BUFFALO NIAGARA RIVERKEEPER®

Mr. John M. Kahabka
Vice President
Environmental, Health and Safety Division
New York Power Authority
123 Main Street
White Plains, NY 10601

January 4, 2013

Dear Mr. Kahabka,

Thank you for the opportunity to review the preliminary plans for the proposed development at the site of the former Shoellkopf 3 Power Plant. The property is located within the City of Niagara Falls, NY and is 6.1 acres in size. Based on the information provided, we understand that the proposed development will accommodate relocation and construction of winter storage facilities for the Maid of the Mist Corporation. Notification of this project has been provided to Buffalo Niagara RIVERKEEPER as part of the Part I State Environmental Quality Review (SEQR) Process.

Buffalo Niagara RIVERKEEPER has no opposition to the New York Power Authority acting as the lead agency for the SEQR review process. However, regarding the potential for impacts to important natural, historical and cultural resources at the site, we provide the following information:

Ecological Resources

The project area is located within a highly visible, sensitive ecological setting that should receive special considerations during all aspects of the project planning. Specifically, the project site appears to be mapped as a Calcareous Talus Slope community, a successional forestland dominated by shrubs and considered to have high ecological and conservation value within New York State (EDR, 2011.) This community is ranked by the NY State Natural Heritage Program as, "*uncommon, limited in distribution and susceptible to threats including development"* (Edinger et al., 2002.)

The talus slope community onsite provides cover for resident and migratory songbirds, buffering along the gorge walls and habitat for a multitude of plant and wildlife species. While we recognize that the site was previously disturbed during the operation of the Shoellkopf powerplant, significant natural regeneration has occurred since 1960. The Part I Form indicates that 2.9 acres will be disturbed onsite and 1.3 acres of clearing will take place. **To the greatest extent possible,**

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clearing of vegetation should be avoided and conservation of the talus slope forest community should be a priority.

The Part I Form also notes the presence of Smooth Cliffbrake on the site. This plant species is listed as imperiled in the State Heritage Ranking system and the site is documented as one of only two locations within the Niagara River gorge where Cliffbrake is found. Further, this site contains one of 12 extant Cliffbrake populations remaining within New York State (EDR, 2011.) While the Phase I Form states that this population will not be disturbed, we remain concerned that the site improvements could alter the viability of habitat for this species and ultimately lead to further decline of the talus slope community along the gorge.

Finally, the Niagara River corridor is designated by the National Audubon Society as a Globally Significant Important Bird Area, primarily for its populations of gulls and overwintering waterfowl. Several waterfowl staging and concentration areas are also found along the lower river (2011, EDR.) The project should take precautions to ensure that time-of-year restrictions are followed over the 16-month construction period where appropriate and necessary.

Stormwater Management and Impervious Surface Areas

The Part I Form indicates that 1.3 acres of new impervious surface area will be constructed to accommodate the proposed concrete storage area and maintenance building. In addition, the preliminary plans include a large bioretention area to be located at the base of the site, in close proximity to the river. **It is not clear whether the bioretention facility will treat all of the stormwater from the site, or just a portion of the site and it is unclear whether the project is creating an additional discharge point to the river.** Greater details of stormwater management should be provided to the general public early in the planning process. Stormwater treatment for both quantity and quality should be achieved onsite such that no additional runoff (quantity) or pollutant load (quality) is contributed to the river from the proposed improvements.

Based on the extent of new impervious surface area proposed onsite, we recommend that the feasibility of using permeable paving materials be explored as an alternative to concrete and traditional asphalt surfaces. As with all new impervious materials in close proximity to waterways, the project should take every step to mitigate adverse impacts to water quality due to stormwater runoff. Green infrastructure solutions should be incorporated into the design both to address new impervious surfaces at the top of the gorge as well as those at the bottom.

Public Access and Trail Connections

We commend the proposed development in incorporating public access and ADA accessible components into the project. While the Part I Form acknowledges that

the existing trail system is difficult to descend and requires a rigorous hike to reach the site, we contend that the trail system along the gorge is nonetheless used regularly by hikers and provides an important connection between people and the water along this section of the river. We recommend that the NYPA work closely with State Parks to think globally about the existing trail connections to the north and south of the site and to take measures to provide fluid universal access across the site while ensuring that the gorge ecosystem is not further compromised.

As a component of bringing greater numbers of the public to the site, we recommend that enhanced interpretive signage be included in the project in order to inform the public about the ecological, cultural and historical heritage of the site.

In summary, Buffalo Niagara Riverkeeper recognizes that the ecological, public and economic benefits of this project site are integrated completely with the Niagara River gorge ecosystem and overall region's blue economy. In light of these relationships, every effort should be taken by NYPA to minimize the footprint of the proposed development at this site and to ensure that no adverse impacts occur to the natural, public, and economic resources of the site.

Thank you again for the opportunity to provide comments early in the planning process. It is Buffalo Niagara Riverkeeper's mission to protect both water quality and quantity, while connecting people to water. If you have questions, or would like to request additional input, please feel free to contact me directly at 716-852-7483, extension 30.

Sincerely,

Kerrie L. Gallo

Kerrie Gallo
Director of Ecological Programs

KG:jsj

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