our nation's cultural heritage. They give us access to buildings of historic and architectural significance. They allow us to look back at our past and our traditions—to revisit remnants of settlements and the industrial centers that define our history. Greenways can help preserve the rural character of a community or safeguard areas of visual interest by protecting ridgelines, river corridors, and scenic resources. A greenway offers visual relief; its wooded breaks can frame and distinguish neighborhoods. Greenways are community amenities with an economic value. Greenways enhance the quality of life and can increase the value of surrounding properties. Greenway have been shown to draw tourists and have been the catalyst behind new commercial development and the revitalization of former town centers.

#### Greenways Incorporated:

Two-thirds of all the trips we make are for a distance of five miles or less. Greenway trails, as part of a local or regional system, offer transportation alternatives by connecting homes, workplaces, schools, parks, planning centers and cultural attractions. Using trails to bicycle or walk for short-distance trips reduces air pollution and increases the mobility of those who cannot drive.

Greenways have been proven to attract and retain tourists and expand tourism revenues in many communities. A case in point is the Tallahassee-St.Marks Trail in Florida where approximately 170,000 people visit each year. A study from the real estate industry revealed that “walking and biking paths” ranked 3<sup>rd</sup> among 39 features identified by homebuyers as crucial factors in their homemaking decisions (1994 American Lives Study).

#### Cleveland/ Bradley County Greenway:

Greenways provide alternate transportation corridors; provide great economic returns to a region. Increased tourism and the resulting business growth add to the tax base and create jobs for residents. Greenways provide an excellent place for learning about ecology, often serving as living laboratories for students. People who live in communities that have greenways find these natural corridors become an integral part of an enriched quality of life.

#### New Bear Creek Greenway Site, Oregon

Paths are paved, suitable for walkers, joggers, bicyclists, skaters, strollers, and wheelchair users. Motorized vehicles, with the exception of maintenance vehicles and wheelchairs, are prohibited. The greenway is essential for preserving both the quality of Bear Creek’s water and its unique stream-side habitat. This corridor is a refuge for animals and it will increase in importance as population in Bear Creek grows. The enviable quality of life enjoyed by Bear Creek Valley residents is further enhanced by the existence of the Greenway.

Mission statement: The mission of the Bear Creek Greenway Foundation is to support acquiring land, restoring and protecting habitat, enhancing safety and security, constructing trails for the benefit of the general public. The Greenway trail will provide more alternative access to parks, and other destinations along the Greenway. The Greenway trail will allow families, individuals, and school classes access to places to observe wildlife.

#### Trails and Greenways Clearinghouse

Benefits of trails and greenways: creating new opportunities for outdoor recreation and non-motorized transportation; strengthening local economies, protecting the environment, preserving culturally and historically valuable areas.

Mr. Lyons, we recognized at the Stakeholders forum the close relationship Robert Moses, NYPA, and NYS OSPRHP have had for over fifty years and we realize that contemplating the removal of a road dedicated to him might border on the sacrilegious for NYPA and State Parks, but we are respectfully asking the Niagara Greenway Plan embrace the Olmsted Philosophies underlined in section 3 and as stated in the legislation that created the Niagara Greenway Commission.

We trust that you, Mr. Lyons, as a representative of the lead agency, and ultimately, Ms. Carol Ash, the new State Parks Commissioner, will recognize the creation of the Niagara River Greenway means more than the flow of dollars. It's also about core values, civility, and working toward a common good that should benefit every individual, not just support the commercial goals of a very select few.

Sincerely,  
Michelle Vanstrom  
Niagara Frontier Wildlife Habitat Council  
[www.nfwhc.org](http://www.nfwhc.org)

Enclosures:

October 30, 2006 Ethics Investigation Request Letter  
October 30, 2006 Letter to Commissioner Castro re: DeVeaux Woods State Park  
NYPA Timeline  
April 21, 2006 Legislative Gazette, Letter to the Editor, Definition of a Greenway

Webpage printouts:

- [1] Parkway Preservation Committee Members (revised by them, see original list attached to Ethics Investigation Request Letter)
- [2] Niagara USA Chamber of Commerce Board of Directors
- [3] Niagara Frontier Transportation Authority
- [4] Buffalo Olmsted Parks Board of Trustees – Note Long-Range Planners
- [5] Buffalo Rising Blog: Hello Niagara Power Coalition: “Greening Your Pockets?”