

*Niagara River Greenway Commission  
Ecological Standing Committee  
Niagara River Riparian Restoration Program*

***1. Contact Information***

Name: Buffalo Niagara Riverkeeper  
Mailing Address: 1250 Niagara St, Buffalo  
State: New York Zip Code: 41213  
Phone Number: (716) 852-7483  
Fax Number: (716) 885-0765

Federal Id#: 22-2993054

Point of Contact:

Name: Julie O'Neill, Esq.  
Title: RIVERKEEPER and Executive Director  
Telephone Number: (716) 852-7483 ext. 20  
E-Mail Address: [jboneill@bnriverkeeper.org](mailto:jboneill@bnriverkeeper.org)

Name: Kerri M. Bentkowski  
Title: Citizen Action Coordinator  
Telephone Number: (716) 852-7483 ext. 15  
Cell Number: (410) 446-8973  
E-Mail Address: [kbentkowski@bnriverkeeper.org](mailto:kbentkowski@bnriverkeeper.org)

## ***2. Evidence of Consultation***

Buffalo Niagara Riverkeeper (Riverkeeper) submitted a proposal to the Niagara River Greenway Commission for consistency review on September 15, 2008. Currently the Commission is reviewing the proposal and formulating comments. Riverkeeper will provide the Standing Committee with comments related responses as soon as they are available. Per discussion with Ecological Standing Committee Secretary, Riverkeeper will provide the committee with evidence of consultation with chief elected officials of both Niagara and Erie County as soon as they are available. The key partners for the program are the Soil and Water Conservation Districts for Erie and Niagara Counties. Please see Attachment A for letters of support from Francis Gernatt, Chairman of the Board for Erie County Soil and Water Conservation District and Victor DiGiacomo for Niagara County Soil and Water Conservation District.

## ***3. Operation and Maintenance Plan***

### ***Operation Plan***

Buffalo Niagara Riverkeeper is seeking funding for the Niagara River Riparian Restoration Program, a three year pilot program that coordinates land stewardship trainings and ecological restoration projects with private residential landowners in the riparian areas of the Niagara River and its tributaries.

Urban and suburban landowners play an important role in Niagara River riparian restoration and protection. These residents who live along Niagara's streams, creeks, and the river itself have the opportunity to serve as stewards of the local environment, providing ecological restoration of their riparian lands and serving as models to others in the communities. While many riparian landowners appreciate their access to water and are interested in restoring the environment, they generally lack the knowledge, skills, funding, equipment, and technical assistance required to increase the ecological integrity of their property. To address this gap between willing landowners and the required resources for on-the-ground restoration, the program will provide coordination with urban and suburban landowners and leverage the skills and the existing resources of partners in conservation to increase riparian restoration activities in the watershed.

Deliverables for the three-year Niagara River Riparian Restoration Program:

1. Up to 25 riparian restoration projects along the Niagara River and its tributaries with easements and/or long term maintenance agreements for each site;
2. A landowner stewardship training program including power points and a user-friendly *Riparian Landowner Stewardship Guide*;
3. A comprehensive website targeting the urban and suburban landowners that compliments the training program;
4. 5 site assessment tours that educate landowners on potential enhancements to their property and to demonstrate to other landowners best practices;
5. Development of up to 5 grant proposals to leverage funding with other habitat restoration funding programs; and
6. Up to 250 volunteers engaged in restoration of the Niagara River's buffers.

**The implementation plan will be two-fold: land stewardship education and training and the implementation of ecological restoration with partners with lead coordination by the Buffalo Niagara Riverkeeper.** With the endorsement of the Niagara Greenway Commission, the Niagara River Riparian Restoration program will have the following elements:

- 1) **Outreach targeting private residential landowners.** According to recent Buffalo Niagara Riverkeeper analysis of the watershed using Geographical Information Systems (GIS), residential land use accounts for approximately 24% of land within 1 mile of the river and of .5 miles of its tributaries. By targeting private riparian landowners, Riverkeeper intends to restore a significant portion of the shoreline.
- 2) **Landowner stewardship hands-on training.** A user-friendly riparian landowner's guide to shoreline stewardship and a workshop series will be developed to educate all interested landowners in topic areas such as:
  - Native plantings for attracting wildlife
  - Vegetated armoring techniques for controlling erosion
  - Stormwater management and using rain gardens
  - Forest management
  - Invasive species management and eradication
  - Maintenance for forest buffers and other planting projects

Site tours, interpretive signage, and a website with resources, workshop materials, and case studies of the Niagara River Riparian Restoration program restoration projects will be developed for disseminating information. Please see Attachment B. for examples of the types of landowner stewardship outreach materials that would be developed with the support of the Niagara River Greenway Commission.

- 3) **Sound ecological restoration projects.** The Niagara River Riparian Restoration Program will deliver to the landowner science-based, vegetated shoreline and ecological restoration techniques. Projects to be installed are alternatives to traditional shoreline hardening techniques. These may include but are not limited to: riparian forest buffers, natural shorelines and wetland creation, living walls, vegetative armoring with limited use of rock, native grasslands, and potentially in-stream habitat creation as an extension of a project. While the use of rock may be used if necessary, the program will target sites suitable for proven soft shoreline techniques, not rip rap or other hard structure erosion control methods.
- 4) **Targeted subwatersheds for restoration.** Each planting season will focus on a different subwatershed. These may include:
  - Cayuga Creek/ Gill
  - Ellicott Creek
  - Scajaquada Creek
  - Buffalo River
  - Tonawanda Creek
  - Upper Niagara River/ Grand Island

The subwatershed approach will allow for landowners to compare alternative shoreline stabilization models in site conditions similar to their own property.

- 5) **Partnerships.** The Niagara River Riparian Restoration Program will be built upon the connections and strategic partnerships developed between the landowners, Riverkeeper, land trusts and other nongovernmental organizations, higher education, and local, state, and federal government partners. Riverkeeper will be meeting with stakeholders throughout the fall to formalize partnerships.

<b>Partner</b>	<b>Description of Role</b>
Erie County Soil and Water Conservation District	Erie County Soil and Water Conservation District (SWCD) will provide technical assistance for the development and implementation of riparian restoration projects. Support includes: site assessments, site design, written technical assistance letter, support during project installation, and guidance on maintenance plans. As funding permits, Erie County SWCD may provide up to 50% match of their assistance in either cash or in-kind match. <i>Partnership confirmed. Please see Attachment A. for the letter of support from Francis Gernatt, Chairman of the Board for Erie County and Victor DiGiacomo, Buffalo Remedial Action Coordinator, for Niagara County.</i>
Landowners	Urban and urban landowners will provide the permission for the restoration of the buffer on their property, assist with financial or in-kind match, work with volunteers to install the planting, and be responsible for the maintenance and repair of the site. <i>Partnership pending.</i>
Volunteers	Through this program, a new volunteer program called “Restore Corps” will be developed to leverage up to 1250 volunteer hours to install planting materials and assist with site preparation when volunteer effort is appropriate. Modeled on another Riverkeeper program called the “Rough Necks” program, able volunteers who are interested in physical work that includes shoveling, lifting, operating some power and hand tools, and similar duties will be recruited. Volunteers will be recruited from civic organizations, scouts, universities, angler groups, and other service organizations. All volunteer service will be recognized at the celebration. <i>Partnership pending.</i>
Other conservation professionals	In addition to the support committed by the Erie County SWCD, the program will leverage technical assistance from Soil and Water Conservation Districts from other counties, NYS DEC, Army Corps of Engineers, and other federal partners who share the goal of conservation of natural resources. <i>Partnership pending.</i>
Universities	Erie Community College, North Campus Department of Geography will assist on a contractual basis in GIS mapping to target restoration in priority watersheds. <i>Partnership confirmed.</i> SUNY University at Buffalo – IGERT program, student program in ecosystem restoration and bio-monitoring. <i>Partnership pending.</i>
Municipalities	Emphasizing the need to increase local capacity for riparian restoration, Riverkeeper will engage local municipalities from the beginning of the program during the site selection phase. In addition to technical support, planting material such as compost and mulch will be sought. <i>Partnership</i>

	<i>pending.</i>
Land Trust-	If the property owner is amenable to a conservation type easement that protects the property in the future, a land trust will be used work through the legal process, attain the easement, and monitor the site for compliance. <i>Partnership pending.</i>
Media –	A media partners will be sought to increase public awareness of the goals within the Buffalo Niagara region. <i>Partnership pending.</i>

- 6) **Landowner Commitment.** Landowners will be expected to provide: financial and/or in-kind services to the project, signage and/or ongoing access to site for educational and monitoring purposes, volunteer labor during installation, and ongoing maintenance of site.
- 7) **Volunteer Engagement.** A core component of the project implementation is the participation of community members through volunteering on planting day. Riverkeeper expects to engage 30-50 “Restore Corps” volunteers per site both in site preparation when possible and on the planting days. Volunteers will be recruited through the landowner as well as through Riverkeeper’s Americorps or Student Conservation Association members.
- 8) **Rigorous site selection criteria.** A prioritization scheme developed with assistance from partners will be based on factors such as commitment to native-only plantings, prior community involvement of landowner, potential for up to 50 feet of forest buffer, ability to commit to long term land preservation and maintenance, potential for replication by other landowners, amount of acreage, cost effectiveness, presence of rare, threatened and endangered species, enhancement of unique habitats, and visibility of site within the community. The intention will be to showcase a variety of project types to demonstrate the different techniques to shoreline stabilization and habitat creation.
- 9) **Potential Development of Conservation Easements.** As a long term outcome of the project, incentives and assistance for conservation easements on the restoration properties will be provided. The program will encourage and assist in coordinating interested landowner with land trust partners to permit conservation of the riparian zone within the Niagara River watershed.
- 10) **Evaluation and measurable objectives.** Annual evaluation of metrics will be integrated into the work plan of the project. The metrics will include: acres of restored buffer, number of plants, number of volunteers, number of long term maintenance agreements or easements, maintenance practices, number of participants in landowner training workshops, increase in the connectivity of riparian forest corridors, and results from surveys of landowners, funders, and partners regarding program satisfaction.

### ***Timeline***

The program will be piloted from 2009-2012 with annual program evaluation and modification.

<b>Timeline</b>	<b>Activity</b>
Summer & Fall 2008	Buffalo Niagara Riverkeeper will seek funding for program and discuss collaboration with potential partners.
Winter - Spring 2009	Hire personnel, formalize partnerships, develop outreach materials and landowner stewardship guide, create landowner education workshops, and identify targeted watersheds. With assistance from partners, develop program assessment tools.
Spring 2009	Recruit landowners and volunteers to participate, deliver informative landowner workshops, site assessment and selection, secure funding, and final project planning.
Summer-Fall 2009	Project planning, coordination of installation and volunteers. Install up to five restoration projects in a targeted watershed. Celebration and posting of case studies on website.
Winter 2010	Evaluations of the project year, initiate monitoring of sites, and prepare maintenance plans. Begin preparation for annual installation of up to 10 projects throughout the Spring and Fall planting seasons.
Winter 2010- Fall 2011	Coordinate the continuation of program Spring 2012 with annual status reports and the evaluation of progress on measurable deliverables. Annual maintenance assistance will be provided to increase project success.
Winter 2012	Final reporting of results of program assessments and accounting of expenditures will be submitted to participating funders and partners in the Spring of 2012.

### ***Maintenance Plan***

A critical element to the success of the Niagara River Riparian Restoration program is maintenance planning and implementation. While long term maintenance will be the responsibility of the landowner, Riverkeeper is committed to providing technical support and training throughout the first years until the buffer is established. A written and signed agreement between Riverkeeper and the landowner will be required prior to the construction of all restoration projects to clearly define the roles and responsibilities of each party. The agreement will address include but not limited to: indemnification clause, maximum amount of cost-share, maintenance and repair of site, permitting if necessary, right of access, site ownership, terms and conditions if contract is breached or there is a transfer of ownership. Riverkeeper will maintain a relationship with the property owner and continue to provide technical assistance as needed. Please see Attachment C. for an example of the maintenance agreement.

#### ***4. Consistency with Niagara River Greenway Plan***

The Niagara River Riparian Restoration Program supports the vision of the Niagara River Greenway Plan of a world-class corridor by strengthening the Niagara's natural ecosystem and increasing environmental awareness and participation in restoration by the residence in the

watershed. The overarching Greenway Plan goals to be addressed are the goal to protect and restore environmental systems with the integration of up to 25 sites of riparian buffer features along the Greenway. The program focuses on the implementation concept on riparian-flood plain areas addressing erosion control and shoreline restoration issues, wetland enhancement, restoration, and education, and improving aquatic habitat areas.

The Niagara River Riparian Restoration Program aligns with several Niagara River Greenway Plan criteria and principles as summarized below:

**Greenway Plan  
Criteria**

**Niagara River Riparian Restoration Program**

***1. Consistency with  
Principles -***

The program addresses the guiding principals of: *ecological integrity and restoration* through upland habitat creation and in stream habitat and water quality improvements; *public well-being* as citizens and volunteers will be engaged in the physical installation of projects through a new “Restore Corps” volunteer restoration program, *connectivity* in instances where restoration sites enhance or fill gaps in riparian corridors, *celebration* with an annual landowner and volunteer recognition events; *partnerships* between landowners and Riverkeeper, higher educational institutions, and natural resource professionals, and *community-based* as local residents will voluntarily submit for participation in the program with assistance of local partners.

***2. Priority Status -***

The program focuses on the restoration of the Niagara River ecosystem and education about the regional natural resources.

***3. Focus Area-***

All restoration sites will occur within the Niagara River Greenway area with the effort make to give priority to projects in the focus areas. Training programs will be open to all riparian landowners within the watershed.

***4. Environmental  
Soundness-***

Technical assistance will be provided by certified restoration specialist of the Erie County Soil and Water Conservation District. Restoration will be implemented following the USDA Natural Resource Conservation Service’s standards for ecological restoration. Riverkeeper’s Environmental Engineer may also provide oversight as needed.

***5. Implementable-***

Please refer to the timeline and budget section for description. The implementation plan call for up to 5 restoration projects per planting season, or up to 25 projects over three years. According to guidance from technical experts, this is a manageable goal for an organization of our capacity.

***6. Economic Viability-***

Construction costs per project will vary. Landowners will be responsible for ongoing maintenance and repair. Personnel and program related costs for the program will leverage the technical assistance, volunteer labor, planting material and supplies, and long term maintenance of the site.

***7. Local Sponsor or  
Partners-***

Buffalo Niagara Riverkeeper, a local nonprofit with the mission to protect and restore the Buffalo and Niagara Rivers, will be the lead sponsor of the program. Erie County Soil and Water Conservation has committed to

providing technical assistance for restoration projects. Other partnerships will be developed as described later in this proposal.

**9. *Clear Benefits -***

The multitude of benefits to the river include: improved water quality as loadings from the nutrient, sediment, bacteria, and other pollutants are reduced from entering the stream; improved watershed/hydrological functioning as buffers reduce flood frequency and severity and increase the recharge of groundwater; enhanced fish habitat as water quality improvements and leaf litter positively affect the quality and diversity of macroinvertebrates, cool stream temperatures, and provide cover; and increase wildlife habitat for a wide variety of fish and wildlife.

**5. *Consistency with other laws or regulations where applicable.***

In addition to complying with the State Environmental Quality Review Act, the program supports the following laws, regulations, and planning efforts of:

- Buffalo Remedial Action Plan,
- Early planning efforts of the Town of Grand Island Conservation Easement for Home Owner's Association,
- Department of Environmental Conservation Open Space Plan,
- Erie County's Department of Environmental Planning in Buffalo River near Areas of Concern calls for buffers,
- Town of West Seneca's recently adopted Comprehensive Plan calls for stream corridor protection overlays to be included in the zoning; and,
- MS-4 permits can use wetlands and floodplain forests as "green infrastructure" to meet compliance needs.

**6. *Description of efforts to obtain matching funds.***

The Niagara River Riparian restoration program has multiple opportunities for matching funding from other sources. In addition to Riverkeeper volunteers hours as in-kind match for labor, Soil and Water Conservation Districts are able to provide some technical staff time as well as native plant materials as match. Planting equipment and some habitat restoration equipment (such as no-till drill) is also available for match. Through the Western New York Americorps program, an additional \$21,000 in staff funding and training over three years. Riverkeeper will also seek to heavily leverage the support from the Greenway Commission and the Ecological Standing Committee in applications to other grant programs as opportunities become available in the future in order to expand to additional sites.

**7. *Statement of Greenway funds requested will not be used to defray costs.***

The Niagara River Restoration Program and Greenway funds will not be used to defray: (1) any obligation existing as of August 31, 2007 or (2) operation and maintenance costs associated with any project existing as of August 31, 2007.

**8. Description of proposed landowners associated with the project.**

The Riverkeeper’s recent GIS analysis shows that the current state of Niagara River shoreline presents an opportunity for urban watershed management by the conservation community. More than 128,000 acres of land in the watershed is designated as low, medium, or high intensity developed land as shown in Figure 1. (See Attachment D. for the draft Land Cover 2005 Niagara River and Subwatersheds Map). According to the best available Erie County (2007) and Niagara County (2006) tax parcel data and associated New York State Real Property Class Codes, there are 16,422 acres of residential property within 1 mile of the Niagara River Shoreline and .5 mile from each creek in the watershed. Private residential property is a significant land use in the near shore area. However, there are no nonprofit or governmental agencies that have programs to specifically target restoration of riparian lands to this important stakeholder. By providing education on land stewardship *and* the resources for riparian restoration and maintenance, Riverkeeper and its partners will be fulfilling an unmet need to residential landowners in the watershed.

**9. Budget and Cash Flow Summary**

**Niagara River Riparian Restoration Program Budget – 3 Yr Project Budget  
January 2009-March 2012**

Budget Category	Justification	Request	Match		Total
		Greenway Commission Ecological Standing Committee (pending)	Erie Co. & Niagara County/ SWC In-kind (pending)	Americorps/ River keeper In-kind	
<b>Salaries and Benefits</b>					
Oversight from Executive Director and/or Citizen Outreach Coordinator	ave \$36/hr X 6 hrs per week X 3 yrs	\$24,192			\$24,192
Watershed Restoration Coordinator	ave \$20/hr X 40 hrs per week X 3 yrs	\$124,800			\$124,800
Fringe Benefits	15.3% of salary, required for staff	\$22,796			\$22,796
<b>Technical Assistance and Labor</b>					
Site assessment, site design, and assistance in implementation	\$27/hr X 32 hrs per site X 25 sites	\$10,800	\$10,800		\$21,600

Americorps Volunteer Member	Volunteer recruitment, management, for planting	\$15,000		\$21,000	\$36,000
Additional technical and legal assistance, construction supplies, equipment rental.	Est. \$2,337 per site X 25 sites	\$58,440			\$58,440
Volunteer Labor*	250 volunteers X 5 Hrs X \$17/hour			\$21,250	\$21,250
<b>Expenses</b>					
Training costs, Printing and graphic design	For promotional materials, landowner and volunteer recruitment, Riparian Landowner Stewardship Guide, etc.	\$8,000			\$8,000
Plant Material	Plant material will be provided through soil and water conservation partnership		TBD		
<b>Travel</b>					
Mileage / Fuel	2,000 miles at 0.38 = \$760	\$760			\$760
<b>Overhead</b>					
Administrative cost related to management of project	25% of Greenway request (\$264,788)	\$66,197			\$44,947
<b>Total</b>		<b>\$330,985</b>	<b>\$10,800</b>	<b>\$42,250</b>	<b>\$384,035</b>

\*Note: All restoration plant material will be installed by volunteers

### *Cash Flow Summary*

The cash flow summary depicts three annual grant awards throughout the grant period. An annual progress report will be provided by Riverkeeper at the end of each year that accounts for expenditures, summarizes program activities, evaluates progress towards reaching grant deliverables, and requests modifications to program if needed.

<b>Budget Category</b>	<b>Total</b>	<b>Installment 1 Jan 2009</b>	<b>Installment 2 Jan 2010</b>	<b>Installment 3 Jan 2011</b>
Oversight from Executive Director and/or Citizen Outreach Coordinator	\$24,192	\$8,192	\$8,000	\$8,000
Watershed Restoration Coordinator	\$124,800	\$41,600	\$41,600	\$41,600
Fringe Benefits	\$22,796	\$7,599	\$7,599	\$7,598
Site assessment, site design, and assistance in implementation	\$10,800	\$2,160	\$4,320	\$4,320
Americorps Volunteer Member	\$15,000	\$5,000	\$5,000	\$5,000
Additional technical and legal assistance, construction supplies, equipment rental.	\$58,440	\$11,700	\$23,370	\$23,370
Training costs, Printing and graphic design	\$8,000	\$5,000	\$2,000	\$1,000
Mileage / Fuel	\$760	\$253	\$253	\$254
<i>Subtotal</i>	\$264,788	\$81,504	\$92,142	\$91,142
25% Overhead rate	\$66,197	\$20,376	\$23,036	\$22,786
<b>Total</b>	<b>\$330,985</b>	<b>\$101,880</b>	<b>\$115,178</b>	<b>\$113,928</b>

*Attachments*

A. Erie & Niagara County Soil and Water Conservation District Letter of Support

B. Example of Landowner Stewardship Outreach Material

Please view this website to review the Chesapeake Bay Foundation's Landowner Guide to Buffer Success. This guide is a model of the type of written publication that Riverkeeper and partners will produce to educate landowners on stewardship of their riparian areas.

[http://www.cbf.org/site/DocServer/buffer\\_guide.10.30.07.pdf?docID=11663](http://www.cbf.org/site/DocServer/buffer_guide.10.30.07.pdf?docID=11663)

C. Example of Draft Landowner Agreement

D. Land Cover 2005 Map of Niagara River Watershed

E. Buffalo Niagara Riverkeeper IRS Letter

F. Biography of Key Staff

Attachment A.

At-Large Directors  
Francis Gernatt, Chairman  
Dulene Vogel  
Rosemary Bapat



Directors  
Robert B. Reynolds, Jr., Co. Legislator  
John Mills, Co. Legislator  
Calvin Kehr, Grange  
Stevie Trava, Farm Bureau

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***Erie County Soil & Water Conservation District***

50 Commerce Way, East Aurora, New York 14052-2185  
Phone: (716) 652-8480 Fax: (716) 652-8506

Buffalo Niagara Riverkeeper  
Attention: Julie O'Neill  
1250 Niagara Street  
Buffalo, NY 14213

July 11, 2008

To Whom It May Concern:

This is a letter of support for the *Niagara River Riparian Restoration Program* grant application to Niagara River Greenway Commission sponsored by the Buffalo Niagara Riverkeeper. The Erie County Soil and Water Conservation District (District) Board of Directors fully supports and will provide technical assistance as time and funding allow for the development and implementation of a riparian restoration program.

The District supports and administers many water quality improvement projects in Erie County portions of the Niagara River Watershed and feels this is a significant next step in identifying and addressing water quality problems in the Western New York region. All District activities in Erie County aim to preserve, protect, and enhance the natural resources of the area. One of the District's ongoing programs is streambank stabilization in the Buffalo Creek Watershed as part of the Erie and Wyoming Counties Joint Watershed Board in partnership with Wyoming County Soil and Water Conservation District and the USDA, Natural Resource Conservation Service. This project began in the 1940s and continues today for planning, construction and maintenance of 58 linear miles of streambank stabilization throughout the watershed with the ultimate goal of reducing sedimentation in the Buffalo Harbor. Other District activities include planning and implementation of a wide variety of agricultural best management practices in the Buffalo Creek and Tonawanda Creek Watersheds through the NYS Agricultural Nonpoint Source Abatement and Control grant program aimed to mitigate agricultural impacts to water quality.

District support for the *Niagara River Riparian Restoration Program* will include technical assistance as time permits for aspects of this project to include; riparian forest buffer development, wetland enhancement, shoreline re-vegetation and other similar erosion control best management projects. The District looks forward to a cooperative and multi agency approach to watershed restoration.

If you have any questions regarding the above or need additional information please contact Mark C. Gaston, District Field Manager at (716) 652-8480 extension 101.

Sincerely;



Francis Gernatt  
Chairman of the Board  
Erie County Soil and Water Conservation District

NIAGARA COUNTY SOIL & WATER CONSERVATION DISTRICT

4487 Lake Avenue • Lockport, NY 14094

Telephone: (716) 434-4949

Fax: (716) 434-4985

E-mail: niagaraswcd@ny.nacdnet.org

October 7, 2008

Buffalo Niagara Riverkeeper  
Attn: Kerri Bentkowski  
1250 Niagara Street  
Buffalo, New York 14213

Dear Ms. Bentkowski:

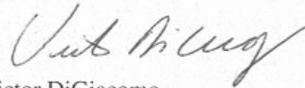
On behalf of the Niagara County Soil & Water Conservation District I am writing to confirm our support for and participation with the Niagara River Riparian Restoration Program grant application to the Niagara River Greenway Commission sponsored by the Buffalo Niagara Riverkeeper. The Niagara County Soil & Water Conservation District fully supports the application and will provide technical assistance as time and funding allow for the development and implementation of a riparian restoration program.

The District supports and administers various water quality monitoring and improvement projects in Niagara County portions of the Niagara River watershed and feels this project is a significant next step in identifying and addressing water quality issues within the Niagara River Corridor. As an agency that is dedicated to the protection and conservation of our natural resources, we feel the proposed project to protect and restore the physical and biological integrity of the Niagara River ecosystem is vital to the health of the Niagara River Corridor.

As time permits, District support for the Niagara River Riparian Restoration Program will include technical assistance for aspects of this project to include; site assessments, site plan development, wetland enhancements, riparian buffer development and enhancement and other similar activities associate with the goals of the project.

If you have any questions or concerns regarding the above or require additional information, please feel free to contact me at (716) 434-4949.

Regards,



Victor DiGiacomo  
Niagara County SWCD

**Attachment C. Draft template of landowner agreement**

**NIAGARA RIVER RIPARIAN RESTORATION PROGRAM  
RIPARIAN BUFFER AND WETLAND RESTORATION  
LANDOWNER AGREEMENT**

This Agreement is made on \_\_\_\_\_ (date)  
between \_\_\_\_\_  
located at \_\_\_\_\_

and \_\_\_\_\_ (cooperator's name)  
located at \_\_\_\_\_

to restore riparian and wetland habitat and improve water quality on the cooperator's property.

Whereas, Buffalo Niagara Riverkeeper seeks to provide funding for the restoration of private and public lands to restore riparian and wetland habitat and improve water quality;

Whereas, Cooperator owns certain land described in Exhibit A of this Agreement, and wishes to manage a portion of that land for restoration activities;

Therefore, the parties agree as follows:

1. Cooperator agrees to initiate the restoration activities as prescribed in Exhibit C of this Agreement (hereafter "Project") on his/her property at the location specified (hereafter "Site") within 12 months of the date of this Agreement.
2. Construction of the Project will be carried out by Buffalo Niagara Riverkeeper as agreed by the cooperator.
3. Buffalo Niagara Riverkeeper agrees to provide cost-share for the listed Project components detailed in Exhibit C, which shall in no case exceed \$X without specific authorization from Buffalo Niagara Riverkeeper.
4. Cooperator shall be responsible for all remaining costs associated with the construction of the Project on the Site, minus the contributions of Buffalo Niagara Riverkeeper as listed in Exhibit C.
5. Cooperator shall defend, indemnify and hold harmless Buffalo Niagara Riverkeeper, and its officers, directors, agents, representatives and employees from any and all claims liabilities, causes of action or damages arising out of or related to the construction, maintenance and/or repair of the Site and the Project.

6. Cooperator shall comply with the Management Plan as detailed in Exhibit B of this Agreement (hereafter "Management Plan") and any Special Provisions listed therein.
7. Cooperator shall be responsible for all maintenance and repair of the Site and Project. In the event of massive damage to the Project due to flooding or other disaster, Cooperator will not be responsible for repair or replacement. Buffalo Niagara Riverkeeper in its sole discretion may help with repair or replacement as resources and mutual interest allow.
8. Cooperator shall be ultimately responsible for obtaining all necessary permits for the construction and maintenance of the Project.
9. During the term of this Agreement, Cooperator shall permit Buffalo Niagara Riverkeeper or its representatives the right of access to the Site upon reasonable advanced notice for purposes of planning and construction of the Project and periodic inspection to assure compliance with this Agreement. This Agreement does not permit public access to the Site. Cooperator retains the right to control trespass and the responsibility for taxes, rights-of-way issues, noxious weed control and other incidences of ownership.
10. The Cooperator guarantees that he/she is the owner of the Site and has all required authority to enter into the Agreement and comply with its terms.
11. This Agreement shall take effect on the date above and shall remain in effect for fifteen (15) years from that date. This Agreement may be modified at any time by mutual written consent.
12. Cooperator is considered to be in breach of this Agreement if the Cooperator does not install and maintain and repair the Project in compliance with this agreement and the Management Plan or breaches any other term of this Agreement.

If Cooperator is in breach of this Agreement, Buffalo Niagara Riverkeeper may, upon thirty (30) days prior written notice to Cooperator, terminate this Agreement unless Cooperator within such period remedies the breach. The Cooperator may terminate this Agreement upon a thirty (30) day prior written notice to Buffalo Niagara Riverkeeper. If the Agreement is terminated due to a Cooperator's breach of this Agreement or by the actions or failure to act of the Cooperator, the Cooperator agrees to reimburse Buffalo Niagara Riverkeeper an amount equal to 100 percent of the total funds contributed by Buffalo Niagara Riverkeeper (as detailed in Exhibit C) divided by fifteen years multiplied by the number of years remaining in the Agreement (i.e.: for a 15 year Agreement with 5 years remaining:  $100/15 \times 5 = 33\%$ ).

13. Notices under this Agreement shall be in writing and shall be considered given when mailed by certified mail return receipt requested or hand delivered at the address listed above or to such other person or address as shall be stated in a written notice provided by any of the parties to the others. Notice to Buffalo Niagara Riverkeeper will be delivered to the Executive Director, Buffalo Niagara Riverkeeper, 1250 Niagara St. Buffalo NY 21413.

14. If Cooperator sells or transfers ownership of the Site during the term of this Agreement, whether voluntarily or involuntarily, and whether by Deed, inheritance, foreclosure or by any other means, Cooperator shall remain personally liable for the repayment in the event of a breach of this Agreement as provided above unless the new owner of the Site agrees in writing to undertake responsibility for compliance with all terms and conditions of this Agreement including repayment in the event of a breach. Cooperator agrees to provide any such new owner with a copy of this Agreement and to use best efforts to obtain the written agreement of the new owner to comply with the terms and conditions of this Agreement including repayment in the event of a breach.

Agreed and accepted:

\_\_\_\_\_ Date: \_\_\_\_\_  
(signature of Cooperator)

Cooperator's federal tax ID number or social security number: \_\_\_\_\_  
(required to comply with tax codes)

\_\_\_\_\_ Date: \_\_\_\_\_  
(signature of Buffalo Niagara Riverkeeper Representative)

### **EXHIBIT A: PROPERTY DESCRIPTION**

**Legal Description:** 1) attach a copy of a USGS topographic map identifying the site  
2) using the USGS topographic map or a field photo indicating the project area and show location of proposed work.

### **EXHIBIT B: MAINTENANCE PLAN**

**Longer Term Management Plan:** (This section will be tailored to the maintenance needs of the specific site.) The goal of maintenance is the establishment of vegetation on the buffer. Cooperator is responsible for maintaining restoration site established under this Agreement. Buffalo Niagara Riverkeeper staff will conduct periodic site inspections. This may require planting the site as per Buffalo Niagara Riverkeeper guidelines. Buffers shall be mowed as specified. Aggressive weed problems may be dealt with by spot spraying with an appropriate herbicide and/or spot cutting in limited areas with care not to kill young trees or shrubs.

**Special Provisions:**

### **EXHIBIT C: RESTORATION PROJECT COMPONENTS**

**Project Location: Latitude:** \_ **Longitude:** \_

**Restoration Project Summary:** The Cooperator agrees to:

Stabilize or Install riparian buffer along \_\_\_\_ liner feet of \_\_\_\_ Stream  
plant \_\_\_\_\_ feet of stream banks with trees and shrubs

**Estimated Project Costs:**

<u>Components</u>	<u>Costs</u>
_____ feet of fencing/fencing system components @ \$2.50	\$_____
per foot	
_____ tree and shrub plantings @ \$x each	\$_____
_____ 2' tree shelters with hardwood stakes @ \$x each	\$_____
_____ signage	\$_____
<b>TOTAL</b>	<b>\$_____</b>

**Partner Contributions:**

Description of Buffalo Niagara Riverkeeper, landowner, or other partners commitments.



Attachment E. Buffalo Niagara Riverkeeper IRS Letter

**Internal Revenue Service**

Department of the Treasury

District  
Director

10 MetroTech Center  
625 Fulton St., Brooklyn, NY 11201

▷

Date: **APR 02 1998**

Friends of the Buffalo River, Inc.  
933 Edgewater Drive  
Buffalo, NY 14228

Person to Contact:  
Patricia Holub  
Contact Telephone Number:  
(718) 488-2333  
EIN: 22-2993054

Dear Sir or Madam:

Reference is made to your request for verification of the tax exempt status of Friends of the Buffalo River, Inc.

A determination or ruling letter issued to an organization granting exemption under the Internal Revenue Code remains in effect until the tax exempt status has been terminated, revoked or modified.

Our records indicate that exemption was granted as shown below.

Sincerely yours,

*(Patricia Holub)*  
Patricia Holub  
Manager, Customer  
Service Unit

Name of Organization: Friends of the Buffalo River, Inc.

Date of Exemption Letter: October 1989

Exemption granted pursuant to section 501(c)(3) of the Internal Revenue Code.

Foundation Classification (if applicable): Not a private foundation as you are an organization as described in sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Attachment F. Description of key staff involved in the proposed project:

**Julie Barrett O'Neill is the Buffalo Niagara Riverkeeper.** A WNY native, Julie joined Buffalo Niagara Riverkeeper in 2001 as the organization's first permanent staff person. Under her leadership the organization has grown to 10 staff members and from a budget of \$26,000 to an estimated \$580,000 in 2007. Riverkeeper's recent project accomplishments include the Niagara Power Project Environmental Settlement, Niagara River Greenway Plan adoption and a first ever \$1.2 million sediment clean up agreement with the US EPA. In 2006, Buffalo Niagara Riverkeeper was recognized by US EPA Region 2 with its highest citizen organization award. In 2005, Julie was recognized as the Erie County Environmental Citizen of the Year. Julie is an attorney and holds a masters in economic development planning as well as an undergraduate degree in Environmental Studies. She lives in Buffalo in a recently remodeled "green" building with her husband and three children.

**Kerri Bentkowski, Citizen Action Coordinator,** will assist in the administration of the Niagara River Riparian Restoration Program. Kerri is the newest member of the Buffalo Niagara RIVERKEEPER staff. Her primary responsible is for the engagement of communities in the Buffalo and Niagara River watersheds through several educational venues including hiking, biking, and paddling ecotours, the biannual shoreline clean ups, and the stormwater education pilot program. Prior to joining the RIVERKEEPER, Kerri managed three key grant programs totaling \$1.2 M in grants for the Chesapeake Bay Trust for nine years that increased the capacity of small watershed organizations in Maryland and Virginia, advanced environmental education statewide, and fostered restoration and stewardship programs. Kerri has managed projects funded by the US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and several private foundations. After earning B.S. degrees from Salisbury University and University of Maryland Eastern Shore, she staffed two leading watershed management committees for the EPA Chesapeake Bay Program. Kerri has a Masters in Environmental Science and Policy from Johns Hopkins University in Baltimore, MD.

**Mark Gaston, District Field Manager of Erie County Soil and Water Conservation District,** has extensive knowledge of on-site technical oversight and construction supervision of grant projects and is responsible for overall administrative and financial matters for the District. Mark has 9 years experience in layout, survey, design and implementation of conservation best management practices and 7 years experience in grant administration. Mark has a BS in Water Resources and a Biology minor from SUNY Brockport.

**James Sroka, Water Quality Technician with the Erie County Soil and Water Conservation District,** has extensive knowledge in project design, coordination and implementation. James has 6 years professional experience in planning, surveying, inspection, design and management of conservation best management practices. James has a BA in Environmental Studies from SUNY Buffalo.

**Don Stribick, Conservation District Technician with the Erie County Soil and Water Conservation District,** has extensive knowledge in project inspection, riparian plant material selection and development of planting plans. Don has a BS in Environmental Studies and a BA in Physical Geography from SUNY Buffalo. Don has 10 years professional soil and water conservation experience including layout, survey, design and implementation of conservation best management practices. Don is also a certified professional in erosion and sediment control.

**Victor DiGiacomo, Remedial Action Plan Coordinator with Niagara County Soil Water Conservation District**, has extensive knowledge of watershed based remediation/restoration activities, project design, coordination and implementation. Victor has 6 years professional experience in planning, surveying and design of conservation and agricultural best management practices. He has extensive experience in wetlands development/restoration and in-stream habitat development and erosion and sediment control measures. Victor has a BA in physical geography from SUNY Buffalo.