

## **Recreation Plan**

## **Record of Consultation**

## **Niagara Power Project**

## **FERC No. 2216**

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**August 2008**

**NIAGARA POWER PROJECT (FERC NO. 2216)  
RECREATION PLAN-RECORD OF CONSULTATION**

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**From:** Groom, Tara **On Behalf Of** Silliman, Keith  
**Sent:** Thursday, May 24, 2007 4:36 PM  
**To:** 'rdbiss@gw.dec.state.ny.us'  
**Subject:** NYPA Recreation Management Plan

May 24, 2007

Mr. Russ Biss  
NY State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, NY 14203

Dear Consulting Party,

On March 15, 2007 the Federal Energy Regulatory Commission issued a new license for the continued operation of the Niagara Power Project. Although the current license does not expire until August 31, 2007, the Power Authority is initiating work on several license articles which require the development of project plans. Specifically, Article 404 of the new license requires the Power Authority to develop a Recreation Plan for the project. Article 404 requires the Power Authority to prepare the plan in consultation with the following parties: U.S. Fish and Wildlife Service; Bureau of Indian Affairs; National Park Service; New York State Department of Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; Tuscarora Nation; the Niagara Relicensing Environmental Coalition; and the Niagara Power Coalition.

The Power Authority has prepared an annotated table of contents, which is the first step in the development of the Project Recreation Plan. The table of contents describes existing recreation facilities and proposed recreational enhancements located within the project boundary as agreed to in the Relicensing Agreement and required by NYS Water Quality Certification Condition.

The Power Authority is transmitting this document to you for your review because you are one of the parties specified in Article 404. Please provide your comments on the table of contents no later than June 25, 2007. Your comments should be sent to me at [Silliman.k@nypa.gov](mailto:Silliman.k@nypa.gov) or to the following address:

Mr. Keith Silliman  
Director of Niagara Relicensing  
New York Power Authority  
30 South Pearl Street  
Albany, NY 12207-3425

Comments received and the Power Authority's response will be posted on the Niagara Power Project web site <http://niagara.nypa.gov>. The Power Authority will consider these comments as it prepares a draft of the Project Recreation Plan. You will be provided an opportunity to review and comment on the draft Recreation Plan before the Power

Authority files it with the Commission (on or by September 1, 2008). At this time, the Power Authority anticipates providing the draft Recreation Plan for your review in late-2007 or early-2008.

If you have any questions on the annotated table of contents or the process to develop the Recreation Plan for the Niagara Power Project, please contact Mr. Edward Alkiewicz at (914) 287-3247 or myself at (518) 433-6735.

Sincerely,



Keith Silliman  
Director, Niagara Relicensing

## NYPA Recreation Management Plan Distribution List

---

Mr. Russ Biss  
NY State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, NY 14203

US Department of the Interior - Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, NY 37214

Mr. Kevin Mendik  
National Parks Service  
15 State Street, 10th Floor  
Boston, MA 2109

Mr. Steve Patch  
U.S Dept. of Fish & Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Mr. Neil Patterson, Jr.  
Tuscarora Nation  
2045 Upper Mountain Road  
Sanborn, NY 14132

Ms. Lynda Schneekloth  
Buffalo Niagara Riverkeeper  
617 Main Street - M108  
Buffalo, NY 14203

**NEW YORK POWER AUTHORITY  
NIAGARA POWER PROJECT  
FERC Project No. 2216**

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**RECREATION PLAN  
DRAFT ANNOTATED TABLE OF CONTENTS**

**Prepared by:  
TRC Engineering, LLC**

**NIAGARA POWER PROJECT (FERC NO. 2216)  
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\*Note: Tuscarora issues will be handled in the Customary Use Plan. The Recreation Plan cover letter will make note of this change.

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**1.0 EXECUTIVE SUMMARY**

This section will be a summary of the report which will include:

1. A brief description of the project facilities including the number of each type of opportunity.
2. A brief description of the consultation process that will be used to determine future recreation needs.
3. A listing of the proposed recreation enhancement and rehabilitation projects.

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**2.0 INTRODUCTION**

The introduction will include the following:

1. a summary of license article 404 Recreation Management,
2. the purpose of the recreation plan, (including NYPA policies toward recreation use of Project property)
3. a description of the Project and Project location,
4. a brief overview of the surrounding regional recreation opportunities,
5. information on the surrounding area, including population and neighboring towns.

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**3.0 EXISTING RECREATION FACILITIES**

This section will include a detailed description of the 11 existing project facilities (This refers to those facilities located within the project boundary). Those facilities are:

- Upper River Trail
- Upper River Observation Site
- Hyde Park Golf Course
- Niagara Gorge Discovery Center
- Great Gorge Railroad Trail
- Robert Moses Parkway
- Robert Moses Fishing Pier
- Niagara Power Project Visitor Center
- Lewiston Reservoir Fishing Access
- Reservoir State Park
- Lewiston Branch Gorge Trail

The detailed description for each site will include:

1. existing amenities and structures,
2. types of activities that are available at the current facilities,
3. who owns and operates the existing facilities,
4. the condition of the facilities, and
5. a map showing the locations of the existing facilities.

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**4.0 CURRENT AND FUTURE USE**

A summary of the current amount of use at project facilities as determined by the relicensing studies. This will include:

1. the percent capacity that facilities are operating at for each project facility,
2. the types of activities that individuals are participating in,
3. time of year when project facilities are mostly used.

A summary of the projected use for the project facilities as determined by the relicensing studies. This section will also discuss recreational needs as determined during the relicensing of the Project. This will include an overview of the Recreation Facility Use and Capacity Investigation and the Recreation Needs Assessment.

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**5.0 PROPOSED RECREATION FACILITIES**

1. Description of proposed NYPA-owned and OPRHP project recreation facilities and improvements including ADA considerations. This will be done facility by facility for each of the Recreation Enhancement Projects. This section will include those facilities within the Project boundary funded with the Parks and Recreation Fund.
2. Map showing the location of new facilities as compared to existing facilities.
3. 50% designs for the proposed facilities and upgrades, these should include the soil erosion control measures.
4. A description of signage requirements for new and improved facilities will be included in this section of the report.

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**6.0 IMPLEMENTATION SCHEDULE AND ESTIMATED COSTS**

This section will include the implementation schedule for completing proposed recreation facilities, the entity responsible for the construction, and the estimated cost in current dollars.

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**7.0 OPERATION AND MAINTENANCE**

1. Facility by facility discussion of how each NYPA-owned facility will be operated and maintained during the term of the license;
2. A description of existing management agreements and any plans to amend existing management agreements for facilities located within the project boundary.
3. A description of future NYPA/ OPRHP operating and maintenance agreements.

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**8.0 CONSULTATION**

This section will describe the consultation section of the license order and how the consultation requirement in the license article was met. This will be a description of the consultation meetings that will be held for the stakeholders. At a minimum the NYPA will meet with the USFWS, NPS, DEC, OPRHP, TN, and NREC. Meeting minutes, attendees, discussions, and agreed upon actions will all be recorded in this section. Should there be issues during consultation that are not resolved, this section will include licensee's reasons for not including these issues in the recreation plan.

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**9.0 FUTURE RECREATIONAL NEEDS AT THE NIAGARA PROJECT**

This section will describe the methodology for assessing future recreational needs at the Niagara project on a 12-year review cycle. The methodology for the review will utilize:

- (a) Use estimation – conducting FERC Form 80 evaluations and recreation facility capacity investigations
- (b) Needs Consultation – discussing future recreation needs with consulting parties based upon the results of use estimation

An addendum to the recreation plan will then be drafted by the Power Authority filed with the FERC.

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**10.0 LITERATURE CITED**



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

Trust Services  
Natural Resources

JUN - 8 2007

Mr. Keith Silliman  
Director of Niagara Relicensing  
New York Power Authority  
30 South Pearl Street  
Albany, NY 12207-3425

Dear Mr. Silliman:

The Bureau of Indian Affairs (BIA) appreciates the opportunity to provide comments on the annotated table of contents of the Land Management and Recreation Plans for the Niagara Power Project (NPP). The BIA has no comments regarding the Recreation Plan. In regard to the Land Management Plan, the BIA has the following comments:

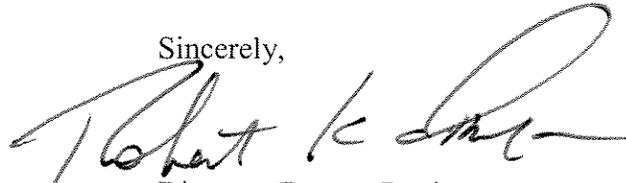
1. Paragraph 5.2.1 Road Maintenance. Additional consultation should be included for development of this section. At a minimum, the Tuscarora Nation should be consulted regarding the application of road salts and similar activities. The application of road salts has a significant environmental impact on lands receiving the run-off from roads to which salts have been applied. The Tuscarora Nation has several miles of territory along and across which roads maintained in conjunction with NPP operations run.
2. Paragraph 5.2.2 Vegetative Management. Additional consultation should be included for development of this section. At a minimum, the Tuscarora Nation should be consulted regarding the selection of plants used for erosion control on the NPP dike. The Tuscarora Nation has several miles of lands that abut the NPP dike.
3. Paragraph 5.2.3 Non-Native Species Control. Additional consultation should be included for development of this section. At a minimum, the Tuscarora Nation should be consulted regarding the selection of herbicides used for control of non-native invasive plants on the NPP dike. The Tuscarora Nation has several miles of lands that abut the NPP dike.
4. Paragraph 5.2.5 Future Use of Project Lands. Additional consultation should be included for development of this section. At a minimum, the Tuscarora Nation should be consulted regarding the future use of all project lands that are contiguous with Tuscarora lands. If the Tuscarora

Nation elects to place the lands they received as part of their settlement agreement into Federal trust, the BIA will also required consultation.

5. Paragraph 5.2.6 Aesthetic Enhancements. Additional consultation should be included for development of this section. At a minimum, the Tuscarora Nation should be consulted regarding any enhancements that are visible from their lands.

If you have any questions or need additional information, please contact Dr. James Kardatzke, BIA, at (615) 564-6830.

Sincerely,



**ACTING** Director, Eastern Region

CC: Tuscarora Nation



**2007 Board of Directors**

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Mr. Keith Silliman  
Director of Niagara Relicensing  
New York Power Authority  
30 South Pearl Street  
Albany, NY 12207-3425

June 26, 2007

Dear Mr. Silliman,

Thank you for the opportunity to comment on the New York Power Authority Project Land Management Plan and Recreation Plan Tables of Content prepared in support of the Authority's license to continue operation of the Niagara Power Project.

The following comments have been prepared on behalf of Buffalo Niagara Riverkeeper and the Niagara Relicensing Environmental Coalition members.

**Land Management Plan**

- ◆ Section 2.1 regarding the Goals and Objectives of the Plan should be expanded to specifically include the following
  1. Accessibility
  2. Recreational opportunities
  3. Energy Conservation
  4. Water Conservation
  5. Habitat preservation or restoration
  6. Contamination remediation as required
  7. Reconnection of Niagara Escarpment over fishing access road
  8. Cultural resources (native people history, Portage, history of power/Schoellkopf)
- ◆ Section 5.2.2. Vegetative Management should specifically reference "Best Management Practices" and the strategy should actively restore native plant species.
- ◆ The plan should specifically address water management both in terms of water conservation as well as stormwater runoff/treatment.
- ◆ This plan fails to specifically address the use and management of the Robert Moses Parkway. As the Parkway's current configuration has a substantial impact on Gorge ecological and recreational resources, this matter must be resolved.

## Recreation Plan

- ◆ Section 2.0's discussion of regional recreational opportunities should also specifically address recreational trends, strengths, needs and threats.
- ◆ Section 3.0 - Existing Recreation Facilities should be expanded to include the Schoellkopf Ruins, bikeways, hiking trails.
- ◆ Section 4.0 should respond directly to stakeholder comments on deficiencies in the recreational study developed in the relicensing process. As mentioned, parking lot use surveys are not indicative of recreational facility use. Further investigation may be warranted.
- ◆ Section 5.0 Proposed Recreation Facilities should include a discussion of the planned Power Trail and Industrial History

Finally, please discuss where the plan will address the logistic difficulties created by location of the fishing access road parking at the top of the gorge.

We are excited about the active involvement of Buffalo Niagara Riverkeeper and the Niagara Relicensing Environmental Coalition (NREC) signatories in the execution of the Relicensing Agreement.

To ensure smooth communication with all involved parties, please be sure to direct any further correspondence to Buffalo Niagara Riverkeeper directly to Julie Barrett O'Neill at [jboneill@bnriverkeeper.org](mailto:jboneill@bnriverkeeper.org). Each NREC member should also receive direct notification to ensure full opportunity to comment on license activities. Please contact me if you require contact information for the NREC representatives.

Sincerely,

Julie Barrett O'Neill  
Buffalo Niagara Riverkeeper

---

White Plains Office  
123 Main Street  
White Plains, NY 10601  
914. 287. 3247  
914. 287. 3294(Fax)



Edward Alkiewicz  
Mgr, Environmental Studies & Remediation

January 31, 2008

**RE: Niagara Power Project, FERC No. 2216  
Article 404, Draft Recreation Plan**

Dear Consulting Party,

On March 15, 2007, the Federal Energy Regulatory Commission issued a new license for the continued operation of the Niagara Power Project. Article 404 of the new license specifically requires the Power Authority to develop a Recreation Plan for the project. Article 404 requires the Power Authority to prepare the plan in consultation with the following parties: U.S. Fish and Wildlife Service; Bureau of Indian Affairs; National Park Service; New York State Department of Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; Tuscarora Nation; the Niagara Relicensing Environmental Coalition; and the Niagara Power Coalition.

Because you are one of the parties specified in Article 404 of the project license, the Power Authority is hereby notifying you that the draft Recreation Plan is now available for your review. The draft Recreation Plan is posted on the Niagara Power Project web site at <http://niagara.nypa.gov/documents.htm>. If you prefer, a hard copy of the draft plan will be made available upon request.

The Power Authority is providing 30 days for the entities to comment on the draft plan before it is filed with the Commission on or before September 1, 2008. The final plan that will be filed with the Commission will include documentation of consultation and copies of comments and recommendations. If the Power Authority does not adopt a recommendation, the Power Authority's filing will include the reasons, based on project-specific information. Please provide your comments on the draft plan no later than March 3, 2008. Your comments should be sent to me at [Edward.Alkiewicz@nypa.gov](mailto:Edward.Alkiewicz@nypa.gov) or to the following address:

Mr. Edward Alkiewicz  
Manager, Environmental Studies & Remediation  
New York Power Authority  
123 Main Street  
White Plains NY 10601

If you have any questions on the draft plan or the process to develop the Recreation Plan for the Niagara Power Project, please contact me at (914) 287-3247.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Alkiewicz", with a stylized flourish underneath.

Edward Alkiewicz  
Mgr, Environmental Studies & Remediation

## Recreation Management Plan Distribution List

---

Mr. Russ Biss  
NY State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, NY 14203

James Kardatzke, PhD.  
US Department of the Interior, Bureau of Indian Affairs  
711 Stewarts Ferry Pike  
Nashville, NY 37214

Mr. Kevin Mendik  
National Parks Service  
15 State Street, 10th Floor  
Boston, MA 2109

Mr. Steve Patch  
U.S Dept. of Fish & Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Mr. Neil Patterson, Jr.  
Tuscarora Nation  
2045 Upper Mountain Road  
Sanborn, NY 14132

Ms. Lynda Schneekloth  
Buffalo Niagara Riverkeeper  
617 Main Street - M108  
Buffalo, NY 14203

Mr. Mark Thomas – via email  
Chautauqua County  
Mayville, NY 14757  
thomasm@co.chautauqua.ny.us



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



February 5, 2008

Mr. Edward Alkiewicz, Manager  
Environmental Studies and Remediation  
New York Power Authority  
123 Main Street  
White Plains, NY 10601

**RE: Niagara Power Project (FERC #2216)  
Article 44, Draft Recreation Plan**

Dear Mr. Alkiewicz:

The U.S. Fish and Wildlife Service (Service) has reviewed the January 31, 2008, *Draft Recreation Plan* (DRP) produced by the New York Power Authority in compliance with License Article 404 for the Niagara Power Project. The DRP adequately addresses License Article 404. The Service has no objections to this plan and will defer specific comments to our sister agencies, the National Park Service and the Bureau of Indian Affairs. We appreciate the opportunity to review the DRP. If you have any questions or desire additional information, please contact Steve Patch at 607-753-9334.

Sincerely,

A handwritten signature in black ink that reads "David A. Stilwell".

David A. Stilwell  
Field Supervisor

cc: NYSDEC, Albany, NY (M. Woythal, W. Little)  
NPS, Boston, MA (D. Hay)  
BIA, Nashville, TN (J. Kardatzke)



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

**FEB 12 2008**

Trust Services  
Natural Resources

Mr. Edward Alkiewicz  
Manager, Environmental Studies and Remediation  
New York Power Authority  
123 Main Street  
White Plains, NY 10601

Dear Mr. Alkiewicz:

The Bureau of Indian Affairs (BIA) appreciates the opportunity to provide comments on the Draft Land Management and Draft Recreation Plans for the Niagara Power Project (FERC No. 2216). The comments, by plan, are as follows:

### **Draft Land Management Plan (LMP)**

1. Since the Historic Properties Management Plan and the Customary Use Plan for this Project have yet to be provided, the BIA cannot comment on whether the land management policies and activities are consistent with these plans.
2. The draft LMP does not address new recreational enhancements such as the Upper Mountain Parking/Fishing Access that are part of the Settlement Agreement and the License. In order to preclude future amendments to the LMP to incorporate such improvements, the BIA suggests that these enhancements be described and addressed in the current document.
3. The BIA notes that a strip of Tuscarora Nation restricted-fee lands along the eastern edge of the Lewiston Reservoir is included within the project boundary. The usage of this land is for transportation and managed by the New York State Department of Transportation. The BIA recommends that all land management operations conducted in and along Project lands that abut and on Tuscarora Nation lands be coordinated with the appropriate Tuscarora Nation representative prior to being implemented. At a minimum all chemical treatments, be they for vegetation management or road maintenance, should be subject to Tuscarora Nation concurrence.
4. On Page 5-5, the LMP specifies the active ingredient glyphospaté as the specific type of herbicides for use. While this is currently a good choice, the BIA suggests that the general mode of action be used in the LMP rather than a specific active ingredient, much like the LMP does on Page 5-6 when referring to the Lewiston Reservoir dike and right-of-way transmission

corridors. This will preclude the need to amend the LMP when, in the future, the New York Power Authority may wish to change to a different class of product.

**Draft Recreation Plan (RP)**

The BIA has no comments on the RP except to note that at the Robert Moses Fishing Pier, the LMP refers to 3 American Disabilities Act (ADA) parking spaces and the RP refers to 4 ADA parking spaces.

If you have any questions or need additional information, please contact Dr. James Kardatzke, BIA, at (615) 564-6830.

Sincerely,

A handwritten signature in black ink that reads "Scott C. Meneely". The signature is written in a cursive style with a large, stylized initial "S".

**ACTING** Director, Eastern Region

CC: Tuscarora Nation

**MEMORANDUM**  
*(transmitted via email)*

TO: Edward Alkiewicz, New York Power Authority

CC: Nancy Herter, OPRHP  
Tonawanda Seneca Nation  
Seneca Nation of Indians

FROM: Neil Patterson Jr., Tuscarora Relicensing Director

RE: Comments on CUP, LMP, RMP, Phase 1A Addendum

DATE: August 25, 2008

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Below are comments on three of NYPA's draft management plans and the Phase 1A Addendum. Our comments on the Customary Use Plan, the Land Management Plan, and the Recreation Management Plan are mostly wording changes and clarifications that could be resolved before the documents are submitted to FERC. Comments on the Phase 1A Addendum reflect significant conceptual differences and large omissions of information critical to a thorough Phase 1A inventory of cultural resources flooded by the Lewiston Reservoir. These concerns may require the collection of additional information which could be contained in a final or interim 1A Addendum report. As always, we are committed to working with NYPA, the OPRHP and others to resolve these issues and we appreciate the chance to comment on these plans in advance of their submission to the Federal Energy Regulatory Commission.

**Comments on the Customary Use Plan**

1. Section 1.0, 2<sup>nd</sup> paragraph, first sentence. Change "members" to "citizens."
2. Section 1.0, 2<sup>nd</sup> sentence of second paragraph should begin with "Because" rather than "As" because (not as) it is more precise.
3. Section 2.0, Change 1<sup>st</sup> sentence to "The Tuscarora Nation and the United States of America have had a treaty based relationship for over three centuries old."
4. Section 4.0, 3<sup>rd</sup> sentence, 1st paragraph should read "Prior authorization shall be obtained two (2) weeks . . . ."
5. Section 4.0, 1<sup>st</sup> sentence, 2<sup>nd</sup> paragraph should read: "Prior authorization must be obtained from, and pre-notification provided to the following Power Authority Offices. The "please contact" language in the original makes it sound like this document is addressed to the Nation, which it is not.
6. Section 4.0 addresses who at the Power Authority is authorized to receive notification and provide authorization for certain CUP activities but not who the Power Authority is authorized to receive notice or entertain requests for authorization from. There should be language inserted identifying who is authorized to give notice and/or request authorization.

7. Section 5.0 should read “All Activities To Conform With Applicable Federal and State Law.” “Applicable” is used in similar contexts in other relicensing documents to make clear that Indian Nations are not agreeing to any restrictions to which its members are not otherwise subject and should likewise be inserted here. “Requirements” is way too vague a term. “Law” should be substituted. These changes also need to be made elsewhere in the document, including the Table of Contents.
8. Section 5.0 currently references “Local” law. We need clarification on the extent to which “Local” (as opposed to State or Federal) law applies to Lands (or interests in land) within the Project Boundary. CUP activities should not be subject to local restrictions that do not apply to Project Lands and Project Operations in general.
9. Section 5.0 A., 1<sup>st</sup> sentence, 1<sup>st</sup> paragraph: The phrase “prohibited on lands within the FERC Project boundary” is still misleading (or at least confusing) in that it could be read as referring to the easement land (since the easement itself is “within the FERC Project Boundary”). It should be changed to something like “prohibited on NYPA-owned fee lands within the FERC Project boundary”)
10. Section 5.0, 3d & 4<sup>th</sup> sentence: same comment as in #7, reference to “local” law.
11. Section 5.0, 4<sup>th</sup> sentence. Phrase “at the Project” has the same problems as described in #9, above.
12. There appears to be a numbering error on p. 4 (after Section 5.0) in that the next section is also labeled 5.0. Section 6.0 should be Section 7.0 (same in Table of Contents)
13. Title to what should be Section 6.0 should read “ALL ACTIVITIES TO CONFORM WITH APPLICABLE FEDERAL AND STATE LAW” (see comment #7, above)
14. Last bullet in what should be Section 6.0 should read “Any applicable State requirements . . .”

**Comments on New Section 4.2.3 of Land Management Plan:**

1. Sentence 4 should read: “One of the roads NYSDOT manages within the Project boundary is a section of Garlow Rd., located on 9.9 acres of Tuscarora Nation land to the East of the Lewiston Reservoir. The Power Authority holds an easement interest in that 9.9 acre parcel for the purpose of constructing and maintaining the road.”
2. Note on Fig. 3-1.3 should read: “Power Authority holds an easement in parcel from the Tuscarora Nation. NYSDOT manages . . .”

**Comments on New Section 9.0 of Recreation Plan:**

1. 2d sentence, 3d paragraph should read “This activity constitutes trespass under Nation law.” It’s not simply the Nation’s “view” that trespass occurs.

***Additional Tuscarora comments regarding the Lewiston Reservoir IA Study which are unrelated to this filing have been redacted from this filing.***

**NIAGARA POWER PROJECT (FERC NO. 2216)  
RECREATION PLAN-RECORD OF CONSULTATION**

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**NYPA Response To Comments Matrix**

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- [Buffalo Niagara Riverkeeper](#)
- [United States Department of the Interior Bureau of Indian Affairs](#)

Draft Recreation Plan

- [United States Department of the Interior Bureau of Indian Affairs](#)
- [United States Department of the Interior Fish and Wildlife Service](#)
- [Tuscarora Nation](#)

**NIAGARA POWER PROJECT (FERC NO. 2216)**  
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**RESPONSE TO STAKEHOLDER COMMENTS ON THE NEW YORK POWER AUTHORITY'S**  
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Location	Comment	Response
<i>Buffalo Niagara Riverkeeper</i>		
Par. 7	Section 2.0's discussion of regional recreational opportunities should also specifically address recreational trends, strengths, needs and threats.	Article 404 of the Niagara Power Project license requires NYPA to file with FERC a Recreation Plan ("Plan") for those recreation facilities located within the project boundary. Section 4.2 of the Plan discusses future recreation use of the project recreation facilities. Information used to develop this section included the New York Statewide Comprehensive Outdoor Recreation Plan (NYSCORP). The NYSCORP looked at recreational trends for Niagara County as well as needs. This information was incorporated into the Plan.
Par. 8	Section 3.0 - Existing Recreation Facilities should be expanded to include the Schoellkopf Ruins, bikeways, hiking trails.	As required by the Niagara license the Plan was limited to those recreation facilities located within the project boundary. These facilities do include hiking trails and bikeways. The Schoellkopf Ruins are currently considered part of the Niagara Gorge Discovery Center, and as such, the Ruins are included in the Recreation Plan.

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<b>Location</b>	<b>Comment</b>	<b>Response</b>
Par.9	Section 4.0 should respond directly to stakeholder comments on deficiencies in the recreational study developed in the relicensing process. As mentioned, parking lot use surveys are not indicative of recreational facility use. Further investigation may be warranted.	Section 4.1 discusses current use of recreation facilities within the Project Boundary. This information was derived from the studies prepared during the relicensing of the Niagara Power Project. The studies for recreational facility use were consistent with the Scope of Services that was developed during the Niagara Power Project stakeholder consultation. Additionally, the studies for determining the use of recreational facilities followed acceptable industry standards and methodologies. The results were also presented and discussed with the Alternative Licensing Process (ALP) stakeholders.
Par. 10	Section 5.0 Proposed Recreation Facilities should include a discussion of the planned Power Trail and Industrial History.	The Recreation Plan only addresses existing or currently proposed recreation facilities located within the project boundary as required by the FERC License.

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<b>Location</b>	<b>Comment</b>	<b>Response</b>
Par. 11	Finally, please discuss where the plan will address the logistic difficulties created by location of the fishing access road parking at the top of the gorge.	As part of the Recreation Enhancement Projects, additional parking has been added to the lower parking lot of the Robert Moses Fishing Pier. The existing parking lot located at the top of the gorge will continue to remain open for anglers as an overflow area to the expanded parking which is at the bottom of the gorge.
<b><i>United States Department of the Interior Bureau of Indian Affairs</i></b>		
Par. 1, Sent.2	The BIA has no comments regarding the Recreation Plan.	Comment Noted.

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Location	Comment	Response
<i>United States Department of the Interior Bureau of Indian Affairs</i>		
Par. 6	The BIA has no comments on the RP except to note that at the Robert Moses Fishing Pier, the LMP refers to 3 American Disabilities Act (ADA) parking spaces and the RP refers to 4 ADA parking spaces	There are four (4) ADA parking spaces at the Robert Moses Fishing Pier. The LMP will be revised to reflect this number.
<i>United States Department of the Interior Fish and Wildlife Service</i>		
Par. 1, Sent. 1 through 3	The U.S. Fish and Wildlife Service (Service) has reviewed the January 31, 2008, Draft Recreation Plan (DRP) produced by the New York Power Authority in compliance with License Article 404 for the Niagara Power Project. The DRP adequately addresses License Article 404. The Service has no objections to this plan and will defer specific comments to our sister agencies, the National Park Service and the Bureau of Indian Affairs.	Comment Noted.
<i>Tuscarora Nation</i>		
Par 3	Section 9.0 2d sentence, should read “This activity constitutes trespass under Nation law.” It’s not simply the Nation’s “view” that trespass occurs.	The Power Authority does not believe this Recreation Plan to be the appropriate document to define the scope of its easement from the Tuscarora Nation or identify activities that constitute trespass under Nation law. Accordingly, this sentence has been stricken from the Recreation Plan.