



June 3, 2013

Tim DePriest
Chair, Greenway Ecological Fund Standing Committee
NYS DEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

Dear Mr. DePriest,

The Western New York Land Conservancy is submitting the “Stella Niagara Preserve” project proposal for the June 4, 2013 Greenway Ecological Fund Standing Committee application deadline. The Land Conservancy, a regional not-for-profit land trust, proposes to create the Stella Niagara Preserve, the first nature preserve along the Niagara River to be owned and operated by a not-for-profit organization. The Land Conservancy will purchase a 29-acre portion of a 130-acre property currently owned by the Sisters of St. Francis located in the Town of Lewiston. The Land Conservancy will open the property to public access, develop a trail system, provide new fishing, canoeing, and kayaking access, place wayfinding and interpretive signage, restore 18 acres of grassland habitat, hold events and hikes there, and continue stewardship of the property.

This project submission includes an emailed version and a printed version of the application. The submission also includes letters of support from: the Sisters of St. Francis, the current property owner; Steven L. Reiter, the Supervisor of the Town of Lewiston; William L. Ross, Chairman of the Niagara County Legislature; Senator George D. Maziarz, the New York State Senate representative; Paul McKeown, the Supervisor of Natural Resources from the NYS DEC Region 9; Paul Jackson, President of the Niagara River Anglers Association; and Loren Smith, the Executive Director of the Buffalo Audubon Society.

The 29-acre site has 1,474 feet of Niagara River shoreline—the third longest privately owned river frontage in Niagara County—and is one of the few undeveloped privately owned tracts of land along the river. It has incredible ecological value, cultural value, and is ideal for public access. What’s more, this project is urgent. The current owners, the Sisters of St. Francis, would prefer that this portion of Stella Niagara remain open space, but economic realities could force them to sell this land for development soon. They have already had the property surveyed and appraised. The Sisters of St. Francis are working directly with the Land Conservancy to ensure that this site is protected for generations to come.

Thank you for your consideration of this project.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Smith".

Nancy Smith
Executive Director

Niagara River Greenway Ecological Fund Application Checklist

Project Name: The Stella Niagara Preserve

Prepared By: Western New York Land Conservancy

Date: June 4, 2013

Item	
	Project Information
x	Organization name and mailing address
x	Federal ID number and/or Charities Registration number
x	Point of contact
	Evidence of Consultation (including consulting parties' comments and project proponent's responses to those comments)
x	Niagara River Greenway Commission
x	Municipality, County, and/or Indian Nation
x	State Agency
na	Federal Agency
x	Operation and Maintenance Plan
x	Description of Project Consistency with Niagara River Greenway Plan
x	Description of Consistency with State and Federal Laws & Regulations
x	Description of Efforts/Opportunities for Matching Fund
x	Description of Current and Proposed Project Area Land Ownership
x	Detailed Project Budget

THE STELLA NIAGARA PRESERVE

Prepared for:



**NIAGARA RIVER GREENWAY
ECOLOGICAL FUND STANDING COMMITTEE**



**Prepared by:
Western New York Land Conservancy
June 4, 2013**

THE STELLA NIAGARA PRESERVE

Project Summary

The Western New York Land Conservancy, a regional not-for-profit land trust, proposes to create the Stella Niagara Preserve, the first nature preserve along the Niagara River to be owned and operated by a not-for-profit organization. The Land Conservancy will purchase a 29-acre portion of a 130-acre property currently owned by the Sisters of St. Francis located on the shores of the Niagara River at 4421 Lower River Road in Stella Niagara (sbl# 87.00-1-28.1) in the Town of Lewiston. The Land Conservancy will open the property to public access, develop a walking trail system, provide new fishing, canoe and kayak access, place an entry kiosk, wayfinding and interpretive signage, restore 18 acres of grassland habitat, hold events and hikes there, and continue stewardship of the property. The acquisition is expected to be complete by the end of 2014, while the trails, fishing, canoe and kayak access, entry kiosk, signage, and grassland restoration will be complete by the fall of 2015. The Land Conservancy will be responsible for all phases of this project, but will hire contractors for the restoration work and will collaborate with the current property owners, adjacent residents, and local and state agencies.

The 29-acre site has 1,474 feet of Niagara River shoreline—the third longest privately owned river frontage in Niagara County—and is one of the few undeveloped privately owned tracts of land along the river. It has incredible ecological value; it is part of an internationally designated globally significant Important Bird Area and sustains rare, threatened and endangered plants and animals. The Stella Niagara property has habitat of such diversity and quality—including a shallow off-shore shoal and large riparian zone—that it was placed on the Niagara River Area of Concern priority habitat list in 2012, making it an international priority for protection. It is also culturally significant; it is archaeologically sensitive with evidence of continuous Haudenosaunee use, was an important canoe landing site for the Haudenosaunee, is where the British landed in 1813 to invade the U.S., is a nationally designated Peace Site, and is part of the Niagara County Historic Trail. The chapel on the property famously survived a flood caused by an ice jam on the Niagara River in the 1950s. Because of the property's gentle slope down to the river, it is one of the few natural landing sites on the Lower Niagara. The shallow off-shore shoal, known locally as the 'Stella Drift,' creates ideal conditions for fishing. Considering these factors, the site is ideal for public access.

The proposed Stella Niagara Preserve will protect and enhance those critical habitats, celebrate those important natural and cultural resources, and improve Niagara River access. It will also fulfill the goals of the Niagara River Greenway and Olmsted's original vision of a necklace of open spaces along the length of the Niagara River. This public private partnership—with a not-for-profit taking the lead and committing to long-term legal and financial responsibility for the preserve—will be a model for creating new, high quality public spaces along the Niagara River Greenway without burdening public agencies with increased costs.

What's more, this project is urgent. The current owners, the Sisters of St. Francis, would prefer that this portion of Stella Niagara remain open space, but economic realities could force them to sell this land for development soon. They have already had the property surveyed and appraised. The Sisters of St. Francis are working directly with the Land Conservancy to ensure that this site is protected for generations to come.



Property boundaries of the proposed Stella Niagara Preserve, the 29-acre portion of the 130-acre property currently owned by the Sisters of St. Francis.

Project Cost

The total project cost for the Stella Niagara Preserve is estimated to be \$3,170,959 (see Attachment 9: Project Budget and Cash Flow). This includes \$25,000 for planning, \$223,124 for construction (grassland restoration, trails, and signage), \$2,310,185 for acquisition (the property has an initial appraisal value of \$2,250,000), \$20,000 for administration, and \$592,650 for a stewardship fund (annual operation and maintenance costs are estimated to be \$29,633; \$592,650 is needed to cover the annual costs in perpetuity, assuming a 5% annual return). The Land Conservancy is asking the Greenway Ecological Fund Standing Committee for \$500,000 in 2013 to help create the Stella Niagara Preserve. This money will be used for property acquisition.¹ The Land Conservancy is seeking additional funding from other sources.

Ecological Importance

The Stella Niagara Preserve property includes 1,474 feet of Niagara River shoreline bordered by a 30-50 foot wide riparian area covered with native vegetation, two acres of mature hardwood forest with vernal pools, a three-acre spring-fed scrub/shrub wetland, and an 18-acre gently sloping open field. The offshore shallow shoal, known locally as the 'Stella Drift', provides favorable conditions for fish habitat and also for recreational fishing. (see Attachment 11: Photos, and Attachment 12: Maps)

The Stella Niagara property has habitat of such diversity and quality that it was placed on the Niagara River Area of Concern priority habitat list in 2012, making it an international priority for protection. These habitats support several rare, threatened or endangered species like the Lake Sturgeon (threatened in NYS) that spawns in the Lower Niagara River and has been recorded along the shoreline of the property while feeding and staging for spawning, and Ninebark (*Physocarpus opulifolius*), a shrub that is endangered in NYS, found in the riparian zone of the property.

The entire Niagara River is internationally designated as a globally significant Important Bird Area. The river supports at least 19 species of gulls and over 20 species of waterfowl. On good days during fall and winter, visitors can see over 100,000 individual gulls and over 20,000 individual waterfowl. The Niagara River also supports several protected bird species, including the Bald Eagle and the Common Tern (both threatened in NYS). The site of the proposed Stella Niagara Preserve likely plays an important role in the life cycle of most if not all of the bird species that make the river a globally significant Important Bird Area.

The Stella Niagara Preserve will not only protect these important habitats, but will also enhance them. Current management of the 18-acre open field consists of one annual mowing. This project will include grassland restoration of that field with an emphasis on including locally-sourced seeds and plant selection; it will include beautiful native grasses and wildflowers, and will be an example for other similar projects to follow. This "native prairie" will provide significant benefits for migrating and breeding grassland dependent song birds, many of which are considered of special concern in New York State like the Grasshopper Sparrow, as well as other grassland dependent birds like the Bobolink and Eastern Meadowlark. It may also attract and support the Northern Harrier, a New York State threatened raptor, and Short-eared Owls, listed as endangered in New York State.

¹ According to Attachment 9: Project Budget and Cash Flow, staff travel time and the creation of a legal defense fund are included in acquisition costs. However, in accordance with Greenway Ecological Fund Standing Committee guidelines, none of the awarded funds will be used for staff travel time or the creation of a legal defense fund.

Cultural Importance

The Stella Niagara Preserve property is also culturally significant. The property is one of the few natural landing sites along the Lower Niagara River between Niagara Falls and Lake Ontario. Anecdotal evidence suggest that this made the site an important canoe landing site for the region's Haudenosaunee peoples who used the Niagara River for transport, trade and fishing, and archaeological evidence suggests the site had continuous Haudenosaunee use. This natural landing made it possible for the British to come ashore here while invading the U.S. in 1813. An historic marker on the property along Lower River Road states that "British troops commanded by Col. Murray landed December 19, 1813 on shore of river – marched north – captured Fort Niagara holding it until May 22, 1815." This important history makes the Stella Niagara site an important part of the Niagara Historic Trail.

The Stella Niagara site is also spiritually significant. The current owners, the Sisters of St. Francis, arrived in Buffalo in 1874. In 1907 some moved to Stella Niagara where they established a seminary, various schools, vineyards, orchards, and gardens. The Center of Renewal, a retreat and conference center located across Lower River Road from the 29-acre site, was established in 1974 because of the site's tranquil grounds and is still operated by the Sisters of St. Francis. The chapel on the southwest corner of the 29-acre site is part of local lore. Before the Robert Moses Hydroelectric Power Plant was built in the late 1950s, the Niagara River regularly flooded the property, especially when ice jams formed during the spring thaw. The chapel "miraculously" survived all of these floods, including the most severe flood in 1955. Because of the spiritual significance of the site, Stella Niagara is a registered Peace Site administered by the Sisters of St. Francis.

Stakeholder Collaboration

The Land Conservancy is working closely with stakeholders to ensure the successful creation of the Stella Niagara Preserve. The protection of this property was initially proposed by the current owners, the Sisters of St. Francis, and by the New York State Department of Environmental Conservation (DEC). Meetings with local stakeholders, including the current property owner, town officials, regional environment groups, the DEC and local historians already have taken place or are scheduled. Attached to this proposal are letters of support from; the property owner, the Sisters of St. Francis; a regional environmental leader, the Buffalo Audubon Society; a regional recreational fishing organization, the Niagara River Anglers Association; the statewide environmental regulatory authority, the DEC; and three elected officials, Town of Lewiston Supervisor Steven L. Reiter, Niagara County Legislature Chairman William L. Ross, and New York State Senate representative George D. Maziarz. (See Attachment 10: Letters of Support) As noted in Attachment 3, Operation and Maintenance Plan, the Town of Lewiston may provide in-kind maintenance, including mowing and trail up-keep.

Resource Management Plans

The project is consistent with local and regional resource management plans. The project advances the Niagara River Remedial Action Plan (RAP) which prioritizes retaining quality aquatic, riparian, and upland habitats. The project will contribute to the de-listing of two Beneficial Use Impairments of the Niagara River Area of Concern: loss of fish and wildlife habitat and degradation of fish and wildlife populations. It is aligned with the New York State Open Space Plan which seeks to protect habitat to achieve plant and animal species diversity and to broaden riparian corridors along water bodies throughout the state. It supports the Niagara Falls National Heritage Area Study by protecting and celebrating the region's natural and cultural heritage, and by promoting recreation. And the project is supported by the Town of Lewiston's Comprehensive Plan which states that "scenic, environmental and aesthetic qualities of the coastal zone along the Niagara River should be protected."

ATTACHMENTS

- 1. Project Sponsor Information**
- 2. Evidence of Consultation**
- 3. Operation and Maintenance Plan**
- 4. Consistency with the Niagara River Greenway Plan**
- 5. Consistency with Other Laws and Regulations**
- 6. Matching Funds**
- 7. Required Greenway Funds Statement**
- 8. Current and Proposed Land Ownership**
- 9. Project Budget and Cash Flow**
- 10. Letters of Support**
- 11. Photos**
- 12. Maps**
- 13. Tax Exempt Status**
- 14. Application Submitted to the Niagara River Greenway Commission**

1. Project Sponsor Information

Name: Western New York Land Conservancy
Mailing Address: P.O Box 471, East Aurora, NY 14052-0471
Federal Id#: 22 - 3160426
Charities Registration #: 05-27-68
Point of Contact: Nancy Smith, Executive Director of the Western New York Land Conservancy. nancyrs@wnylc.org, (716) 687-1225

2. Evidence of Consultation

Niagara River Greenway Commission project consistency

The Stella Niagara Preserve Proposal was submitted to the Niagara River Greenway Commission on May 21, 2013 for Project Review and Consultation. The project determination date for this submission is July 16, 2013. No comments have been received about the proposal and a finding of consistency from the Niagara River Greenway is expected.

Chief elected officer, or a designated representative, of any municipal, county, and Indian Nation affected by the proposed project

Staff of the Western New York Land Conservancy discussed the Stella Niagara Preserve project with the Supervisor of the Town of Lewiston (the affected municipality) on Tuesday, May 14, 2013. The Supervisor wrote a letter of support for the project. The letter of support was included in the Niagara River Greenway Commission May 21 Project Review and Consultation proposal and is included in Attachment 10 in this proposal. Staff of the Western New York Land Conservancy discussed the project with the Chairman of the Niagara County Legislature after the initial project submission to the Niagara River Greenway Commission Project Review and Consultation on May 21. The Chairman wrote a letter of support for the project, included in Attachment 10 in this proposal. No Indian Nation territory will be affected by this project.

Appropriate State and Federal Agencies

Staff of the Western New York Land Conservancy discussed the Stella Niagara Preserve project with numerous New York State Department of Environmental Conservation (DEC) officials. The Supervisor of Natural Resources, NYS DEC Region 9, Paul McKeown, wrote a letter of support for the project. The letter of support was included in the Niagara River Greenway Commission May 21 Project Review and Consultation Proposal and is included in Attachment 10 in this proposal. The Land Conservancy also received a letter of support from Senator Maziarz, the NYS Senate representative of the 62nd District. The letter of support was included in the Niagara River Greenway Commission May 21 Project Review and Consultation Proposal and is included in Attachment 10 in this proposal. Consultation with federal agencies is not applicable.

List of materials submitted

All Consulting Parties (Supervisor Reiter of the Town of Lewiston, Chairman Ross of the Niagara County Legislature, the DEC, and NYS Senator Maziarz) received an oral description of the project and the full proposal submitted to the Niagara River Greenway Commission on May 21, 2013 (see Attachment 14). This proposal included a description of the project with maps, a description of the how the project is consistent with the Niagara River Greenway Plan, and a description of the how the project is consistent with other applicable legal requirements.

Copies of written comments provided by Consulting Parties

All Consulting Parties (Supervisor Reiter of the Town of Lewiston, Chairman Ross of the Niagara County Legislature, the DEC, and NYS Senator Maziarz) provided letters of support for this project, all of which are included in Attachment 10 in this proposal. No Consulting Parties provided any other comments about the project to the Western New York Land Conservancy.

Documentation describing how the project proponent addressed the Consulting Parties' comments

Not applicable: no comments were provided, other than letters of support.

3. Operation and Maintenance Plan

A full site design process will take place after the acquisition of the property. At a minimum, the Stella Niagara Preserve will include an 18-acre grassland restoration, improved public access walking trails, improved fishing access, improved canoe and kayak access, a new entry kiosk, interpretive signage, wayfinding signage, and boundary signage.

The Stella Niagara Preserve will be managed for habitat protection (annual grassland mowing and invasive species control) and will provide public access (walking trails, fishing access, canoe and kayak access, signage and litter cleanup). The Stella Niagara Preserve will be operated and maintained by the Land Conservancy which will employ its own staff, volunteers and outside contractors in all phases of the project, including planning, acquisition, design, restoration, construction, and continued operations and maintenance. The Land Conservancy will receive and manage the funds required to complete the project. After acquisition of the 29-acre property, the Land Conservancy will oversee the design and construction of the grassland restoration, signage, walking trails, fishing access, and canoe and kayak access. The Town of Lewiston may provide in-kind maintenance, including mowing and trail up-keep.

4. Consistency with the Niagara River Greenway Plan

The proposed Stella Niagara Preserve is well-aligned with the Niagara River Greenway Plan and will help achieve the vision for the Greenway. As a 29-acre nature preserve with public walking trails, fishing, and canoe and kayak access, it will enhance the world-class "corridor of places, parks and landscapes" that already exists, providing "access to and connections between" a series of natural protected areas along the Niagara River. Through signage and events, the Stella Niagara Preserve will allow us to celebrate and interpret the "natural, cultural, recreational, scenic and heritage resources" that make this place so unique.

The proposed Stella Niagara Preserve is guided by the same principles as those of the Niagara River Greenway:

1. Excellence: In the 22 year history of the Land Conservancy we have preserved and protected over 5,000 acres of land, including farms, forests and scenic vistas. Of our over 60 protected properties, six are publicly accessible nature preserves. In all of this work, the Land Conservancy has adopted and strives to exceed the Standards and Practices set forth by the Land Trust Alliance, a national conservation organization that establishes best practices for regional land trusts. Furthermore, development and management of the Stella Niagara Preserve will be guided by the principles of the Sustainable Sites Initiative, the new standard for excellence in sustainable land practices. The initiative is an environmental performance-based rating system

that rewards projects that protect and restore the natural systems that clean air and water, regulate climate, and benefit human health.

2. **Sustainability:** After the property is acquired, the Land Conservancy will develop and manage the preserve according to the principles set forth by the Sustainable Sites Initiative, ensuring that the property, its habitats and the ecological services that it provides are protected for the foreseeable future. The Land Conservancy will ensure the economic sustainability of the project by creating a stewardship fund for ongoing operations and maintenance costs and a legal defense fund.
3. **Accessibility:** The proposed Stella Niagara Preserve will protect the existing scenic vistas of the Niagara River from the 1,309 foot Lower River Road property frontage, and will provide improved public access through new walking trails, a newly opened fishing access point, and canoe and kayak access.
4. **Ecological Integrity:** The Stella Niagara Preserve will protect an ecologically significant area of the Niagara River, including the 'Stella Drift' and other important aquatic and terrestrial habitats. This will help sustain the rare, threatened and endangered plant and animal species that exist there.
5. **Public Well-being:** The Stella Niagara Preserve will provide people with a health-improving connection to nature; the preserve will protect inspiring scenic vistas, allow for passive recreation on its nature trails, and provide recreational fishing access and canoe and kayak access on the Niagara River.
6. **Connections:** The proposed preserve will expand the region's protected riparian network and provide a critical link in a series of natural protected areas along the Niagara River that include Niagara Falls State Reservation, DeVaux Woods State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park. The preserve will offer a trail system that will connect with the proposed Lake-to-Lake trail along the Niagara River.
7. **Restoration:** The Stella Niagara Preserve will not only protect the ecological resources that already exist there, but will also include restoration of degraded habitats. An 18-acre portion of the site is currently managed as an open field; this project proposes an extensive grassland restoration of that area.
8. **Authenticity:** The preserve will protect and interpret the authentic natural and cultural history of the site. The Stella Niagara site has been home to the Sisters of St. Francis of Penance and Christian Charity since 1907. They support the proposed Stella Niagara Preserve as a way to continue to pay respect for the land and attention to its natural beauty, expressing the tradition of St. Francis of Assisi.
9. **Celebration:** Interpretative signage, educational events, and guided hikes at the Stella Niagara Preserve will celebrate the cultural and natural heritage of the site.
10. **Partnerships:** The Western New York Land Conservancy, a regional not-for-profit land trust, is committed to creating the Stella Niagara Preserve and maintaining it in perpetuity. The proposal is supported by the current property owners, the Sisters of St. Francis, various environmental organizations, community leaders, local and regional elected officials, and the DEC. The Town of Lewiston will provide in-kind maintenance of the preserve.
11. **Community-based:** The concept for the proposed Stella Niagara Preserve originated with the current property owners and the DEC, and will be advanced by the Land Conservancy, a regional land trust with deep ties in Niagara County and the rest of the region. The project is aligned with the Niagara River Remedial Action Plan (RAP), the New York State Open Space Plan, the Niagara Falls National Heritage Area Study, and the Town of Lewiston's Comprehensive Plan, all plans created with significant community input.

The proposed Stella Niagara Preserve achieves all of the goals of the Niagara River Greenway Plan:

1. **Improve Access:** The potential for private residential or commercial development on what will be the Stella Niagara Preserve threatens what has been historically an important Niagara River access point, both visually and physically. Currently, the site can only be accessed by the Sisters of St. Francis or their visitors. There is no public trail system. The proposed preserve will provide public walking trails, a fishing access point, and canoe and kayak access. New wayfinding signage will direct visitors and highlight the Niagara River Greenway.
2. **Make Connections:** The proposed preserve will expand the region's protected riparian network and provide a critical link in a series of natural protected areas that include Niagara Falls State Reservation, DeVaux Woods State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park. The preserve will offer a trail system that connects to the proposed Lake-to-Lake trail along the Niagara River once the Lake-to-Lake trail is established.
3. **Protect and Restore Environmental Systems:** The Niagara Escarpment Preserve will protect unique and threatened ecological resources, including critical riparian and offshore Niagara River habitat. These habitats support rare, threatened and endangered species like the Lake Sturgeon (threatened) and Ninebark (endangered) among others. The project also aims to restore an 18-acre open field to a natural grassland, thereby creating habitat for grassland-dependent species like the endangered Short-eared Owl.
4. **Celebrate History and Heritage:** As part of the Niagara County Historic Trail, the preserve will include interpretive signage and events that celebrate its long and important history. It was a canoe landing site for the region's Haudenosaunee peoples, is where the British landed in 1813 to invade the U.S., and is a nationally designated Peace Site. The storied chapel will be protected.
5. **Spark Revitalization and Renewal:** The Stella Niagara Preserve will contribute to an emerging natural and cultural heritage recreation and tourism industry in the Niagara region. The site is located along the Niagara County Historic Trail. Visitors following the Historic Trail will be attracted to the preserve's beauty, historic chapel, walking trails, fishing access, canoe and kayak access, and signage interpreting the site's cultural significance. The Stella Niagara Preserve will also increase the quality of life of residents and will likely increase nearby property values.
6. **Promote Long Term Sustainability:** Although the Stella Niagara Preserve will be a new nature preserve, the site is already an asset to the community. Its scenic vistas, and natural and cultural heritage will be protected, enhanced and maintained for future generations through this project. This exemplifies the goal of promoting long term sustainability of resources. The Land Conservancy will also seek funding for long term maintenance and operations costs.
7. **Extend Olmsted's Legacy:** Stella Niagara Preserve will help achieve Olmsted's vision of a necklace of open spaces along the length of the Niagara River.

And lastly, the proposed Stella Niagara Preserve project measures well in relation to the evaluative criteria established in the Niagara River Greenway Plan's "Action Plan."

1. **Consistency with Principles:** As noted already, the proposed project is guided by the same 11 principles that guide the Niagara River Greenway Plan.
2. **Priority Status:** The proposed Stella Niagara Preserve addresses most of the priorities in the Niagara River Greenway Plan: By creating a new walking trail system and opening fishing access and canoe and kayak access,, the project will **improve access to waterfront resources**; The new trail system at the Preserve can be connected to any future "Lake to Lake" trail implemented through Lewiston, **supporting the development of an integrated trail and park system**; The protection of important riparian and off-shore habitat, as well as grassland restoration work will

support the **restoration of the Niagara River ecosystem**; And new interpretive signage about the site's history, its cultural significance, and its ecological value will help with **interpretation and education about the region's cultural, natural and historic resources**.

3. Focus Area: The site is located within the Niagara River Greenway Focus Area along the Lower Niagara River, considered a priority area for the Greenway. The site is within a Niagara River Greenway Plan priority area for restoration. The property was also identified as an important fishing access site in the Plan.
4. Environmental Soundness: At the core of this project, the Stella Niagara Preserve will protect and restore the unique environmental heritage of the Niagara River. The preserve will be developed and operated to minimize potential negative impacts on the habitats and species that are sustained there; the walking trail system will be designed to protect sensitive habitat.
5. Implementable: The Stella Niagara Preserve has been well thought out and is implementable. The project has five phases; planning, acquisition, design, construction, and long term operations and maintenance. There is no requirement for review under the State Environmental Quality Review Act (SEQRA) and no permits are necessary for the grassland restoration or trail and signage construction.
6. Economic viability: The Stella Niagara Preserve is economically viable. Various potential funding sources have been identified to cover the total project cost. Both annual and long term maintenance and operations costs have been considered; long term maintenance and operations costs are included in the total project costs.
7. Local Sponsor or Partner: The Western New York Land Conservancy will be responsible for implementing each phase of project, including long-term maintenance and operations. The Town of Lewiston may provide in-kind maintenance.
8. Matching funds/ Leveraging: The Land Conservancy and Sisters of St. Francis have already spent and committed funding to the project's planning phase. The Land Conservancy is seeking matching / leverage funds from several sources. In March 2013, the Land Conservancy submitted a pre-proposal for the Habitat Enhancement and Restoration Fund (HERF). The Land Conservancy will apply for funding from several foundations as well as local, state and federal grants, and will also raise funds from private donors in the community.
9. Consideration of Other Planning Efforts: The project is consistent with local and regional planning documents. The project advances the Niagara River Remedial Action Plan (RAP), contributes to the de-listing of two Beneficial Use Impairments of the Niagara River Area of Concern (AOC), is aligned with the New York State Open Space Plan, supports the Niagara Falls National Heritage Area Study, and is supported by the Town of Lewiston's Comprehensive Plan. The Town of Lewiston does not have a Local Waterfront Revitalization Program and is outside of the Erie Canalway National Heritage Corridor.
10. Clear Benefits: The Stella Niagara Preserve offers clear benefits to the communities of Western New York, the Niagara River and the Niagara River Greenway and its vision. The preserve will protect and restore sensitive habitat along the river, it will improve public access, fishing access, and canoe and kayak access to the river, and it will interpret and celebrate the cultural and natural heritage of the site. If this project is not implemented, this important site will likely be lost forever to residential or commercial development.

5. Consistency with Other Laws and Regulations

The project is consistent with all other applicable laws and regulations. No permits are expected to be needed for this project; no permits are necessary for the grassland restoration or trail and signage construction, there will be no disturbance within 50 feet of the river, no trees will be removed, and no

threatened or endangered species will be negatively impacted. Since this project does not require a discretionary decision, such as a permit, license or other type of approval from a state or local agency, there is no requirement for review under the State Environmental Quality Review Act (SEQRA). The Town of Lewiston does not have a Local Waterfront Revitalization Program.

6. Matching Funds

The Land Conservancy is seeking funding from many sources. The Land Conservancy submitted a conceptual pre-proposal to the Habitat Enhancement and Restoration Fund (HERF) in March of 2013. In the proposal, the Land Conservancy requested \$3,115,840 for property acquisition, construction and operating and maintenance costs. No determination has yet been made regarding this pre-proposal.

The Land Conservancy will apply for funding from other regional, statewide, and national sources, including the John R. Oishei Foundation, the Community Foundation for Greater Buffalo, the Hahn Family Foundation, the NOAA Great Lakes Restoration Initiative, the Great Lakes Area of Concern Land Acquisition fund, and the Niagara County Host Community Standing Committee. The Land Conservancy will also raise funds from private donors in the community. The Land Conservancy is currently seeking a seed grant to fund an additional \$25,000 of staff time to complete the planning phase of the project. The Land Conservancy has pursued several other grant opportunities that were ultimately not applicable, including a National Coastal Wetlands Grant and a North American Wetland Conservation Act (NAWCA) grant.

The Land Conservancy and the Sisters of St. Francis have already spent significant hours of staff time in planning for the project. The Sisters of St. Francis have also allocated \$1,800 to complete an additional appraisal of the property. As noted in Attachment 3, Operation and Maintenance Plan, the Town of Lewiston may provide in-kind maintenance, including mowing and trail up-keep.

7. Required Greenway Funds Statement

Greenway funds requested 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. Current and Proposed Land Ownership

The Sisters of St. Francis own 130 acres at 4421 Lower River Road, Stella Niagara, in the Town of Lewiston. The Land Conservancy will purchase and own a 29-acre portion—the portion between Lower River Road and the Niagara River—of the 130-acre property.

9. Project Budget and Cash Flow

Budget Summary

Planning	\$25,000
Construction	\$223,124
Acquisition	\$2,310,185
Administration	\$20,000
Operation and Maintenance / Year	\$29,633 annual; not included in total project cost (\$592,650 to cover the annual costs in perpetuity, assuming 5% rate of return; included in total project cost)
TOTAL PROJECT COST	\$3,170,959

A description of each budget item is below:

- **Planning:** Total planning costs are estimated to be \$25,000. Planning costs include: project development, stakeholder meetings and coordination, grant writing and other fundraising methods.
- **Construction:** Total construction costs are estimated to be \$223,124. These costs are related to enhancing the property and promoting it to the public. Specific construction costs include: pathway development, site design, grassland restoration, and signage design and construction. (A submitted proposal for the 18 acres of grassland restoration estimates that the work will cost \$179,100 or \$9,950 per acre.)
- **Acquisition:** Total acquisition costs are estimated to be \$2,310,185. Acquisition costs include: the purchase of the property with an initial appraisal value of \$2,250,000, an additional appraisal, attorney's fees, filing / recording fees, a transfer tax, updated title search and insurance, a survey, an environmental review, a baseline documentation report, a legal defense fund, the project celebration, and staff travel time.²
- **Administration:** Total administration costs are estimated to be \$20,000. Administration costs include project and grant management.
- **Operation and Maintenance / Year:** Total annual operation and maintenance costs are estimated to be \$29,633 and include: special district property taxes, insurance, time and materials for maintenance, capital replacements and improvements, additional staff time, and travel. The total project cost does not include the annual operation and maintenance costs. Instead, it includes \$592,650, the amount needed to establish a stewardship fund to cover the annual costs in perpetuity, assuming a 5% annual return.

² The Land Conservancy is asking the Greenway Ecological Fund Standing Committee for \$500,000 in 2013 to help create the Stella Niagara Preserve. This money will be used for property acquisition. However, in accordance with Greenway Ecological Fund Standing Committee guidelines, none of the awarded funds will be used for staff travel time or the creation of a legal defense fund.

Project Schedule

Phase 1: Planning – March 2013 through September 2014

The planning phase includes:

- Stakeholder meetings and coordination - as needed throughout
- Grant writing and other fundraising methods - as needed throughout
 - HERF – March 2013
 - NRG Commission Consultation and Review – May 2013
 - NRG Ecological Fund Standing Committee – June 2013
 - Hahn Family Foundation – Summer 2013
 - NRG Niagara County Host Community Standing Committee – Summer 2013
 - NOAA Great Lakes Restoration Initiative (GLRI) – to be determined
 - Great Lakes Area of Concern Land Acquisition – to be determined
 - Community Foundation for Greater Buffalo – to be determined
 - John R. Oishei Foundation – to be determined
 - Private Donors - Ongoing
- Additional appraisal (included in Acquisition costs) – Summer 2013
- An updated title search (included in Acquisition costs) – Fall 2014
- A property survey, an environmental review, and a baseline documentation report (included in Acquisition costs) – Fall 2014

Phase 2: Acquisition – October 2014 through December 2014

The acquisition phase includes:

- Purchase of property – End of December 2014

Phase 3: Design – January 2015 through March 2015

The Design phase includes:

- Site Design (grassland restoration, walking trails, fishing access, canoe and kayak access, signage locations) – January 2015
- Signage Design (wayfinding and interpretive signs) – March 2015

Phase 4: Construction – April 2015 through August 2015

The Construction phase includes:

- Grassland restoration – April 2015
- Walking trails, fishing access, canoe and kayak access, and signage – June 2015
- Project celebration (included in Acquisition costs) – August 2015

Phase 5: Continued Operations and Maintenance – September 2015 onward

10. Letters of Support

We have received and included the following letters of support:

- Sister Edith Wyss, OSF, Provincial Minister of the Sisters of St. Francis: Current property owner support.
- Steven L. Reiter, Supervisor, Town of Lewiston: Local government endorsement.

- William L. Ross, Chairman of the Niagara County Legislature: County government endorsement.
- Senator George D. Maziarz, Vice President Pro Tempore, (R) 62nd Senate District NYS: State Senate representative support.
- Paul McKeown, Supervisor of Natural Resources, NYS DEC Region 9: State environmental regulatory agency support.
- Paul Jackson, President of the Niagara River Anglers Association: Regional recreational fishing organization support.
- Loren Smith, Executive Director, Buffalo Audubon Society: Niagara River Important Bird Area (IBA) / Regional environmental organization support.



SISTERS OF ST. FRANCIS
4421 Lower River Road
Stella Niagara, New York 14144

Provincial Offices

Charism Statement

*Like Francis of Assisi and Magdalen Damen,
we trust God's goodness and providence,
living the gospel in our time with gentle courtesy toward all creation.*

Phone: (716) 754-4312 Ext. 9740#
Fax: (716) 754-7657

E-Mail: wyssof@franciscans-stella-niagara.org

May 13, 2013

Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue,

As the current owners of the property located at 4421 Lower River Road, Stella Niagara, New York (SBL #87.00-1-28.1), the Sisters of St. Francis of Holy Name Province, Inc. fully support the Western New York Land Conservancy's efforts to create the Stella Niagara Preserve. Through the Land Conservancy's purchase of approximately 29 acres of the 130-acre property, as well as habitat restoration and continued stewardship, we will be able to achieve a shared goal; protecting this ecologically, culturally, and spiritually uplifting place along the Niagara River in perpetuity.

As an international congregation, the Sisters of St. Francis of Penance and Christian Charity was founded in 1835 in the Netherlands by Mother Magdalen (Catherine) Damen. The presence of our congregation in the United States dates from 1874, when the first three missionary sisters, accompanied by General Superior Mother Aloysia Lenders, arrived in Buffalo, New York. In 1908, after the Sisters of St. Francis had been living in Buffalo for over 25 years, some moved north to Lewiston along the banks of the Niagara River; we have been the stewards of Stella Niagara since that time.

Respect for the land and attention to its beauty as a reflection of the Creator expresses the tradition of St. Francis of Assisi. Although we would prefer that much of Stella Niagara remain open space, economic realities could force us to sell parts for development. We have already had the property surveyed and appraised. To prevent this important Niagara River land from being lost to development, and in keeping with our belief that the beauty of this land should be shared with others, we have asked the Land Conservancy to help us create the Stella Niagara Preserve. We ask that the Niagara River Greenway Commission support this project as well.

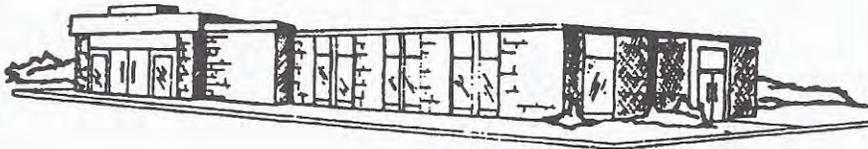
Peace and all good,

Sister Edith Wyss, OSF
Provincial Minister

EW:cr

Town of Lewiston

P.O. Box 330
1375 Ridge Road
Lewiston, New York 14092
Phone: (716) 754-8213 or 754-8214
Fax: (716) 754-2821



SUPERVISOR

Steven Reiter

DEPUTY SUPERVISOR

Gary Catlin

COUNCIL MEMBERS

Alfonso M. Bax
Michael J. Marra
Ernest C. Palmer
Ronald R. Winkley

TOWN CLERK

Carol J. Brandon
Box 330
Lewiston, NY 14092

RECEIVER OF TAXES

Joan Brandel Stephens
Box 109
Model City, NY 14107

HIGHWAY

Supt. Douglas Janese
1445 Swann Road
Lewiston, NY 14092
754-8218

TOWN JUSTICES

Thomas J. Sheeran
Hugh C. Gee

ASSESSOR

Linda E. Johnson
Box 330
Lewiston, NY 14092

ATTORNEY

Michael Dowd
920 Center Street
Lewiston NY 14092
754-7865

Mark Davis

mdavis@websterszanyi.com
842-2800

BUILDING INSPECTOR PLANNING-ZONING

Timothy R. Masters
754-8213

CHIEF OF POLICE

Christopher P. Salada
4059 Creek Road
Youngstown, NY 14174
754-8477

LWPCC

CHIEF OPERATOR

Jeffrey Ritter
501 Pletcher Road
Lewiston, NY 14092
754-8291

WATER DEPARTMENT

Box 109
Model City, NY 14107
754-8213

SENIOR SERVICES

Jeanette L. Collesano
4361 Lower River Road
Youngstown, NY 14174
754-2071

May 20, 2013

Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue:

The Town of Lewiston wholeheartedly endorses the creation of the Stella Niagara Preserve along the Niagara River. The current property owners, the Sisters of St. Francis, have enriched our community for generations and have long been good citizens of our town. We support the acquisition of the 29 acres at 4421 Lower River Road by the Western New York Land Conservancy. It will help the Sisters of St. Francis achieve their goal of protecting the cultural and natural value of their property for generations to come.

The project is in keeping with the Town of Lewiston's Comprehensive Plan, adopted in 2000 and updated in 2011. The plan recognizes that its river frontage contributes to the town's character, and states that "scenic, environmental and aesthetic qualities of the coastal zone along the Niagara River should be protected." The Stella Niagara Preserve will do just that.

At this time there is a critical moment in the development of the Town of Lewiston. Our community is an attractive one, with new parks, business, and people each year. The actions we take, like the Stella Niagara property, will dictate how our community will look in the future. We have an opportunity to create a more prosperous and healthy region. Please endorse the proposal to create the Stella Niagara Preserve in our town.

Sincerely,

Steven L. Reiter
Supervisor, Town of Lewiston



NIAGARA COUNTY LEGISLATURE
NIAGARA COUNTY COURTHOUSE
175 HAWLEY STREET
LOCKPORT, NY 14094-2740

WILLIAM L. ROSS

Chairman

MARY JO TAMBURLIN

Clerk

(716) 439-7000

(716) 439-7124 Fax

May 30, 2013

Tim DePriest
Chair, Greenway Ecological Fund Standing Ccmmittee
NYS DEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

Dear Mr. DePriest,

Niagara County fully supports creating the Stella Niagara Preserve on the Niagara River in the Town of Lewiston. Protecting and improving public access to our important cultural and environmental resources is good for the quality of life of our region. Increasing recreational oppotunities and tourism destinations along the Niagara River is good for our economy. By transforming an important but threatened property along the Niagara River into a world class, publically accessible nature preserve, this project will achieve all of this.

Niagara County is one of many participants in a broad-based, collaborative effort working to build a more prosperous Buffalo Niagara Region, known as One Region Forward. The One Region Forward process is addressing parks and open spaces, land use, transportation, food access, and many other important issues in the region. At the heart of this effort is the need to build upon our existing assets while thinking long into the future. The proposed Stella Niagara Preserve embodies these values. The Stella Niagara Preserve will be the first not-for-profit owned and operated publically accessible nature preserve along the Niagara River. It will be a perfect example of how public-private partnerships can provide high quality public open spaces without burdening local, county, or state governments with new costs.

What's more, the Western New York Land Conservancy has ensured that this project is supported by many stakeholders, including the current land owners, the Town of Lewiston, the New York State Department of Environmental Conservation (DEC), the state Senate representative, and regional environmental organizations. We hope that you will support the proposed Stella Niagara Preserve, like they have and like we have.

Sincerely,

William L. Ross
Chairman, Niagara County Legislature

THE SENATE
STATE OF NEW YORK



GEORGE D. MAZIARZ
Senator, 62nd District

ALBANY OFFICE:
ROOM 708
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
(518) 455-2024
FAX: (518) 426-6987

DISTRICT OFFICE:
175 WALNUT STREET
SUITE 6
LOCKPORT, NY 14094
(716) 434-0680
FAX: (716) 434-3297

E-MAIL ADDRESS:
maziarz@nysenate.gov

VICE PRESIDENT PRO TEMPORE
CHAIRMAN
ENERGY & TELECOMMUNICATIONS
COMMITTEE MEMBER
CONSUMER PROTECTION
CRIME VICTIMS, CRIME & CORRECTION
EDUCATION
ENVIRONMENTAL CONSERVATION
HIGHER EDUCATION
RULES
TRANSPORTATION

May 20, 2013

Rob Belue
Niagara River Greenway Commission
2136 W. Oakfield Rd.
Grand Island, NY 14072

Dear Mr. Belue:

It is my great pleasure to offer this letter in support of the collaboration between the Sisters of St. Francis and the Western New York Land Conservancy to create the Stella Niagara Preserve, a proposed privately-owned and protected natural area along the Niagara River in the Town of Lewiston. This project will help improve the region's quality of life and preserve our unique cultural and natural heritage.

The Land Conservancy serves as a community leader in preserving and protecting our natural assets for public enrichment today and for generations to come. In my Senate District, they have already protected hundreds of acres of farms, forests, and scenic vistas. They have recently begun working to protect critically important land along the Niagara Escarpment in Niagara County. The people I represent trust the Land Conservancy to be good stewards of the land.

The proposed project advances the Niagara River Remedial Action Plan (RAP), which will contribute to the de-listing of two Beneficial Use Impairments of the Niagara River Area of Concern, and is aligned with the New York State Open Space Plan. The project is also a perfect opportunity for the Niagara River Greenway to fulfill its vision of being a world-class corridor of places and landscapes along the Niagara River. Funding from the New York Power Authority relicensing agreement will make it possible for the Land Conservancy to acquire the site from the Sisters of St. Francis and create the preserve.

Thank you very much for your consideration of this proposal.

Sincerely,

George D. Maziarz
Senator, 62nd District

New York State Department of Environmental Conservation

Division of Fish, Wildlife and Marine Resources, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

Phone: (716) 851-7010 • Fax: (716) 851-7053

Website: www.dec.ny.gov



Joe Martens
Commissioner

May 7, 2013

Ms. Nancy Smith
Executive Director
Western New York Land Conservancy
PO Box 471
East Aurora, NY 14052-0471

RE: Support for the acquisition of Stella Niagara property

Dear Ms. Smith,

I am writing you to express the support of the New York State Department of Environmental Conservation (DEC), Region 9 toward your effort to acquire the parcel of land owned by the Sisters of St. Francis and located between River Road and the Niagara River in the Town of Lewiston, NY, commonly known as "Stella Niagara".

DEC considers this parcel of land as having high conservation value due to the presence of high quality habitat for fish and wildlife combined with the geographic location of the property along the Niagara River. The long-term preservation of the habitat on the site will certainly help ensure the continued existence of native aquatic and terrestrial communities that are important to the ecological integrity of the region. DEC also supports increasing public access to the property for activities that are compatible with the conservation of the natural resources of the site.

Good luck with your acquisition project as it moves forward and please let me know if there is anything that DEC can do to assist in your efforts.

Sincerely,

Paul McKeown
Supervisor of Natural Resources, NYS DEC Region 9



NIAGARA RIVER ANGLERS ASSOCIATION INC.

P.O. BOX 203 LASALLE STATION, NIAGARA FALLS N.Y. 14304

E-Mail: NIANGLERS@aol.com

"Established 1982"

May 28, 2013

Tim DePriest
Chair, Greenway Ecological Fund Standing Committee
NYS DEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

Dear Mr. DePriest,

The Niagara River Anglers Association (NRAA) supports the proposed Stella Niagara Preserve and the new public fishing access that the preserve will provide. The NRAA is a not-for-profit organization, based in Niagara Falls, NY. We bring together people with one common interest; to help provide better opportunities for fishermen using the Niagara River. We have a more than thirty-year history and our membership levels stay up and over 600 each year. We also manage a wilderness preserve in Youngstown where our members have access to fishing ponds and camping areas.

Through our work we promote recreation, conservation, and education. Our region is teeming with great fishing opportunities, and the Niagara River is home to many of the best in the world. The Stella Niagara site is home to the 'Stella Drift', a shallow shoal in the Niagara River whose currents make for ideal fish spawning conditions and also make for great fishing. The Stella Niagara Preserve will protect this site, maintain habitat for rare species like the Lake Sturgeon, and will provide spectacular fishing access to the public. Without the preserve, the site is likely to be developed, harming important habitat and making public access and fishing access unlikely.

We cannot afford to lose a site as special as Stella Niagara. Our members and other fishermen in the region ask you to please support the proposed Stella Niagara Preserve. We—and the fish that live there—will be grateful when this place is forever conserved.

Sincerely,

Paul Jackson
President, Niagara River Anglers Association

"Dedicated to a Clean Environment, Education and The Preservation Of Wildlife"

BUFFALO AUDUBON SOCIETY, INC.

A CHAPTER OF THE NATIONAL AUDUBON SOCIETY EVENTS ON LINE AT WWW.BUFFALOAUDUBON.ORG

1610 WELCH ROAD, NORTH JAVA, NEW YORK 14113 (585) 457-3228 (800) 377-1520 FAX: (585) 457-1378



est. 1909

May 10, 2013

Mr. Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue,

The Buffalo Audubon Society is pleased to support the creation of the Stella Niagara Preserve. The Society promotes the appreciation and enjoyment of the natural world through education and stewardship. We focus on Western New York and the Great Lakes region and are one of National Audubon Society's most active local chapters, with nearly 3,000 members and 120 volunteers. We offer people of all ages and abilities a wide variety of hands-on natural history programs. Each year, we provide enriching educational trips, camps, and tours to over 20,000 schoolchildren and more than 2,000 adults. To do our work, we need natural places like this one along the Niagara River.

The entire Niagara River is internationally designated as a globally significant Important Bird Area (IBA). The river supports one of the largest and most diverse concentrations of gulls in the world, with over 19 species recorded (60% of all New World gull species). On good days, observers can see more than 100,000 individuals along the river during fall and early winter. Over 20 species of waterfowl are represented here, and populations exceed 20,000 individuals during the fall and winter. The Niagara River also supports several protected species, including the Bald Eagle and the Common Tern. Open spaces along the Niagara River shoreline, like the proposed Stella Niagara Preserve, are critically important for the survival of these bird species.

Each year, more and more natural areas along the Niagara River are lost to development. The high appraisal value of this property is due to its attractiveness for development. The thought of having residential or commercial buildings on this part of Stella Niagara, the third largest privately-owned river frontage in Niagara County, is a scary one. While the negative consequences of losing the site would be immediate, the positive impacts of protecting it, restoring it, and maintaining it would be enduring. We ask that you please support the Land Conservancy's proposal to protect this land in perpetuity.

Sincerely,

Loren H. Smith, Ph.D.
Executive Director

11. Photos



View of the property looking west from Lower River Road.



View of the property looking southwest from Lower River Road.



View from the property looking east towards Lower River Road.



Photo of the property's gravel road leading from Lower River Road towards the Niagara River.



Photo of a former boat landing at the northwest corner of the property.



View of the western river edge of the property looking south.



Chapel located at the southwestern corner of the property.



Historic marker located on the property along Lower River Road.



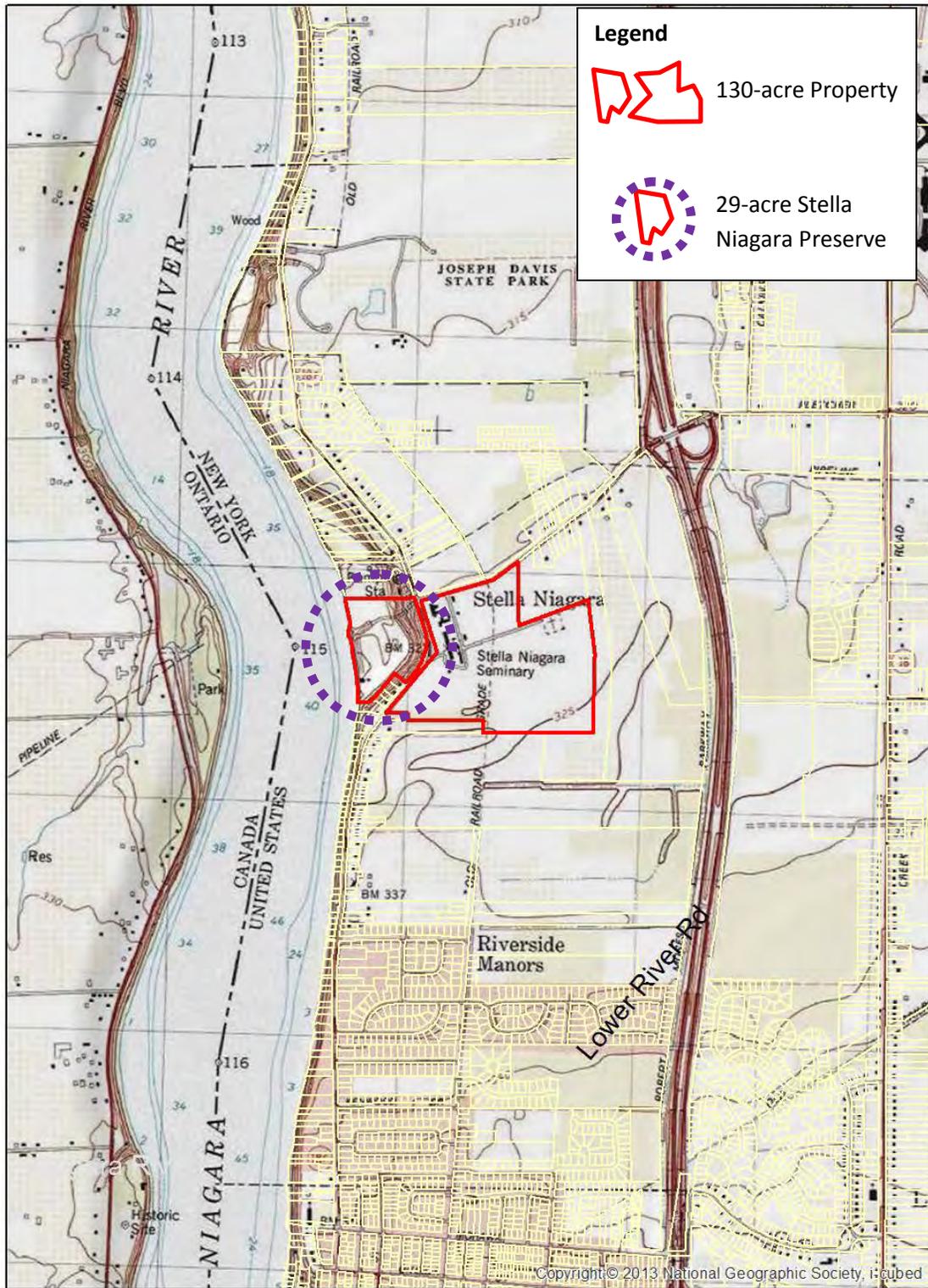
Large oak tree overlooking the Niagara River located on the western edge of the property.

12. Maps

Regional Location Map



1:24,000 Scale Planimetric Property Map



1:24,000

0

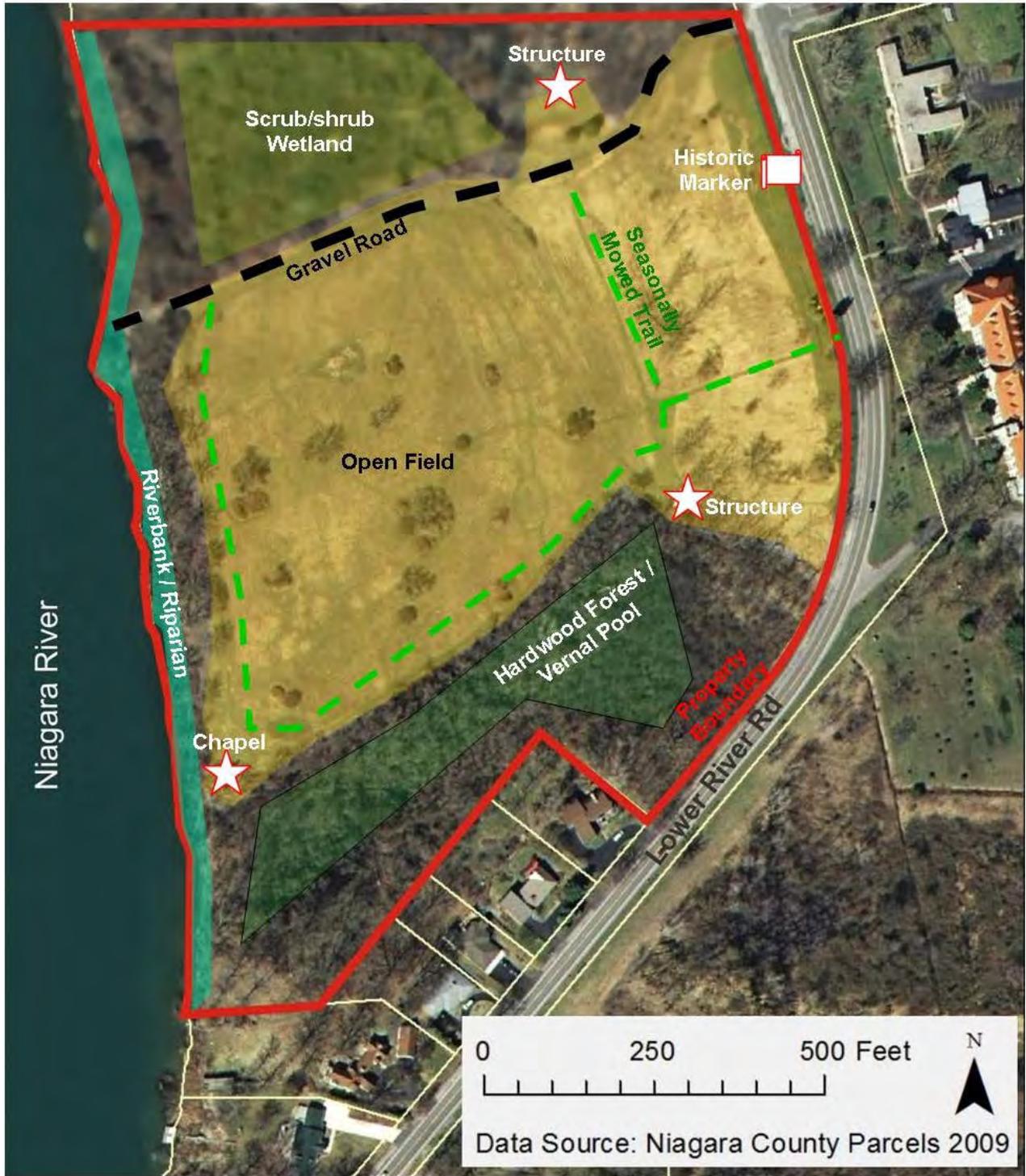
0.5

1 Miles

Data Source: Niagara County Parcels 2009

USA Topo Maps from ERSI 2012





13. Tax Exempt Status

 **IRS** Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248467579
Dec. 13, 2012 LTR 4168C E0
22-3160426 000000 00
00018662
BODC: TE

WESTERN NEW YORK LAND CONSERVANCY
INC
PO BOX 471
E AURORA NY 14052



002330

Employer Identification Number: 22-3160426
Person to Contact: Mr Gerding
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Dec. 04, 2012, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in April 1992.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

14. Application Submitted to the Niagara River Greenway Commission



May 21, 2013

Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue,

The Western New York Land Conservancy is submitting the "Stella Niagara Preserve" project proposal for the May 21, 2013 Niagara River Greenway Commission Consultation and Review. The Land Conservancy, a regional not-for-profit land trust, proposes to create the Stella Niagara Preserve, the first nature preserve along the Niagara River to be owned and operated by a not-for-profit organization. The Land Conservancy will purchase a 29-acre portion of a 130-acre property currently owned by the Sisters of St. Francis located in the Town of Lewiston. The Land Conservancy will open the property to public access, develop a trail system, provide new fishing access, place wayfinding and interpretive signage, restore 18 acres of grassland habitat, hold events and hikes there, and continue stewardship of the property.

This project submission includes three printed versions and one electronic version of the completed sets of documentation. The submission also includes letters of support from: the Sisters of St. Francis, the current property owner; Steven L. Reiter, the Supervisor of the Town of Lewiston; Senator George D. Mazarz, the New York State Senate representative; Paul McKeown, the Supervisor of Natural Resources from the NYS DEC Region 9; and Loren Smith, the Executive Director of the Buffalo Audubon Society.

The 29-acre site has 1,474 feet of Niagara River shoreline—the third longest privately owned river frontage in Niagara County—and is one of the few undeveloped privately owned tracts of land along the river. It has incredible ecological value, cultural value, and is ideal for public access. What's more, this project is urgent. The current owners, the Sisters of St. Francis, would prefer that this portion of Stella Niagara remain open space, but economic realities could force them to sell this land for development soon. They have already had the property surveyed and appraised. The Sisters of St. Francis are working directly with the Land Conservancy to ensure that this site is protected for generations to come.

Thank you for your consideration of this project.

Sincerely,

A handwritten signature in black ink that reads "Nancy Smith". The signature is written in a cursive, flowing style.

Nancy Smith
Executive Director

THE STELLA NIAGARA PRESERVE

Prepared for:



**NIAGARA RIVER GREENWAY COMMISSION
Project Consultation and Review**



Prepared by:

Western New York Land Conservancy

May 21, 2013

Project Registration Number _____

***Niagara River Greenway Commission
Consultation and Review Form***

Type of Review Required:

Mandatory Consultation
 Voluntary Review and/or Endorsement

PROJECT SPONSOR INFORMATION

Name: Western New York Land Conservancy
Mailing Address: P.O Box 471, East Aurora, NY
State: New York
Zip Code: 14052-0471
Federal Id#: 22 - 3160426
Charities Registration # 05-27-68

PROJECT TYPE

Check all that apply: Environmental Cultural/Heritage Land or Water Public Access
 Cultural Trail Educational/Interpretive
 Waterfront or Land Based Development Signage
 Recreational Other

Project Name: Stella Niagara Preserve

Location: Stella Niagara

Site Address: 4421 Lower River Road, Stella Niagara

State: New York Zip Code: 14144

Minor Civil Division(s): Town of Lewiston

County: Niagara

Project Proponent Property Interest (own, lease, easement or other): The current owner of the property at 4421 Lower River Road in Stella Niagara (sbl# 87.00-1-28.1) is the Sisters of St. Francis. The Western New York Land Conservancy, a regional not-for-profit land trust, seeks to purchase 29 acres of the 130-acre property. (See Attachment 1: Letters of Support, and Attachment 6: Tax Exempt Status)

AUTHORIZED OFFICIAL

Name: Nancy Smith

Title: Executive Director, Western New York Land Conservancy

Business Address: P.O Box 471, East Aurora

State: New York

Zip Code: 14052-0471

Telephone Number: (716) 687-1225

Cell Number: (716) 432-1777

Fax Number: None

E-Mail Address: nancyrs@wnylc.org

PROJECT POINT OF CONTACT

(same as authorized official)

Name: Nancy Smith

Title: Executive Director

Organization / Firm: Western New York Land Conservancy

Business Address: P.O Box 471, East Aurora

State: New York

Zip Code: 14052-0471

Telephone Number: (716) 687-1225

Cell Number: (716) 432-1777

Fax Number: None

E-Mail Address: nancyrs@wnylc.org

PROJECT NARRATIVE: STELLA NIAGARA PRESERVE

1: PROJECT NARRATIVE

The Western New York Land Conservancy, a regional not-for-profit land trust, proposes to create the Stella Niagara Preserve, the first nature preserve along the Niagara River to be owned and operated by a not-for-profit organization. The Land Conservancy will purchase a 29-acre portion of a 130-acre property currently owned by the Sisters of St. Francis located in the Town of Lewiston. The Land Conservancy will open the property to public access, develop a trail system, provide new fishing access, place wayfinding and interpretive signage, restore 18 acres of grassland habitat, hold events and hikes there, and continue stewardship of the property. The acquisition is expected to be complete by the end of 2014, while the trails, fishing access, signage, and grassland restoration will be complete by the fall of 2015. The Land Conservancy will be responsible for all phases of this project, but will hire contractors for the restoration work and will collaborate with the current property owners, adjacent residents, and local and state agencies.

The 29-acre site has 1,474 feet of Niagara River shoreline—the third longest privately owned river frontage in Niagara County—and is one of the few undeveloped privately owned tracts of land along the river. It has incredible ecological value; it is part of an internationally designated globally significant Important Bird Area and sustains rare, threatened and endangered plants and animals. The Stella Niagara property has habitat of such diversity and quality—including a shallow off-shore shoal and large riparian zone—that it was placed on the Niagara River Area of Concern priority habitat list in 2012, making it an international priority for protection. It is also culturally significant; it was an important canoe landing site for the region’s native peoples, is where the British landed in 1813 to invade the U.S., is a nationally designated Peace Site, and is part of the Niagara County Historic Trail. The chapel on the property famously survived a flood caused by an ice jam on the Niagara River in the 1950s. Because of the property’s gentle slope down to the river, it is one of the few natural landing sites on the Lower Niagara. The shallow off-shore shoal, known locally as the ‘Stella Drift,’ creates ideal conditions for fishing. Considering these factors, the site is ideal for public access.

The proposed Stella Niagara Preserve will protect and improve those critical habitats, celebrate those important natural and cultural resources, and improve Niagara River access. It will also fulfill the goals of the Niagara River Greenway and Olmsted’s original vision of a necklace of open spaces along the length of the Niagara River. This public private partnership—with a not-for-profit taking the lead and committing to long-term legal and financial responsibility for the preserve—will be a model for creating new, high quality public spaces along the Niagara River Greenway without burdening public agencies with increased costs.

What’s more, this project is urgent. The current owners, the Sisters of St. Francis, would prefer that this portion of Stella Niagara remain open space, but economic realities could force them to sell this land for development soon. They have already had the property surveyed and appraised. The Sisters of St. Francis are working directly with the Land Conservancy to ensure that this site is protected for generations to come.

2: CONSISTENCY WITH THE NIAGARA RIVER GREENWAY PLAN

The proposed Stella Niagara Preserve is well-aligned with the Niagara River Greenway Plan and will help achieve the vision for the Greenway. As a 29-acre nature preserve with public trails and fishing, it will

enhance the world-class “corridor of places, parks and landscapes” that already exists, providing “access to and connections between” a series of natural protected areas along the Niagara River. Through signage and events, the Stella Niagara Preserve will allow us to celebrate and interpret the “natural, cultural, recreational, scenic and heritage resources” that make this place so unique.

The proposed Stella Niagara Preserve is guided by the same principles as those of the Niagara River Greenway:

1. **Excellence:** In the 22 year history of the Land Conservancy we have preserved and protected over 5,000 acres of land, including farms, forests and scenic vistas. Of our over 60 protected properties, six are publicly accessible nature preserves. In all of this work, the Land Conservancy has adopted and strives to exceed the Standards and Practices set forth by the Land Trust Alliance, a national conservation organization that establishes best practices for regional land trusts. Furthermore, development and management of the Stella Niagara Preserve will be guided by the principles of the Sustainable Sites Initiative, the new standard for excellence in sustainable land practices. The initiative is an environmental performance-based rating system that rewards projects that protect and restore the natural systems that clean air and water, regulate climate, and benefit human health.
2. **Sustainability:** After the property is acquired, the Land Conservancy will develop and manage the preserve according to the principles set forth by the Sustainable Sites Initiative, ensuring that the property, its habitats and the ecological services that it provides are protected for the foreseeable future. The Land Conservancy will ensure the economic sustainability of the project by creating a stewardship fund for ongoing operations and maintenance costs and a legal defense fund.
3. **Accessibility:** The proposed Stella Niagara Preserve will protect the existing scenic vistas of the Niagara River from the 1,309 foot Lower River Road property frontage, and will provide improved public access through new trails and a newly opened fishing access point.
4. **Ecological Integrity:** The Stella Niagara Preserve will protect an ecologically significant area of the Niagara River, including the ‘Stella Drift’ and other important aquatic and terrestrial habitats. This will help sustain the rare, threatened and endangered plant and animal species that exist there.
5. **Public Well-being:** The Stella Niagara Preserve will provide people with a health-improving connection to nature; the preserve will protect inspiring scenic vistas, allow for passive recreation on its nature trails, and provide recreational fishing access on the Niagara River.
6. **Connections:** The proposed preserve will expand the region’s protected riparian network and provide a critical link in a series of natural protected areas along the Niagara River that include Niagara Falls State Reservation, DeVaux Woods State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park. The preserve will offer a trail system that will connect with the proposed Lake-to-Lake trail along the Niagara River.
7. **Restoration:** The Stella Niagara Preserve will not only protect the ecological resources that already exist there, but will also include restoration of degraded habitats. An 18-acre portion of the site is currently managed as an open field; this project proposes an extensive grassland restoration of that area.
8. **Authenticity:** The preserve will protect and interpret the authentic natural and cultural history of the site. The Stella Niagara site has been home to the Sisters of St. Francis of Penance and Christian Charity since 1907. They support the proposed Stella Niagara Preserve as a way to continue to pay respect for the land and attention to its natural beauty, expressing the tradition of St. Francis of Assisi.

9. Celebration: Interpretative signage, educational events, and guided hikes at the Stella Niagara Preserve will celebrate the cultural and natural heritage of the site.
10. Partnerships: The Western New York Land Conservancy, a regional not-for-profit land trust, is committed to creating the Stella Niagara Preserve and maintaining it in perpetuity. The proposal is supported by the current property owners, the Sisters of St. Francis, various environmental organizations, community leaders, local and regional elected officials, and the New York State Department of Environmental Conservation (DEC). The Town of Lewiston will provide in-kind maintenance of the preserve.
11. Community-based: The concept for the proposed Stella Niagara Preserve originated with the current property owners and the NYS DEC, and will be advanced by the Land Conservancy, a regional land trust with deep ties in Niagara County and the rest of the region. The project is aligned with the Niagara River Remedial Action Plan (RAP), the New York State Open Space Plan, the Niagara Falls National Heritage Area Study, and the Town of Lewiston's Comprehensive Plan, all plans created with significant community input.

The proposed Stella Niagara Preserve achieves all of the goals of the Niagara River Greenway Plan:

1. Improve Access: The potential for private residential or commercial development on what will be the Stella Niagara Preserve threatens what has been historically an important Niagara River access point, both visually and physically. Currently, the site can only be accessed by the Sisters of St. Francis or their visitors. There is no public trail system. The proposed preserve will provide public trails and a fishing access point. New wayfinding signage will direct visitors and highlight the Niagara River Greenway.
2. Make Connections: The proposed preserve will expand the region's protected riparian network and provide a critical link in a series of natural protected areas that include Niagara Falls State Reservation, DeVaux Woods State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park. The preserve will offer a trail system that connects to the proposed Lake-to-Lake trail along the Niagara River once the Lake-to-Lake trail is established.
3. Protect and Restore Environmental Systems: The Niagara Escarpment Preserve will protect unique and threatened ecological resources, including critical riparian and offshore Niagara River habitat. These habitats support rare, threatened and endangered species like the Lake Sturgeon (threatened) and Ninebark (endangered) among others. The project also aims to restore an 18-acre open field to a natural grassland, thereby creating habitat for grassland-dependent species like the endangered Short-eared Owl.
4. Celebrate History and Heritage: As part of the Niagara County Historic Trail, the preserve will include interpretive signage and events that celebrate its long and important history. It was a significant canoe landing site for the region's native peoples, is where the British landed in 1813 to invade the U.S., and is a nationally designated Peace Site. The storied chapel will be protected and house public events.
5. Spark Revitalization and Renewal: The Stella Niagara Preserve will contribute to an emerging natural and cultural heritage recreation and tourism industry in the Niagara region. The site is located along the Niagara County Historic Trail. Visitors following the Historic Trail will be attracted to the preserve's beauty, historic chapel, walking trails, fishing access, and signage interpreting the site's cultural significance. The Stella Niagara Preserve will also increase the quality of life of residents and will likely increase nearby property values.
6. Promote Long Term Sustainability: Although the Stella Niagara Preserve will be a new nature preserve, the site is already an asset to the community. Its scenic vistas, and natural and cultural heritage will be protected, enhanced and maintained for future generations through this

project. This exemplifies the goal of promoting long term sustainability of resources. The Land Conservancy will also seek funding for long term maintenance and operations costs.

7. Extend Olmsted's Legacy: Stella Niagara Preserve will help achieve Olmsted's vision of a necklace of open spaces along the length of the Niagara River.

And lastly, the proposed Stella Niagara Preserve project measures well in relation to the evaluative criteria established in the Niagara River Greenway Plan's "Action Plan."

1. Consistency with Principles: As noted already, the proposed project is guided by the same 11 principles that guide the Niagara River Greenway Plan.
2. Priority Status: The proposed Stella Niagara Preserve addresses most of the priorities in the Niagara River Greenway Plan: By creating a new trail system and opening fishing access, the project will **improve access to waterfront resources**; The new trail system at the Preserve can be connected to any future "Lake to Lake" trail implemented through Lewiston, **supporting the development of an integrated trail and park system**; The protection of important riparian and off-shore habitat, as well as grassland restoration work will support the **restoration of the Niagara River ecosystem**; And new interpretive signage about the site's history, its cultural significance, and its ecological value will help with **interpretation and education about the region's cultural, natural and historic resources**.
3. Focus Area: The site is located within the Niagara River Greenway Focus Area along the Lower Niagara River, considered a priority area for the Greenway. The site is within a Niagara River Greenway Plan priority area for restoration. The property was also identified as an important fishing access site in the Plan.
4. Environmental Soundness: At the core of this project, the Stella Niagara Preserve will protect and restore the unique environmental heritage of the Niagara River. The preserve will be developed and operated to minimize potential negative impacts on the habitats and species that are sustained there; the trail system will be designed to protect sensitive habitat.
5. Implementable: The Stella Niagara Preserve has been well thought out and is easily implementable. The project has five phases; planning, acquisition, design, construction, and long term operations and maintenance. There is no requirement for review under the State Environmental Quality Review Act (SEQRA) and no permits are necessary for the grassland restoration or trail and signage construction.
6. Economic viability: The Stella Niagara Preserve is economically viable. Various potential funding sources have been identified to cover the total project cost. Both annual and long term maintenance and operations costs have been considered; long term maintenance and operations costs are included in the total project costs.
7. Local Sponsor or Partner: The Western New York Land Conservancy will be responsible for implementing each phase of project, including long-term maintenance and operations. The Town of Lewiston may provide in-kind maintenance.
8. Matching funds/ Leveraging: The Land Conservancy and Sisters of St. Francis have already spent and committed funding to the project's planning phase. The Land Conservancy is seeking matching / leverage funds from several sources. In March 2013, the Land Conservancy submitted a pre-proposal for the Habitat Enhancement and Restoration Fund (HERF). The Land Conservancy will apply for funding from several foundations as well as local, state and federal grants, and will also raise funds from private donors in the community.
9. Consideration of Other Planning Efforts: The project is consistent with local and regional planning documents. The project advances the Niagara River Remedial Action Plan (RAP), contributes to the de-listing of two Beneficial Use Impairments of the Niagara River Area of

Concern (AOC), is aligned with the New York State Open Space Plan, supports the Niagara Falls National Heritage Area Study, and is supported by the Town of Lewiston’s Comprehensive Plan. The Town of Lewiston does not have a Local Waterfront Revitalization Program and is outside of the Erie Canalway National Heritage Corridor. (See “4. Community and Government Support” for details.)

10. Clear Benefits: The Stella Niagara Preserve offers clear benefits to the Niagara River and the Niagara River Greenway and its vision. The preserve will protect and restore sensitive habitat along the river, it will improve public access and fishing access to the river, and it will interpret and celebrate the cultural and natural heritage of the site. If this project is not implemented, this important site will likely be lost forever to residential or commercial development.

3: BUDGET

Planning	\$25,000
Construction	\$223,124
Acquisition	\$2,310,185
Administration	\$20,000
Operation and Maintenance / Year	\$29,633 annual; not included in total project cost (\$592,650 to cover the annual costs in perpetuity, assuming 5% rate of return; included in total project cost)
TOTAL PROJECT COST	\$3,170,959

A description of each budget item is below:

- Planning: Total planning costs are estimated to be \$25,000. Planning costs include: project development, stakeholder meetings and coordination, grant writing and other fundraising methods.
- Construction: Total construction costs are estimated to be \$223,124. These costs are related to enhancing the property and promoting it to the public. Specific construction costs include: pathway implementation, site design, grassland restoration, and signage design and construction. (A submitted proposal for the 18 acres of grassland restoration estimates that the work will cost \$179,100 or \$9,950 per acre.)
- Acquisition: Total acquisition costs are estimated to be \$2,310,185. Acquisition costs include: the purchase of the property with an initial appraisal value of \$2,250,000, an additional appraisal, attorney’s fees, filing / recording fees, a transfer tax, updated title search and insurance, a survey, an environmental review, a baseline documentation report, a legal defense fund, the project celebration, and staff travel time.
- Administration: Total administration costs are estimated to be \$20,000. Administration costs include project and grant management.

- **Operation and Maintenance / Year:** Total annual operation and maintenance costs are estimated to be \$29,633 and include: special district property taxes, insurance, time and materials for maintenance, capital replacements and improvements, additional staff time, and travel. The total project cost does not include the annual operation and maintenance costs. Instead, it includes \$592,650, the amount needed to establish a stewardship fund to cover the annual costs in perpetuity, assuming a 5% annual return.

Funding sources: The Land Conservancy is seeking funding from many sources. The Land Conservancy submitted a conceptual pre-proposal to the Habitat Enhancement and Restoration Fund (HERF) in March of 2013. In the proposal, the Land Conservancy requested \$ 3,115,840 for property acquisition, construction and operating and maintenance costs. No determination has yet been made regarding this pre-proposal. The Land Conservancy will apply for funding from other regional, statewide, and national sources, including the John R. Oishei Foundation, the Community Foundation for Greater Buffalo, the National Coastal Wetlands grant, the Great Lakes Restoration Initiative, and the Great Lakes Area of Concern Land Acquisition fund. The Land Conservancy will also raise funds from private donors in the community. The Land Conservancy is currently seeking a seed grant to fund an additional \$25,000 of staff time to complete the planning phase of the project.

Allocated funds: The Land Conservancy and the Sisters of St. Francis have already spent significant hours of staff time in planning for the project. The Sisters of St. Francis have also allocated \$1,800 to complete an additional appraisal of the property.

Operations and Maintenance Plan: The Stella Niagara Preserve will be managed for habitat protection (annual grassland mowing and invasive species control) and public access (trails, fishing access, signage and litter cleanup). The Stella Niagara Preserve will be operated and maintained by the Land Conservancy which will employ its own staff, volunteers and outside contractors in all phases of the project, including planning, acquisition, design, restoration, construction, and continued operations and maintenance. The Land Conservancy will receive and manage the funds required to complete the project. After acquisition of the 29-acre property, the Land Conservancy will oversee the design and construction of the grassland restoration, signage, trails, and fishing access. The Town of Lewiston may provide in-kind maintenance, including mowing and trail up-keep. (See Attachment 2: Project Schedule)

4: COMMUNITY AND GOVERNMENT SUPPORT

The Land Conservancy will continue to ensure public support for the project. Meetings with local stakeholders, including the current property owner, town officials, regional environment groups, the New York State Department of Environmental Conservation (DEC) and local historians already have taken place or are scheduled. Attached to this proposal are letters of support from; the property owner, the Sisters of St. Francis; a regional environmental leader, the Buffalo Audubon Society; the statewide environmental regulatory authority, the DEC; and two elected officials, Town of Lewiston Supervisor Steven L. Reiter and New York State Senate representative George D. Maziarz. (See Attachment 1: Letters of Support)

The project is also consistent with local and regional planning documents which were developed with significant public input. The project advances the Niagara River Remedial Action Plan (RAP) which prioritizes retaining quality aquatic, riparian, and upland habitats. The project will contribute to the de-listing of two Beneficial Use Impairments of the Niagara River Area of Concern: loss of fish and wildlife habitat and degradation of fish and wildlife populations. It is aligned with the New York State Open

Space Plan which seeks to protect habitat to achieve plant and animal species diversity and to broad riparian corridors along water bodies throughout the state. It supports the Niagara Falls National Heritage Area Study by protecting and celebrating the region's natural and cultural heritage, and by promoting recreation. And the project is supported by the Town of Lewiston's Comprehensive Plan which states that "scenic, environmental and aesthetic qualities of the coastal zone along the Niagara River should be protected." (See Operations and Maintenance Plan from "Section 3: Budget" for the role of municipal agencies, stakeholder groups, consultants, volunteers, and others.)

5: ENVIRONMENTAL SETTING

The 29-acre proposed Stella Niagara Preserve is bordered to the east by 1,309 feet of Lower River Road and the Stella Niagara Education Park, to the south by privately owned single family homes, and to the north by a Town of Lewiston owned parcel. The Stella Niagara Preserve property extends westward to the edge of the Niagara River. The property includes 1,474 feet of Niagara River shoreline bordered by a 30-50 foot wide riparian area covered with native vegetation, two acres of mature hardwood forest with vernal pools, a three-acre spring-fed scrub/shrub wetland, and an 18-acre gently sloping open field. The offshore shallow shoal, known locally as the 'Stella Drift', provides favorable conditions for fish spawning and also for recreational fishing. (See Attachment 3: Photos, Attachment 4: Maps, and Attachment 5: Conceptual Plans)

The Stella Niagara property has habitat of such diversity and quality that it was placed on the Niagara River Area of Concern priority habitat list in 2012, making it an international priority for protection. These habitats support several rare, threatened or endangered species like the Lake Sturgeon (threatened in NYS) that spawns in the Lower Niagara River and Ninebark (*Physocarpus opulifolius*), a shrub that is endangered in NYS, found in the riparian zone of the property.

The entire Niagara River is internationally designated as a globally significant Important Bird Area. The river supports at least 19 species of gulls and over 20 species of waterfowl. On good days during fall and winter, visitors can see over 100,000 individual gulls and over 20,000 individual waterfowl. The Niagara River also supports several protected bird species, including the Bald Eagle and the Common Tern (both threatened in NYS). The site of the proposed Stella Niagara Preserve likely plays an important role in the life cycle of most if not all of the bird species that make the river a globally significant Important Bird Area.

The Stella Niagara Preserve will not only protect these important habitats and species found there, but will also enhance them. Current management of the 18-acre open field consists of one annual mowing. This project will include grassland restoration on that field with an emphasis on including locally-sourced seeds and plant selection; it will include beautiful native grasses and wildflowers, and will be an example for other similar projects to follow. This "native prairie" will provide significant benefits for migrating and breeding grassland dependent song birds, many of which are considered of special concern in New York State like the Grasshopper Sparrow, as well as other grassland dependent birds like the Bobolink and Eastern Meadow Lark. It may also attract and support the Northern Harrier, a New York State threatened raptor, and Short-eared Owls, listed as endangered in New York State.

Note: The current property owner, the Sisters of St. Francis, have provided a letter of support endorsing the proposal by the Western New York Land Conservancy to purchase the property and create the Stella Niagara Preserve. (See Attachment 1: Letters of Support) This project does not require a discretionary

decision, such as a permit, license or other type of approval from a state or local agency and therefore there is no requirement for review under the State Environmental Quality Review Act (SEQRA).

ATTACHMENTS

- 1. LETTERS OF SUPPORT** (property owner support, local government endorsement, and others)
- 2. PROJECT SCHEDULE**
- 3. PHOTOS**
- 4. MAPS**
- 5. CONCEPTUAL PLANS**
- 6. TAX EXEMPT STATUS**
- 7. STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

1. LETTERS OF SUPPORT

We have received and included the following letters of support:

- Sister Edith Wyss, OSF, Provincial Minister of the Sisters of St. Francis: Current property owner support.
- Steven L. Reiter, Supervisor, Town of Lewiston: Local government endorsement.
- Senator George D. Maziarz, Vice President Pro Tempore, (R) 62nd Senate District NYS: State Senate representative support.
- Paul McKeown, Supervisor of Natural Resources, NYS DEC Region 9: State environmental regulatory agency support.
- Loren Smith, Executive Director, Buffalo Audubon Society: Niagara River Important Bird Area (IBA) / Regional environmental organization support.



SISTERS OF ST. FRANCIS

4421 Lower River Road
Stella Niagara, New York 14144

Provincial Offices

Charism Statement

*Like Francis of Assisi and Magdalen Damen,
we trust God's goodness and providence,
living the gospel in our time with gentle courtesy toward all creation.*

Phone: (716) 754-4312

Ext. 9740#

Fax: (716) 754-7657

E-Mail: wyssof@franciscans-stella-niagara.org

May 13, 2013

Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue,

As the current owners of the property located at 4421 Lower River Road, Stella Niagara, New York (SBL #87.00-1-28.1), the Sisters of St. Francis of Holy Name Province, Inc. fully support the Western New York Land Conservancy's efforts to create the Stella Niagara Preserve. Through the Land Conservancy's purchase of approximately 29 acres of the 130-acre property, as well as habitat restoration and continued stewardship, we will be able to achieve a shared goal; protecting this ecologically, culturally, and spiritually uplifting place along the Niagara River in perpetuity.

As an international congregation, the Sisters of St. Francis of Penance and Christian Charity was founded in 1835 in the Netherlands by Mother Magdalen (Catherine) Damen. The presence of our congregation in the United States dates from 1874, when the first three missionary sisters, accompanied by General Superior Mother Aloysia Lenders, arrived in Buffalo, New York. In 1908, after the Sisters of St. Francis had been living in Buffalo for over 25 years, some moved north to Lewiston along the banks of the Niagara River; we have been the stewards of Stella Niagara since that time.

Respect for the land and attention to its beauty as a reflection of the Creator expresses the tradition of St. Francis of Assisi. Although we would prefer that much of Stella Niagara remain open space, economic realities could force us to sell parts for development. We have already had the property surveyed and appraised. To prevent this important Niagara River land from being lost to development, and in keeping with our belief that the beauty of this land should be shared with others, we have asked the Land Conservancy to help us create the Stella Niagara Preserve. We ask that the Niagara River Greenway Commission support this project as well.

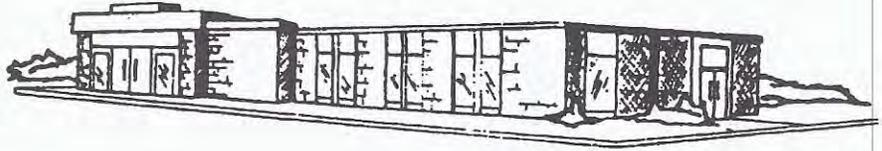
Peace and all good,

Sister Edith Wyss, OSF
Provincial Minister

EW:cr

Town of Lewiston

P.O. Box 330
1375 Ridge Road
Lewiston, New York 14092
Phone: (716) 754-8213 or 754-8214
Fax: (716) 754-2821



SUPERVISOR

Steven Reiter

DEPUTY SUPERVISOR

Gary Catlin

COUNCIL MEMBERS

Alfonso M. Bax
Michael J. Marra
Ernest C. Palmer
Ronald R. Winkley

TOWN CLERK

Carol J. Brandon
Box 330
Lewiston, NY 14092

RECEIVER OF TAXES

Joan Brandel Stephens
Box 109
Model City, NY 14107

HIGHWAY

Supt. Douglas Janese
1445 Swann Road
Lewiston, NY 14092
754-8218

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BUILDING INSPECTOR PLANNING-ZONING

Timothy R. Masters
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CHIEF OF POLICE

Christopher P. Salada
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LWPCC

CHIEF OPERATOR

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754-8291

WATER DEPARTMENT

Box 109
Model City, NY 14107
754-8213

SENIOR SERVICES

Jeanette L. Collesano
4361 Lower River Road
Youngstown, NY 14174
754-2071

May 20, 2013

Rob Belue

Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue:

The Town of Lewiston wholeheartedly endorses the creation of the Stella Niagara Preserve along the Niagara River. The current property owners, the Sisters of St. Francis, have enriched our community for generations and have long been good citizens of our town. We support the acquisition of the 29 acres at 4421 Lower River Road by the Western New York Land Conservancy. It will help the Sisters of St. Francis achieve their goal of protecting the cultural and natural value of their property for generations to come.

The project is in keeping with the Town of Lewiston's Comprehensive Plan, adopted in 2000 and updated in 2011. The plan recognizes that its river frontage contributes to the town's character, and states that "scenic, environmental and aesthetic qualities of the coastal zone along the Niagara River should be protected." The Stella Niagara Preserve will do just that.

At this time there is a critical moment in the development of the Town of Lewiston. Our community is an attractive one, with new parks, business, and people each year. The actions we take, like the Stella Niagara property, will dictate how our community will look in the future. We have an opportunity to create a more prosperous and healthy region. Please endorse the proposal to create the Stella Niagara Preserve in our town.

Sincerely,

Steven L. Reiter
Supervisor, Town of Lewiston

THE SENATE
STATE OF NEW YORK



GEORGE D. MAZIARZ
Senator, 62nd District

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VICE PRESIDENT PRO TEMPORE
CHAIRMAN
ENERGY & TELECOMMUNICATIONS
COMMITTEE MEMBER
CONSUMER PROTECTION
CRIME VICTIMS, CRIME & CORRECTION
EDUCATION
ENVIRONMENTAL CONSERVATION
HIGHER EDUCATION
RULES
TRANSPORTATION

May 20, 2013

Rob Belue
Niagara River Greenway Commission
2136 W. Oakfield Rd.
Grand Island, NY 14072

Dear Mr. Belue:

It is my great pleasure to offer this letter in support of the collaboration between the Sisters of St. Francis and the Western New York Land Conservancy to create the Stella Niagara Preserve, a proposed privately-owned and protected natural area along the Niagara River in the Town of Lewiston. This project will help improve the region's quality of life and preserve our unique cultural and natural heritage.

The Land Conservancy serves as a community leader in preserving and protecting our natural assets for public enrichment today and for generations to come. In my Senate District, they have already protected hundreds of acres of farms, forests, and scenic vistas. They have recently begun working to protect critically important land along the Niagara Escarpment in Niagara County. The people I represent trust the Land Conservancy to be good stewards of the land.

The proposed project advances the Niagara River Remedial Action Plan (RAP), which will contribute to the de-listing of two Beneficial Use Impairments of the Niagara River Area of Concern, and is aligned with the New York State Open Space Plan. The project is also a perfect opportunity for the Niagara River Greenway to fulfill its vision of being a world-class corridor of places and landscapes along the Niagara River. Funding from the New York Power Authority relicensing agreement will make it possible for the Land Conservancy to acquire the site from the Sisters of St. Francis and create the preserve.

Thank you very much for your consideration of this proposal.

Sincerely,

George D. Maziarz
Senator, 62nd District

New York State Department of Environmental Conservation

Division of Fish, Wildlife and Marine Resources, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

Phone: (716) 851-7010 • Fax: (716) 851-7053

Website: www.dec.ny.gov



May 7, 2013

Ms. Nancy Smith
Executive Director
Western New York Land Conservancy
PO Box 471
East Aurora, NY 14052-0471

RE: Support for the acquisition of Stella Niagara property

Dear Ms. Smith,

I am writing you to express the support of the New York State Department of Environmental Conservation (DEC), Region 9 toward your effort to acquire the parcel of land owned by the Sisters of St. Francis and located between River Road and the Niagara River in the Town of Lewiston, NY, commonly known as "Stella Niagara".

DEC considers this parcel of land as having high conservation value due to the presence of high quality habitat for fish and wildlife combined with the geographic location of the property along the Niagara River. The long-term preservation of the habitat on the site will certainly help ensure the continued existence of native aquatic and terrestrial communities that are important to the ecological integrity of the region. DEC also supports increasing public access to the property for activities that are compatible with the conservation of the natural resources of the site.

Good luck with your acquisition project as it moves forward and please let me know if there is anything that DEC can do to assist in your efforts.

Sincerely,



Paul McKeown
Supervisor of Natural Resources, NYS DEC Region 9

BUFFALO AUDUBON SOCIETY, INC.

A CHAPTER OF THE NATIONAL AUDUBON SOCIETY EVENTS ON LINE AT WWW.BUFFALOAUDUBON.ORG

1610 WELCH ROAD, NORTH JAVA, NEW YORK 14113 (585) 457-3228 (800) 377-1520 FAX: (585) 457-1378



est. 1909

May 10, 2013

Mr. Rob Belue
Niagara River Greenway Commission
2136 West Oakfield Road
Grand Island, New York 14072

Dear Mr. Belue,

The Buffalo Audubon Society is pleased to support the creation of the Stella Niagara Preserve. The Society promotes the appreciation and enjoyment of the natural world through education and stewardship. We focus on Western New York and the Great Lakes region and are one of National Audubon Society's most active local chapters, with nearly 3,000 members and 120 volunteers. We offer people of all ages and abilities a wide variety of hands-on natural history programs. Each year, we provide enriching educational trips, camps, and tours to over 20,000 schoolchildren and more than 2,000 adults. To do our work, we need natural places like this one along the Niagara River.

The entire Niagara River is internationally designated as a globally significant Important Bird Area (IBA). The river supports one of the largest and most diverse concentrations of gulls in the world, with over 19 species recorded (60% of all New World gull species). On good days, observers can see more than 100,000 individuals along the river during fall and early winter. Over 20 species of waterfowl are represented here, and populations exceed 20,000 individuals during the fall and winter. The Niagara River also supports several protected species, including the Bald Eagle and the Common Tern. Open spaces along the Niagara River shoreline, like the proposed Stella Niagara Preserve, are critically important for the survival of these bird species.

Each year, more and more natural areas along the Niagara River are lost to development. The high appraisal value of this property is due to its attractiveness for development. The thought of having residential or commercial buildings on this part of Stella Niagara, the third largest privately-owned river frontage in Niagara County, is a scary one. While the negative consequences of losing the site would be immediate, the positive impacts of protecting it, restoring it, and maintaining it would be enduring. We ask that you please support the Land Conservancy's proposal to protect this land in perpetuity.

Sincerely,

Loren H. Smith, Ph.D.
Executive Director

2. PROJECT SCHEDULE

Phase 1: Planning – March 2013 through September 2014

The planning phase includes:

- Stakeholder meetings and coordination - as needed throughout
- Grant writing and other fundraising methods - as needed throughout
 - HERF – March 2013
 - NRG Commission Consultation and Review – May 2013
 - NRG Ecological Standing Committee – June 2013
 - NRG Niagara County Host Community Standing Committee – Summer 2013
 - Great Lakes Restoration Initiative (GLRI) – tbd
 - Great Lakes Area of Concern Land Acquisition – tbd
 - Community Foundation for Greater Buffalo – tbd
 - John R. Oishei Foundation – tbd
 - Private Donors - tbd
- Additional appraisal (included in Acquisition costs) – Summer 2013
- An updated title search (included in Acquisition costs) – Fall 2014
- A property survey, an environmental review, and a baseline documentation report (included in Acquisition costs) – Fall 2014

Phase 2: Acquisition – October 2014 through December 2014

The acquisition phase includes:

- Purchase of property – End of December 2014

Phase 3: Design – January 2015 through March 2015

The Design phase includes:

- Site Design (grassland restoration, trails, fishing access, signage locations) – January 2015
- Signage Design (wayfinding and interpretive signs) – March 2015

Phase 4: Construction – April 2015 through August 2015

The Construction phase includes:

- Grassland restoration – April 2015
- Trails, fishing access and signage – June 2015
- Project celebration (included in Acquisition costs) – August 2015

Phase 5: Continued Operations and Maintenance – September 2015 onward

Permits Needed

No permits are needed to complete this project. There will be no disturbance within 50 feet of the river, no trees will be removed, and no threatened or endangered species will be negatively impacted.

3. PHOTOS



View of the property looking west from Lower River Road.



View of the property looking southwest from Lower River Road.



View from the property looking east towards Lower River Road.



Photo of the property's gravel road leading from Lower River Road towards the Niagara River.



Photo of a former boat landing at the northwest corner of the property.



View of the western river edge of the property looking south.



Chapel located at the southwestern corner of the property.



Historic marker located on the property along Lower River Road.



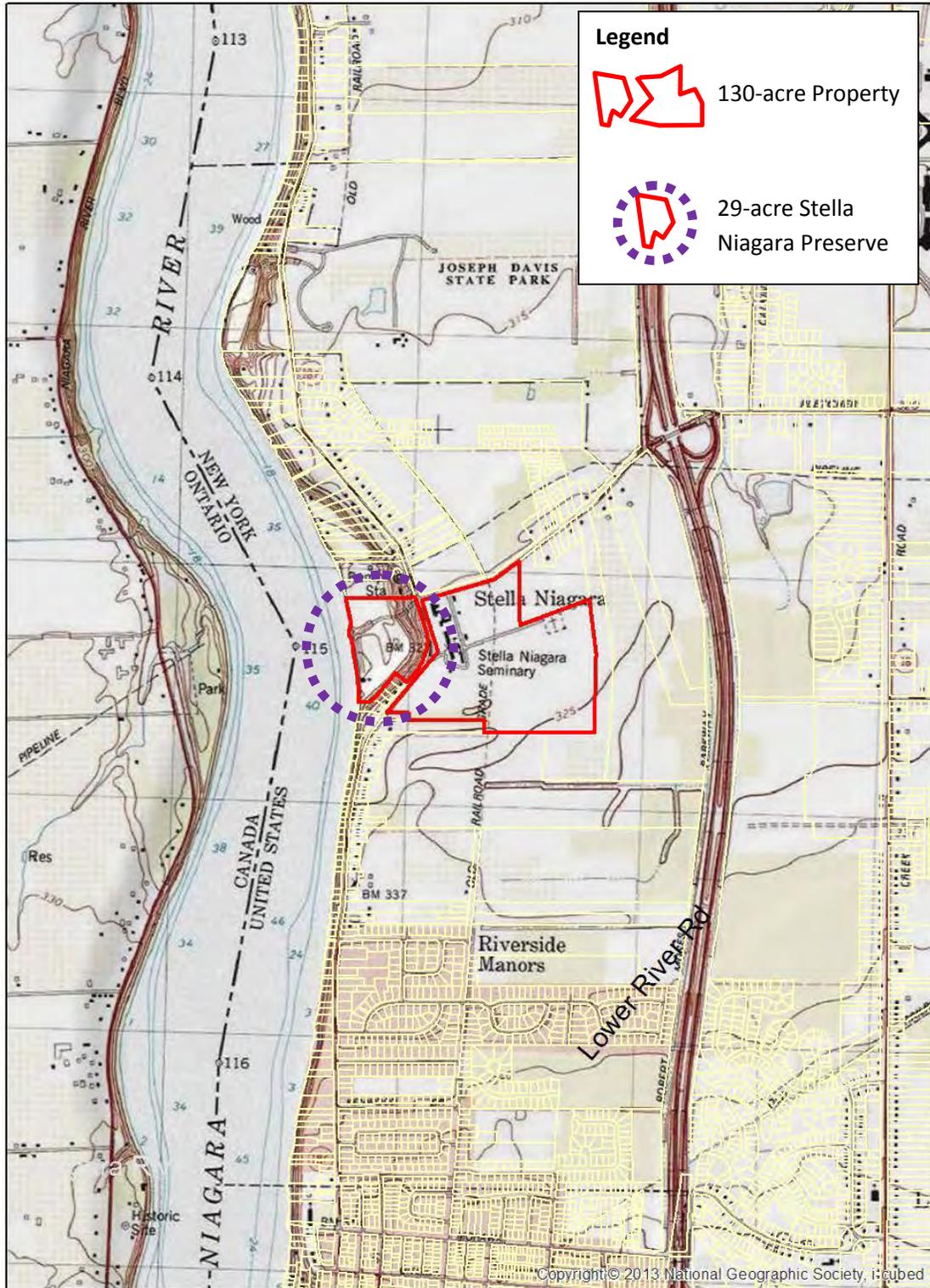
Large oak tree overlooking the Niagara River located on the western edge of the property.

4. MAPS

Regional Location Map



1:24,000 Scale Planimetric Property Map



1:24,000

0 0.5 1 Miles

Data Source: Niagara County Parcels 2009
USA Topo Maps from ERSI 2012



Property boundaries of the proposed Stella Niagara Preserve, the 29-acre portion of the 130-acre property.



5. CONCEPTUAL PLANS

Existing Conditions



Proposed Site Plan

A full site design process will take place after the acquisition of the property. At a minimum, the Stella Niagara Preserve will include an 18-acre grassland restoration, improved public access trails, improved fishing access, a new entry kiosk, interpretive signage, wayfinding signage, and boundary signage.

6. TAX EXEMPT STATUS

Documentation of the Western New York Land Conservancy's tax exempt status is attached.



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248467579
Dec. 13, 2012 LTR 4168C E0
22-3160426 000000 00

00018662
BODC: TE

WESTERN NEW YORK LAND CONSERVANCY
INC
PO BOX 471
E AURORA NY 14052



002330

Employer Identification Number: 22-3160426
Person to Contact: Mr Gerding
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Dec. 04, 2012, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in April 1992.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

7. STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

This project does not require a discretionary decision, such as a permit, license or other type of approval from a state or local agency and therefore there is no requirement for review under the State Environmental Quality Review Act (SEQRA).

