



NY State Department of
Environmental Conservation
U.S. Fish & Wildlife Service
Niagara River Licensing
Environmental Coalition
Tuscarora Nation
Tonawanda Seneca Nation
Seneca Nation of Indians
New York Power Authority

November 16, 2010

Joseph Dispenza,
President, Forest Lawn Heritage Foundation
1411 Delaware Avenue
Buffalo, New York 14209

Dear Mr. Dispenza:

I regret to say that after much discussion, the Greenway Ecological Standing Committee decided against funding your proposal "Biological Sampling Along Scajaquada Creek." The main reason for this decision was the lack of a clear plan or pathway from this study to future ecological restoration for the portion of Scajaquada Creek in question.

Specifically, there were two major concerns:

First, the sampling effort as outlined was thought to be too unnecessarily broad and costly, given that there is a long-known botulism hotspot in Forest Lawn Cemetery where fish and wildlife kills have occurred over the past several decades. The sampling effort should focus on further defining and quantifying the known problem within Forest Lawn, beginning with discussions with the DEC who have historical records on the problem area.

If that were the only question, we might have been able to simply request a revised scope of work. However, the other more difficult question that arose was the link to possible funding for dredging. It was unclear how this sampling would lead to Legacy Act funding for actual dredging since botulism is not a Legacy-targeted contaminant. Moreover, even if Legacy-targeted toxic contaminants were found in the botulism-affected sediments, it appears that recent budget cuts to the DEC would limit their ability to fill the required role of State sponsor for federal funds.

In short, there were still too many uncertainties in terms of how this proposal would lead to actual improvement of Scajaquada Creek habitat in Forest Lawn Cemetery. We all agreed that something needs to be done, but we did not feel this proposal outlined a clear enough road map as to what.

Sincerely,

Margaret Wooster,
Chair, Greenway Ecological Standing Committee