

PROJECT INFORMATION

Project Name: Creating New Publicly Accessible Nature Preserves on Grand Island
Location: Three properties on Grand Island
Site Address: Love Rd. (no address); 2489 Whitehaven Rd.; and 2500 Staley Rd.
State: NY Zip Code: 14072
Minor Civil Division(s): Grand Island
County: Erie
Project Proponent Property Interest (own, lease, easement or other): Own (2 properties), easement (1 property)

AUTHORIZED OFFICIAL

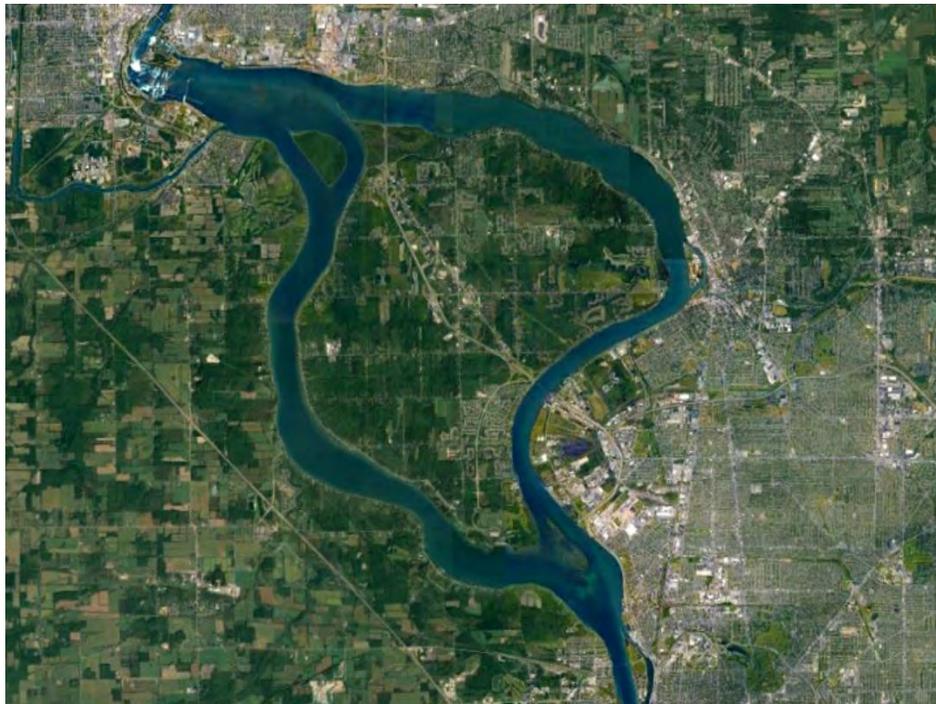
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CREATING NEW PUBLICLY ACCESSIBLE NATURE PRESERVES ON GRAND ISLAND

THE NEXT PHASE OF THE GREENWAY / GRAND ISLAND LAND PROTECTION PROGRAM



Prepared for:



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

**Prepared by:
Western New York Land Conservancy
June 8, 2020**

PROJECT NARRATIVE

1: PROJECT PURPOSE

The Western New York Land Conservancy will permanently protect three ecologically important properties on Grand Island, totaling 90.5 acres. The properties include the 44-acre Love Road Preserve, the 10.5-acre Funk Preserve, and the 36-acre Alt Preserve. Each of these properties supports rare and protected plants and animals, and each will be nature preserves with year-round trails open to the public. They will be part of an emerging network of conserved lands and trails on Grand Island. Unfortunately, each of these properties is threatened, and their protection now is important.

This work is the result of the Land Conservancy's ongoing Greenway / Grand Island Land Protection Program, which began in 2018. This program was supported by the Niagara River Greenway Commission, and was funded by the Greenway Ecological Standing Committee, with additional support from the Town of Grand Island. The purpose of that program is to identify lands on Grand Island that have important wildlife habitat, including forests, meadows, wetlands, and streams, and to identify landowners who want to voluntarily protect their own land. The three projects being proposed in this application are the results of the first two years of that program.

- **Love Road Preserve (44 acres)** – This property is located on Love Road near the West River Parkway. It is currently owned by the Buffalo Ornithological Society, a not-for-profit dedicated to bird science and education that was formed in 1929. As an all-volunteer organization, the burden of maintaining the property has become too great, and they decided to sell it to the Land Conservancy so that it can be protected and open to the public.

The property is entirely forested. It has many wooded wetlands and vernal pools that provide habitat for important plants, birds, and amphibians. It also has portions of two Niagara River tributaries. If not protected by the Land Conservancy, the land could be sold for development, and its forests could be cut. Without the Land Conservancy's stewardship, invasive plant species, like buckthorn, could continue to spread and degrade the forest.

Once the Land Conservancy purchases the property, we will maintain it as a publicly accessible nature preserve. We will clear vegetation from its existing walking trail system, place an entry kiosk and bike rack on Love Rd., and begin controlling invasive plant species there. The trails will accommodate walking, snowshoeing, and cross-country skiing. These initial habitat improvements and public access improvements are part of this project proposal. The property boundaries at the entrance at Love Road are very narrow, and cannot accommodate parking. Initially, people accessing the preserve will not be able to park there, so they will have to arrive by foot or by bicycle. In the future, we hope to expand the preserve by protecting land adjacent to it, which would allow us to expand the preserve's trail system, accommodate parking, and connect directly to the trails on the West River Parkway. Because of the lack of room for parking

in the preserve's current configuration, that future trail expansion is not part of this initial project proposal.

- **Funk Preserve (10.5 acres)** – This property is named after its current owners. It is located at 2500 Staley Rd. The owners would like to sell the land to the Land Conservancy.

The property has a mix of forest and meadow, as well as a portion of a creek that forms Big Sixmile Creek. The land also supports important plants and animals. It is adjacent to a 39-acre Town-owned forest, as well as a forested paper street that runs north south connecting Love Rd., Staley Rd., Whitehaven Rd., and Bedell Rd. If not protected, this land could easily be developed, like nearly every other parcel along Staley Rd. The forests could also be lost.

Once the Land Conservancy purchases the property, it will open it as a publicly accessible nature preserve. We will begin controlling invasive species, create a new walking, snowshoe, and cross-country ski trail system, add a small parking area and bike rack on Staley Rd., and add an entry kiosk. These public access improvements are part of this project proposal. In the future, we will work with the Town to connect the Funk Preserve with the adjacent Town-owned forest, if and when the Town chooses to add a trail system there. The Town's Comprehensive Plan shows a proposed trail that would connect the Funk Preserve with the Alt Preserve along the adjacent paper street, and that would connect both to a broader trail system throughout Grand Island that includes the West River Parkway and the Land Conservancy's Gallogly Sanctuary.

- **Alt Preserve (36 acres)** – This property is located on 2489 Whitehaven Rd. It includes many acres of wooded wetlands and meadows, as well as historic Grand Island Schoolhouse No. 8 (circa 1850s, one of Grand Island's original school houses), a historic barn, an historic ice house, and a private residence that was built circa 1870 by the Alt Family and recognized by the Grand Island Historic Preservation Advisory Board in its historic building project. It is near the Land Conservancy's Margery Gallogly Nature Sanctuary and the Grand Island Welcome Center. It is also adjacent to the forested paper street (George Alt Boulevard) that runs north south connecting Love Rd., Staley Rd., Whitehaven Rd., and Bedell Rd.

Its current owners would like the Land Conservancy to place a conservation easement on the entire property. The current owners plan to then transform the property into a publicly accessible nature preserve, and they plan to form a not-for-profit to manage the preserve.¹ They will continue to manage the meadow and forest for wildlife habitat, control invasive plant species, and add some native trees and shrubs. With funds from the conservation easement, they plan to restore the historic school house, ice house, and barn as a nature center for visitors, open to community programs, and maintain a walking trail system through the property that will be open to visitors, free of charge. They will also add interpretive signage. The Town's Comprehensive Plan shows a proposed trail that would

¹ The Land Conservancy's conservation easement will protect the property and its important wildlife habitat from development, but the conservation easement cannot require the land to be open to the public. Although the current landowners plan to have publicly accessible trails, the easement cannot require the current landowners or future landowners to provide public access.

connect the Funk Preserve with the Alt Preserve along the adjacent paper street (George Alt Boulevard), and that would connect both to a broader trail system throughout Grand Island that includes the West River Parkway and the Land Conservancy's Gallogly Sanctuary.

A conservation easement is an agreement between a landowner and the conservation easement holder (the Land Conservancy) that protects the property by restricting certain types of uses on the property. In this case, the conservation easement will restrict the land from being subdivided. The forest and meadow on the property will not be allowed to be developed or used for agriculture. Trails will be allowed. The historic school house, barn, ice house, and private residence, as well as a driveway and parking area, will be allowed to remain. All of these new restrictions will be permanent. The Land Conservancy's role will be to monitor the property each year to ensure these restrictions are upheld, and to enforce the restrictions if there are violations. The value of the purchase going to the current landowners is essentially the value of the development rights, as determined by an appraisal, that are being removed by those new restrictions.

Although the Land Conservancy owns many of its own nature preserves, most of its conservation work is through conservation easements. Throughout Western New York, the Land Conservancy owns 18 properties covering 949 acres, while it has conservation easements on 58 properties covering 5,291 acres. Conservation easements are the most commonly-used tool by land trusts across the U.S. Conservation easements are also held by municipalities and states, including NY State, to conserve land. Conservation easements are designed to and required to provide public benefit. Many of the Land Conservancy's conservation easements are on publicly accessible parks or nature preserve. This includes Nature View Park in Amherst, Lytle Nature Preserve in Lockport, the Mill Road Scenic Overlook in Aurora, and portions of the North Tonawanda Audubon Preserve in North Tonawanda. The Land Conservancy also has conservation easements on two forests owned by Grand Island, including land now called Scenic Woods that has a brand-new walking trail system open to the public.

The Land Conservancy began working on Grand Island in the 1990s, when we protected two Town-owned properties with conservation easements. We are focused on conserving more land and providing the public with more access to nature on Grand Island. With support from the Niagara River Greenway Commission and funding from the Greenway Ecological Standing Committee and private donors, the Land Conservancy purchased 145 acres of forest surrounding Assumption Cemetery on Whitehaven Road on Grand Island in 2018. The land is now called the Margery Gallogly Nature Sanctuary. A new walking trail system which was funded the Buffalo and Erie County Greenway Fund Standing Committee, will be complete in late summer 2020. Once we demonstrate success with these three new projects, we expect this work to catalyze even more conservation on Grand Island in future years.

2: CONSISTENCY WITH THE NIAGARA RIVER GREENWAY PLAN

The proposed projects are perfectly aligned with the Niagara River Greenway Plan. They are the result of the Land Conservancy's Greenway Land Protection Program that was determined to be consistent with the Plan in 2017, and that was funded by the Greenway Ecological Standing

Committee (GESC) in 2018. These projects protect the ecological resources of the Greenway, connect people to those resources, and expand the “corridor of places, parks and landscapes” envisioned by the Greenway Plan. Land protection like these projects, including the use of conservation easements, are specifically recommended for use in the Greenway Plan.

The Greenway Land Protection Program builds on the Niagara River Greenway **Principles** in the following ways.

1. **Excellence:** It is the Land Conservancy’s mission to permanently protect land with significant conservation value in Western New York. In our 29-year history we have helped protect more than 7,000 acres of land, including farms, forests and scenic vistas on more than 90 properties. Many of our protected lands are open to the public. The Land Conservancy is a nationally-accredited land trust. In all of our 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 land trusts.
2. **Sustainability:** The Land Conservancy will take measures to ensure that each property, its habitats, and the ecological services that it provides are protected into the future. The Land Conservancy will ensure the economic sustainability of protecting each property by contributing to a stewardship and legal defense fund to help cover ongoing costs. At the two properties to be purchased by the Land Conservancy, the funds will help cover ongoing stewardship costs. At the conservation easement property, the funds will help cover annual monitoring costs.
3. **Accessibility:** At the Love Road Preserve, the Land Conservancy will clear vegetation from the existing trail system as part of this project. In the long-run, the Land Conservancy would like to expand the preserve, creating space for parking and an expanded trail system. At the Funk Preserve, the Land Conservancy will build a new trail system as part of this project, and will coordinate future public access improvements with the Town of Grand Island and their adjacent forest. At the Alt Preserve, the landowners plan to develop their own public access improvements.
4. **Ecological Integrity:** Each of these projects protects important ecological communities and wildlife habitat. This includes forests, meadows, and wetlands at the headwaters of the Niagara River. These projects will help sustain rare plants and animals, and Species of Greatest Conservation Need. The projects will also provide connectivity between existing protected places.
5. **Public Well-being:** These projects will help maintain the character of Grand Island and will provide outdoor recreation in nature. All of this will increase the quality of life of nearby communities, and will improve health outcomes for people of all ages. These projects will also support the local economy. Outdoor recreation attracts visitors, creates jobs, and generates spending. Property values increase when they are adjacent to protected greenspaces. These properties, in their natural state, help clean our air and our fresh water, and reduce flooding. Protecting these properties will help protect those important ecosystem services.
6. **Connectivity:** These projects will connect people to the Greenway and to nature.
 - o The Love Road Preserve is only 600 feet from the West River Parkway, as the crow flies, and its entrance on Love Rd. is only 3,500 feet from the West River Parkway. In the long-run, the Land Conservancy hopes to expand the preserve, making parking and an expanded trail system possible, and will work with the

Town and the Greenway Commission on possible trail connections to the West River Parkway.

- The Funk Preserve is adjacent to a Town-owned forest, and the trail system on the Funk Preserve will be designed with the Town with the aim of connecting the two properties together.
 - The owners of the Alt Preserve plan to transform the land into a publicly accessible nature preserve with trails. It is less than a mile east on Whitehaven Rd. from the Land Conservancy's Margery Gallogly Nature Sanctuary, which will have a new trail system by the middle of 2020. The Gallogly Sanctuary trail system will connect to a trail system in a Town-owned park that connects to the West River Parkway. The Alt Preserve is also located between the West River Parkway and the Grand Island Welcome Center. There are opportunities for future trails that would connect the West River Parkway to these nature preserves and the Welcome Center.
 - The Town's Comprehensive Plan shows a proposed trail system that would connect the Funk Preserve with the Alt Preserve, and that would connect both to a broader trail system throughout Grand Island that includes the West River Parkway and the Land Conservancy's Gallogly Sanctuary.
7. **Restoration:** The Land Conservancy is committed to the enhancement and restoration of degraded landscapes. The Land Conservancy will control invasive species and plant native trees, shrubs, grasses, and wildflowers on the Love Road Preserve and the Funk Preserve. The owners of the Alt Preserve will restore wildlife habitat there.
 8. **Authenticity:** These properties are home to the iconic natural heritage of Grand Island. These projects will preserve the sense-of-place that makes Grand Island a showcase for the entire Niagara River Greenway.
 9. **Celebration:** By prioritizing and protecting lands that most typify the Greenway vision, we will promote the recognition, interpretation, and celebration of the "natural, cultural, recreational, and scenic...resources" that make this region unique.
 10. **Partnerships:** These projects are supported by the current landowners, the Town of Grand Island, and many other elected officials. The three properties being protected are the result of the Land Conservancy's Greenway Land Protection Program, a partnership between the Land Conservancy, the Niagara River Greenway Commission, and the Greenway Ecological Standing Committee that allowed the Land Conservancy to proactively identify and work with these landowners. The Land Conservancy will continue to work with stakeholders including elected officials, community leaders, and partner organizations.
 11. **Community-based:** The concept for the Greenway Land Protection Program was inspired by community members themselves who have expressed concerns about rapid development that is taking place and the loss of valuable open spaces. The landowners of each of the three properties to be protected have chosen to work with the Land Conservancy. The Town of Grand Island supports this work.

The proposed Greenway Land Protection Program achieves all of the goals of the Niagara River Greenway Plan:

1. **Improve Access:** The proposed projects will create new publicly accessible nature preserves that support low-impact outdoor recreation like hiking, snowshoeing, and cross-country skiing. Protecting these properties will provide access to important habitat for wildlife in the Niagara River Greenway.

2. **Make Connections:** The projects will contribute to the Greenway’s landscape-scale ecosystem connectivity by creating new protected areas and expanding existing protected areas. At the Love Road Preserve, in the long-run, the Land Conservancy hopes to expand the preserve, making parking and an expanded trail system possible, and will work with the Town and the Greenway Commission on possible trail connections to the West River Parkway. The Funk Preserve is adjacent to a Town-owned forest, and the trail system on the Funk Preserve will be designed with the Town with the aim of connecting the two properties together. The landowners plan to transform the Alt Preserve into a publicly accessible nature preserve with trails. The Town’s Comprehensive Plan shows a proposed trail system that would connect the Funk Preserve with the Alt Preserve along an adjacent paper street, and that would connect both preserves to a broader trail system throughout Grand Island that includes the West River Parkway and the Land Conservancy’s Gallogly Sanctuary.
3. **Protect and Restore Environmental Systems:** The projects will protect unique and threatened ecological resources including forested wetlands, headwater streams, and meadows. These habitats support rare and protected plants and animals and Species of Greatest Conservation Need. The Land Conservancy will restore wildlife habitat by controlling invasive plant species and adding native plants on the Love Road Preserve and the Funk Preserve, while the landowners of the Whitehaven Preserve will restore wildlife habitat there.
4. **Spark Revitalization and Renewal:** These projects will strengthen an awareness of the importance of our natural heritage for the growing recreation and tourism economy on Grand Island.
5. **Promote Long Term Sustainability:** The basic goal of this program is the protection of irreplaceable resources that provide long-term ecosystem services including flood control, water quality benefits, and wildlife habitat. Each property protected will be protected in perpetuity.
6. **Extend Olmsted’s Legacy:** This program will protect properties in the Greenway, and thus will help strengthen Olmsted’s vision of a necklace of open spaces along the length of the Niagara River.
7. **Celebrate History and Heritage:** The program will protect properties that are emblematic of our unique natural heritage. Land on Grand Island is also home to important Native American history. These protected properties will provide a living testament of the unique history and heritage of the Greenway corridor. As publicly accessible nature preserves, each property will offer opportunities for interpretive programming.

And lastly, these projects measure well in relation to the evaluative criteria established in the Niagara River Greenway Action Plan.

1. **Consistency with Principles:** The projects are guided by the same 11 principles that guide the Niagara River Greenway Plan and will extend and strengthen those principals and outcomes.
2. **Priority Status:** The Greenway Land Protection Program mirrors the very same priorities designated in the Niagara River Greenway Plan. Through new public access on protected lands, these projects will “improve access to waterfront resources.” Newly protected natural areas can be part of an “integrated trail and park system.” Protecting land will be part of the “restoration of the Niagara River ecosystem.” New nature

preserves will allow for “interpretation and education about the region’s cultural, natural and historic resources.”

3. **Focus Areas:** The projects are all within the Niagara River Greenway boundary. The Love Road Preserve is only 600 feet from the Focus Area boundary. The Alt Preserve is less than a mile from the Focus Area boundary. The Funk Preserve is less than two miles from the Focus Area boundary.
4. **Environmental Soundness:** Environmental conservation is at the core of these projects. The properties to be protected have important plants and animals, and provide ecosystem services that positively impact the Niagara River and Greenway communities.
5. **Implementable:** The Land Conservancy has a strong track record of protecting land, creating new trails, and restoring wildlife habitat. These projects have landowner support and Town support. These projects do not require review under the State Environmental Quality Review Act (SEQRA).
6. **Economic viability:** Funding requested for these projects will cover all project costs. The project budgets are based on appraisals for property value and the Land Conservancy’s previous experience with similar projects.
7. **Local Sponsor or Partner:** The Land Conservancy will be responsible for these projects. We will own and operate the Love Road Preserve and the Funk Preserve, where we will conduct habitat restoration and public access improvements. The Land Conservancy will hold the conservation easement on the Alt Preserve, and we will monitor the property annually for compliance with the easement. The current property owners plan to open the Alt Preserve as a publicly accessible nature preserve.
8. **Matching or Leveraged Funds:** These projects will have an approximate total of \$225,981 of Non-Greenway, leveraged resources. This includes:
 - Love Road Preserve - \$12,000: This includes approximately \$2,000 of in-kind volunteer work to clear existing trails, and \$10,000 for invasive species control and native plantings to be sought from outside sources.
 - Funk Preserve - \$63,981: This money will be sought from other grant programs and individual donors. It includes approximately \$30,000 for stream restoration, \$29,481 additional Land Conservancy stewardship fund contributions based on having a new trail system, and \$4,500 of associated administrative costs.
 - Alt Preserve - \$150,000: This is an estimate of the value of the landowner’s planned investments to transform the property into a publicly accessible nature preserve. It includes: purchasing maintenance equipment for the preserve (mowing tractor, etc...); renovating historic structures to be used as a nature center; trail improvements and signage; and invasive species control and native plantings.

We will seek additional non-Greenway resources for each of these projects. The Land Conservancy has secured hundreds of thousands of dollars on non-Greenway funds for similar projects in the past from individual donors and other grants. Some of the acquisition costs for these projects are being paid for by funding secured from the GESC for the Greenway/ Grand Island Land Protection Program.

9. **Consideration of Other Planning Efforts:** This program is aligned with local, regional, and statewide planning efforts.
 - The NYS Open Space Conservation Plan recommends protecting ecological corridors, exceptional forests, significant wetlands, and land in the Niagara River

Greenway. It prioritizes the protection of the Niagara River watershed, especially critical headwater forests. It specifically states that “Large wooded wetland tracts on the southwest portion of Grand Island should be protected through land acquisition and easements.” All of the properties to be protected include large wooded wetlands and are in the southwest portion of Grand Island.

- The draft work plan for the NYS DEC’s Great Lakes Action Agenda includes a goal to “Expand/enhance habitat and connectivity for fish, birds and other wildlife”. It includes an action to “Permanently protect important habitats to connect existing protected lands, especially along ecological corridors including our lakes, rivers, streams and escarpments”, and the Niagara River Greenway ecological corridor is specifically referenced. It also includes an action to “Conserve and protect headwater forests, (and) active river areas.”
- By protecting headwater forests and wetlands, the program advances the Niagara River Remedial Action Plan (RAP) and 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.
- Buffalo Niagara Waterkeeper’s 2014 Niagara River Habitat Conservation Strategy prioritized protecting and expanding core forests, riparian forests, and headwater forests, especially those at risk of fragmentation. Waterkeeper’s 2015 Niagara River Greenway Habitat Conservation Strategy prioritizes protecting and connecting natural areas in the Greenway. Land on Grand Island is called out in the plan. For the Love Road Preserve property, the “NYPA Greenway Habitat Strategy Phase 2 - Field Site Assessments” report states that “The forest and wetland features on the BOS Parcel site currently exhibit high ecological integrity and habitat value. Forest protection and conservation is a primary recommendation for the future management of this site. Invasive species control and management activities would be desirable, particularly to prevent common buckthorn encroachment... Finally, there are opportunities for public access at this site. Renewed maintenance of existing trails could offer opportunities for outdoor education and interpretation.”
- The Town of Grand Island’s Comprehensive Plan states that the town’s natural assets have a significant impact on economic development and overall quality of life, including open spaces and trails. Conserving open spaces was one of the top priorities discussed by town residents during the creation of the Comprehensive Plan. The plan also notes that public trails are limited. These projects are aligned with several objectives, including: establish a trail system that links the neighborhood, the Town Center, recreational nodes, and the regional Greenway trail system; seek opportunities for expanding and improving upon available recreational resources in the Town, especially local and state parks and trails. The Trail Identification Map in the Comprehensive plan proposes a trail that would connect the Alt Preserve with the Funk Preserve, and that would connect both to a broader trail system throughout Grand Island that includes the West River Parkway and the Land Conservancy’s Gallogly Sanctuary.
- The Town of Grand Island’s Parks, Recreation and Open Space Plan states that “...open space offers aesthetic values through scenic corridors and vistas, agricultural lands, woodlots, waterways and similar spaces. Lands set aside to protect environmentally sensitive features such as wetlands, floodplains, unique

sites or stormwater retention and detention areas likewise contribute to the quality of life of the community.”

- The three properties fall outside of the Town of Grand Island’s Local Waterfront Revitalization Program boundary, but these projects are aligned with the conservation and recreation policies of the plan.
- The proposed projects are perfectly aligned with the Niagara River Greenway Plan. They are the result of the Land Conservancy’s Greenway Land Protection Program that was determined to be consistent with the Plan in 2017, and that was funded by the GESC in 2018.

10. **Clear Benefits:** These projects will protect and restore important wildlife habitat, provide new low-impact outdoor recreation opportunities, and support the growing recreation and tourism economy on Grand Island. These properties, in their natural state, help clean our air and our fresh water, and reduce flooding. Protecting these properties will help protect those important ecosystem services.

3: BUDGET

SOURCES OF FUNDS				
	Love Road Preserve	Funk Preserve	Alt Preserve	<i>Total</i>
Buffalo and Erie County Greenway Fund (to be requested)	\$0	\$60,375	\$0	\$60,375
Greenway Ecological Standing Committee (to be requested)	\$164,649	\$213,320	\$210,912	\$588,881
Greenway Ecological Standing Committee (secured)	\$4,500	\$4,500	\$4,500	\$13,500
Leveraged Funds (committed and to be requested)	\$12,000	\$63,981	\$150,000	\$225,981
TOTAL SOURCES OF FUNDS	\$181,149	\$342,176	\$365,412	\$888,737
USE OF FUNDS				
Planning	\$1,500	\$1,500	\$0	\$3,000
Construction	\$34,880	\$108,100	\$150,600	\$293,580
Acquisition	\$74,350	\$134,622	\$179,868	\$388,840
Administration	\$9,710	\$20,883	\$5,020	\$35,613
Operation and Maintenance / Year	\$60,709 (\$2,428/yr)	\$77,071 (\$3,083/yr)	\$29,924 (\$1,197/yr)	\$167,704
TOTAL USES OF FUNDS	\$181,149	\$342,176	\$365,412	\$888,737

Project Budgets (Uses of Funds)

- Love Road Preserve (44 acres) – Total project costs are \$181,149.
 - \$1,500 for Planning includes: the development of a management plan by Land Conservancy staff.

- \$34,880 for Construction includes: improving existing trails; adding a bike rack, sign, and other improvements to the entrance; invasive species control and native plantings; in-kind volunteer time; and Land Conservancy staff time.
 - \$74,350 for Acquisition includes: purchase price (\$41,000); legal costs; title search and insurance; appraisal; phase one environmental assessment; recording fees; legal defense fund contribution; boundary survey and description; boundary markers; baseline document report; and Land Conservancy staff time.
 - \$9,710 for Administration includes: indirect / overhead costs (15% of all costs except for the purchase price, stewardship fund contribution, and in-kind volunteer services).
 - \$60,709 for Operation and Maintenance includes: stewardship fund contribution for long-term preserve management (funds are invested, and are calculated by dividing annual costs of \$2,428 by 4%, an estimated annual rate of return).
 - Note: In the long-run, the Land Conservancy hopes to expand the preserve, making parking and an expanded trail system possible. Those costs, and their timing, are unknown and are not included in this project.
- Funk Preserve (10.5 acres) – Total project costs are \$342,176.
 - \$1,500 for Planning includes: the development of a management plan by Land Conservancy staff.
 - \$108,100 for Construction includes: creating a new trail system; adding a small parking area, bike rack, sign, and other improvements to the entrance; invasive species control and native plantings; stream restoration (rough estimate); and Land Conservancy staff time.
 - \$134,622 for Acquisition includes: purchase price (\$102,000); legal costs; title search and insurance; appraisal; phase one environmental assessment; recording fees; legal defense fund contribution; boundary survey and description; boundary markers; baseline document report; and Land Conservancy staff time.
 - \$20,883 for Administration includes: indirect / overhead costs (15% of all costs except for the purchase price and stewardship fund contribution).
 - \$77,071 for Operation and Maintenance includes: stewardship fund contribution for long-term preserve management (funds are invested, and are calculated by dividing annual costs of \$3,083 by 4%, an estimated annual rate of return).
- Alt Preserve (36 acres) – Total project costs are \$365,412.
 - \$0 for Planning includes: The Land Conservancy does not develop management plans for conservation easement properties.
 - \$150,600 for Construction includes: purchasing maintenance equipment (mowing tractor, etc...); renovating historic structures; trail improvements and signage; invasive species control and native plantings; and Land Conservancy staff time (\$600, minimal advising). (Except for Land Conservancy staff time, these costs will be paid by the landowner.)
 - \$179,868 for Acquisition includes: purchase price (\$144,000, the value of development rights being removed); legal costs; title search and insurance; appraisal; phase one environmental assessment; recording fees; legal defense fund contribution; boundary survey and description; baseline document report; and Conservancy staff time (includes drafting the conservation easement).

- \$5,020 for Administration includes: indirect / overhead costs (15% of all costs except for the purchase price, construction costs which will be paid by the landowner, and stewardship fund contribution).
- \$29,924 for Operation and Maintenance includes: stewardship fund contribution for annual monitoring by Land Conservancy staff (funds are invested, and are calculated by dividing annual costs of \$1,197 by 4%, an estimated annual rate of return).

Project Funding (Sources of Funds)

- Love Road Preserve (44 acres) – Total project costs are \$181,149.
 - \$0 from the Buffalo and Erie County Greenway Fund (to be requested): In the long-run, the Land Conservancy hopes to expand the preserve, making parking and an expanded trail system possible. The costs of future public access improvements may be requested from this fund, but since expanding the preserve is necessary first and there is no timeline for that, they are not included in this project.
 - \$164,649 from the Greenway Ecological Standing Committee (to be requested): This will pay for all of the Planning, Acquisition, Administrative costs, and Operation and Maintenance costs (Land Conservancy stewardship fund). It will pay for most of the Construction costs (except for a portion of the invasive species control and native plantings).
 - \$4,500 from the Greenway Ecological Standing Committee (secured): This funding comes from the Greenway / Grand Island Land Protection Program budget, and will pay for an appraisal and some legal fees associated with developing a purchase contract with the landowner.
 - \$12,000 of Leveraged Funds: This includes approximately \$2,000 of in-kind volunteer work to clear existing trails, and \$10,000 for invasive species control and native plantings to be sought from outside sources.

- Funk Preserve (10.5 acres) – Total project costs are \$342,176.
 - \$60,375 from the Buffalo and Erie County Greenway Fund (to be requested): This will pay for public access improvement (creating a new trail system; adding a small parking area, bike rack, sign, and other improvements to the entrance), and Administrative costs.
 - \$213,320 from the Greenway Ecological Standing Committee (to be requested): This will pay for all of the Planning, Acquisition, and Operation and Maintenance costs (Land Conservancy stewardship fund). It will pay a portion of the Construction costs (invasive species control and native plantings). It will pay for the portion of Administrative costs associated with costs being asked from this fund.
 - \$4,500 from the Greenway Ecological Standing Committee (secured): This funding comes from the Greenway / Grand Island Land Protection Program budget, and will pay for an appraisal and some legal fees associated with developing a purchase contract with the landowner.
 - \$63,981 of Leveraged Funds: This money will be sought from other grant programs and individual donors. It includes approximately \$30,000 for Construction (stream restoration), \$29,481 Operations and Maintenance

(additional Land Conservancy stewardship fund contributions based on having a new trail system), and \$4,500 of associated Administrative costs.

- Alt Preserve (36 acres) – Total project costs are \$365,412.
 - \$0 from the Buffalo and Erie County Greenway Fund (to be requested).
 - \$210,912 from the Greenway Ecological Standing Committee (to be requested): This will pay for all of the Acquisition and Operation and Maintenance costs (Land Conservancy stewardship fund). It will pay for the portion of Administrative costs associated with costs being asked from this fund.
 - \$4,500 from the Greenway Ecological Standing Committee (secured): This funding comes from the Greenway / Grand Island Land Protection Program budget, and will pay for an appraisal and some legal fees associated with developing a purchase contract with the landowner.
 - \$150,000 of Leveraged Funds: This is an estimate of the value of the landowner's planned investments towards Construction costs to transform the property into a publicly accessible nature preserve. It includes: purchasing maintenance equipment for the preserve (mowing tractor, etc...); renovating historic structures to be used a nature center; trail improvements and signage; and invasive species control and native plantings.

Allocated Funds

The Land Conservancy has already spent nearly \$40,000 from the Greenway / Grand Island Land Protection Program, funded by the Greenway Ecological Standing Committee. This was spent on staff time identifying Grand Island properties as priorities, working with landowners, visiting properties, conducting preliminary appraisals, and developing initial project agreements, among other work. Approximately \$13,500 of funds for these projects is already secured from the Greenway / Grand Island Land Protection Program for final appraisals and some legal costs associated with developing purchase contracts.

Operations and Maintenance

The Land Conservancy will create a management plan for each fee simple property to be owned by the Land Conservancy (Love Road Preserve and Funk Preserve). The preserves will be managed for wildlife habitat protection and for low-impact public access. The Land Conservancy will employ its own stewardship staff, volunteers and outside contractors for long-term management tasks. The Land Conservancy will contribute to a stewardship and legal defense fund to help cover ongoing costs of protected properties. At fee simple properties to be owned by the Land Conservancy (Love Road Preserve and Funk Preserve), the funds will help cover ongoing stewardship costs. At the conservation easement property (Alt Preserve), the funds will help cover annual monitoring costs. Stewardship costs are typically much lower on conservation easement properties.

4: COMMUNITY AND GOVERNMENT SUPPORT

These projects have support from the Town of Grand Island and several other elected officials, as evidenced in the attached letters of support. These projects have support from each of the individual landowners, as evidenced by the project agreements that are also attached. These projects are aligned with statewide, regional, and local planning documents, as described earlier in this application. The Land Conservancy consulted with Erie County through the Department

of Environmental and Planning. The Land Conservancy also emailed information about these projects to the GESC representatives from the Tonawanda Seneca Nation and the Tuscarora Nation.

With funding from the GESC and a private donor, the Land Conservancy purchased a property surrounding the Assumption Cemetery on Whitehaven Road in 2018. This is now called the Margery Gallogly Nature Sanctuary. With funding from that private donor and from the Buffalo and Erie County Greenway Fund Standing Committee (BECGFSC), we are constructing a new trail system there that will be opened in late summer 2020. Although not yet open to the public, the Gallogly Sanctuary project has already created a lot of public support for land conservation on Grand Island.

With funding from the GESC for the Greenway Land Protection Program, the Land Conservancy has hosted several meetings with Town officials, residents, and partner organizations in planning for these projects. This has also generated support for land conservation in Grand Island.

The Land Conservancy will be responsible for these projects. We will own and operate the Love Road Preserve and the Funk Preserve, where we will conduct habitat restoration and public access improvements. The Land Conservancy will hold the conservation easement on the Alt Preserve, and we will monitor the property annually for compliance with the easement.

5: ENVIRONMENTAL SETTING

Grand Island is home to exceptional wildlife habitats, including various types of wetlands, riparian woodlands, and tributary streams, as well as some of the largest and most intact tracts of forest left in the entire Niagara River watershed. There are several large state parks and other conservation areas. The Land Conservancy has already protected three properties on Grand Island including: the 145-acre Margery Gallogly Nature Sanctuary (Land Conservancy-owned nature preserve); the 20.3-acre Gun Creek Woods (Town-owned forest, part of the Scenic Woods trails, with Land Conservancy conservation easement); and the 18.7-acre Bush Creek Woods (Town-owned forest with Land Conservancy conservation easement).

The 44-acre Love Road Preserve is covered by mature hardwood forest, including headwater forest, and many vernal pools. Dominant trees include sugar maple, red oak, and black oak. Approximately 38.4 acres are classified as forested/shrub wetland by the National Wetland Inventory maps. The property includes 1,560 feet of streams which are direct tributaries of the Niagara River. The property is within the active river area. The property is mostly surrounded by privately owned forests.

The 10.5-acre Funk Preserve is made up of half meadow and half mature hardwood forest, including headwater forest. There are vernal pools in the hardwood forest. Approximately 0.5 acres are classified as emergent wetland and 7.4 acres are classified as forested/shrub wetland by National Wetland Inventory maps. The property includes 454 feet of a stream that forms Big Sixmile Creek. The property is within the active river area. The property is adjacent to a 39-acre Town-owned forest, as well as a forested paper street.

The 36-acre Alt Preserve include approximately 9.4 acres of mature hardwood forest (including headwater forest), 22.7 acres of meadow, and 3.9 acres of a developed area that includes structures (a barn, a house, and a historic school house) and parking. There are vernal pools in the hardwood forest. The entire 9.4 acres of forest is considered a forested/shrub wetland by the National Wetland Inventory maps. The property is within the active river area. The property is adjacent to a forested paper street.

Likely Flora and Fauna: The Land Conservancy has not yet conducted in-depth ecological surveys of the flora and fauna of these three properties. However, each property was selected for protection because of its ecological conditions that were evident on-site visits. Many rare and protected plants and animals likely exist on the properties to be protected.

Patricia Eckel, a researcher from the Missouri Botanical Gardens, described some of the forests on Grand Island as a new type of plant community – a wet Oak-Hickory forest – which are home to trees such as Pin Oak, Shumard Oak, and Shellbark Hickory, all species not commonly found in New York State. This forest type is likely present on each of the three properties to be protected.

There are at least 21 species of reptiles and amphibians likely to occur on Grand Island according to the NYS Herp Atlas. This includes one NYS threatened species (Blanding’s Turtle) and two NYS special concern species (Jefferson Salamander and Blue-spotted Salamander). Two of these species are considered high priority Species of Greatest Conservation Need (SGCN) according to the NYS Wildlife Action Plan (Blue-spotted Salamander and Blanding’s Turtle), and four species are considered SGCN (Common Mudpuppy, Western Chorus Frog, Common Map Turtle, and Common Snapping Turtle). Many of the 21 species likely occur on the three properties to be protected, including Jefferson Salamander, Blue-spotted Salamander, and Western Chorus Frog.

There are at least 135 bird species likely to occur in the forests and grasslands of Grand Island, and all of these 135 species likely occur on the three properties to be protected. The number of bird species likely to be present is based on eBird data from woodland and grassland habitats on Grand Island. The list of 135 species excludes aquatic bird species likely to be only found on the Niagara River off-shore from Grand Island.

- Ten of these bird species are listed in New York State, including one listed as endangered (Peregrine Falcon), two listed as threatened (Northern Harrier, Bald Eagle), and seven listed as special concern (Osprey, Sharp-shinned Hawk, Cooper’s Hawk, Red-shouldered Hawk, Common Nighthawk, Red-headed Woodpecker, Golden-winged Warbler).
- Nine of these bird species are identified as high priority SGCN by the 2015 New York State Wildlife Action Plan (Common Nighthawk, Red-headed Woodpecker, Olive-sided Flycatcher, Brown Thrasher, Golden-winged Warbler, Cape May Warbler, Bay-breasted Warbler, Canada Warbler, Rusty Blackbird), and fifteen are identified as SGCN (Great Egret, Snowy Egret, Black-crowned Night Heron, Northern Harrier, Bald Eagle, Red-shouldered Hawk, American Woodcock, Black-billed Cuckoo, American Kestrel, Peregrine Falcon, Wood Thrush, Blue-winged Warbler, Black-throated Blue Warbler, Prairie Warbler, Scarlet Tanager).
- Many of the protected and SGCN birds likely nest in the forests and grasslands of Grand Island, including Wood Duck, Sharp-shinned Hawk, Cooper’s Hawk,

American Woodcock, Black-billed Cuckoo, Wood Thrush, Blue-winged Warbler, and Scarlet Tanager.

- The entire Niagara River Corridor is internationally designated as a globally Important Bird Area (IBA), primarily for its role as a bird migration corridor and its congregations of winter waterfowl and gulls. According to the Great Lakes Migratory Bird Portal, many of Grand Island's open spaces rank highly as a migratory stopover site for songbirds.

State Environmental Quality Review Act (SEQRA)

This project will not require SEQRA. The Funk Preserve project may require a permit from the US Army Corps of Engineers and / or the NYS Department of Environmental Conservation in order to construct a small parking area and develop a trail system.

Proposed Conceptual Plan

The Land Conservancy does not have conceptual plans for these projects. A trail plan will be developed for the Funk Preserve once the property is acquired and funding is secured for public access improvements. At the Love Road Preserve, the Land Conservancy plans to clear existing trails during this three-year project. At the Alt Preserve, the owners plan to create a publicly accessible nature preserve with trails that conform to the restrictions of the conservation easement.

Landowner Support

Each of the three projects has support from the landowners, as evidenced by the attached project agreements.

6: PROJECT TIMELINE

Each of these three projects will be complete within three years from fall 2020. Timelines for the projects are below.

Love Road Preserve

- Fall 2020 through Fall 2021
 - Purchase the property (title search, full appraisal, phase one environmental review, boundary survey, closing)
- Fall 2021 through Fall 2022
 - Clear vegetation from its existing walking trail system, place an entry kiosk and bike rack on Love Rd., place boundary signs on perimeter
 - Begin controlling invasive plant species
- Fall 2022 through Fall 2023
 - Continue controlling invasive plant species

Funk Preserve

- Fall 2020 through Fall 2021
 - Purchase the property (title search, full appraisal, phase one environmental review, boundary survey, closing)
- Fall 2021 through Fall 2022
 - Plan and design public access improvements, and seek permits if needed
 - Begin constructing new trail system, construct a small parking area and add a bike rack at entrance on Staley Rd., place boundary signs on perimeter

- Begin controlling invasive plant species
- Fall 2022 through Fall 2023
 - Complete construction of the trail system
 - Continue controlling invasive plant species

Alt Preserve

- Fall 2020 through Fall 2021
 - Place the conservation easement on the property (title search, draft conservation easement, full appraisal, phase one environmental review, boundary survey, record easement with deed)
- Fall 2021 through Fall 2022
 - Monitor the property to ensure compliance with the easement
- Fall 2022 through Fall 2023
 - Monitor the property to ensure compliance with the easement

ATTACHMENTS

- 1. LETTERS OF SUPPORT**
- 2. MAPS**
- 3. PHOTOS**
- 4. TAX EXEMPT STATUS**

1. LETTERS OF SUPPORT



OFFICE OF THE TOWN SUPERVISOR
JOHN C. WHITNEY, P.E.

June 3, 2020

Gregory D. Stevens
Niagara River Greenway Commission
PO Box 1132
Niagara Falls NY 14303

Dear Mr. Stevens,

The Town of Grand Island supports the Western New York Land Conservancy's proposal to protect more land on Grand Island. This project will help our community maintain its natural heritage and its quality of life.

The Land Conservancy has identified three properties to protect. They include:

- 44 acres (fee simple purchase) on Love Rd. This is currently owned by the Buffalo Ornithological Society.
- 36 acres (conservation easement) on 2489 Whitehaven Rd. This is near the Land Conservancy's Margery Gallogly Nature Sanctuary.
- 10.5 acres (fee simple purchase) on 2500 Staley Rd. This is adjacent to the Town-owned, 39-acre Love Road forest property.

The current owners of each property have chosen to work with the Land Conservancy. Each of these properties is home to important wildlife habitat, and each offers the potential for low impact public access. Outdoor recreation is an important part of Grand Island's economy, and these projects will contribute to that growing sector of our economy.

The Land Conservancy has already proven to be a good partner with the Town of Grand Island. The Land Conservancy holds two conservation easements on Town-owned land: Bush Road Woods and Gun Creek Woods. The Land Conservancy purchased land surrounding Assumption Cemetery on Whitehaven Road in 2018. That land is now called the Margery Gallegly Nature Sanctuary, and the Land Conservancy is transforming it into a publicly accessible nature preserve with new, year-round trails.

We hope that the Land Conservancy continues to help our community and our landowners protect places that are important to us all, so that future generations can enjoy them. Thank you for your past support of work and Grand Island, and thank you for considering this application.

Sincerely,

John C. Whitney, P.E.
Town Supervisor

DISTRICT OFFICE:
60 Lakefront Boulevard
Suite 125
Buffalo, New York 14202
(716) 854-8705
Fax: (716) 854-3051

THE SENATE
STATE OF NEW YORK



CHRISTOPHER L. JACOBS
SENATOR, 60TH DISTRICT

ALBANY OFFICE:
Room 413
Legislative Office Building
Albany, New York 12247
(518) 455-3240
Fax: (518) 426-6738

May 27, 2020

Gregory D. Stevens
Niagara River Greenway Commission
PO Box 1132
Niagara Falls NY 14303

Dear Mr. Stevens:

I am writing today to express my strong support for the funding application submitted to the Niagara River Greenway Ecological Standing Committee by the Western New York Land Conservancy.

The Land Conservancy has identified three tracts of land on the Town of Grand Island – 44 acres on Love Road, 36 acres on Whitehaven Road, and 10.5 acres on Staley Road - that are home to important wildlife habitat while offering great potential for low impact public access. The owners of these properties have specifically chosen to work with the Land Conservancy and support their purchase and stewardship efforts.

The Town of Grand Island has enjoyed a very positive working relationship with the Conservancy and they too support this project. Local leaders recognize that outdoor recreation is an important part of their economy and quality of life on Grand Island, and they are excited by the potential to add these three properties to their community's growing list of destinations.

Over many years now I have witnessed the great work that the Western New York Land Conservancy has performed in pursuit of their mission to permanently protect land with significant conservation value in Western New York for the benefit of future generations. I can say without reservation that with funding support from the Niagara River Greenway Ecological Standing Committee, the aforementioned locations will be well protected and cared for, and our community and society will be better because of that.

Sincerely,

Senator Chris Jacobs
New York State Senate 60th District



June 5, 2020

Mr. Gregory D. Stevens
Niagara River Greenway Commission
PO Box 1132
Niagara Falls NY 14303

Dear Mr. Stevens:

I am writing to offer my support for the Western New York Land Conservancy's application for funding from the Niagara River Greenway Ecological Standing Committee to protect three (3) properties on Grand Island. The Land Conservancy is working with landowners who have volunteered to participate in this project. Funding will support the acquisition and stewardship of these properties.

The Niagara River, its islands, shorelines and surrounding forests define the 145th District. Residents of and visitors to this district participate in many activities in these natural places.

The Land Conservancy's work in the past years throughout this area has only sought to improve the lifestyle and maintain the quality of life that our citizens enjoy.

I am proud of the work of the Land Conservancy and grateful to the landowners who have decided to work with them regarding this issue.

Very truly yours,

A handwritten signature in black ink that reads "Angelo J. Morinello". The signature is written in a cursive style with a large, looped initial "A".

ANGELO J. MORINELLO,
Assemblyman, 145th District

AJM/cld

LOVE ROAD PRESERVE

PROJECT AGREEMENT Land Acquisition: Buffalo Ornithological Society, Inc.- Grand Island

Agreement Date: May 28, 2020

Property: Love Road, Grand Island, NY
~44 acres
SBLs 50.17-1-4; 50.03-1-18 (See Exhibit A)

Current Landowner: Buffalo Ornithological Society, Inc.

Parties to Agreement:

Western New York Land Conservancy, Inc.
Office Address-
11663 Old Strykersville Road
Wales, NY 14052

Mailing Address-
P.O. Box 471
East Aurora, NY 14052-0471
marisa@wnylc.org

Buffalo Ornithological Society, Inc
% Buffalo Museum of Science
1020 Humboldt Parkway
Buffalo, NY 14221-1208
dsuggs@buffaloornithologicalsociety.org

Background

The Western New York Land Conservancy, Inc. (the "Land Conservancy") and Buffalo Ornithological Society, Inc. (the "Landowner"), collectively the "Parties", enter into this non-binding project agreement (this "Agreement") effective as of the Agreement Date set forth above on the basis of the following facts, understandings, and intentions.

- A. Purpose.
This Agreement is evidence of the Parties' willingness and commitment to work towards the sale/purchase of the property identified above (the "Property"). This Agreement neither binds the Land Conservancy to purchase, nor the Landowner to sell the Property; rather, it sets the terms under which the Parties agree to proceed in good faith towards a satisfactory transaction. It is the intention of the Parties to formalize the terms of this Agreement into a Purchase and Sale Agreement ("PSA"), noting that certain provisions may be subject to modification and/or restructuring based on due diligence and related efforts by the parties.
- B. Land Conservancy.
The Land Conservancy is a New York not-for-profit corporation within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the "ECL") with a mission to permanently protect land with significant conservation value in Western New York for the benefit of future generations. The Land Conservancy is organized for conserving real property and is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(iv) of the Internal Revenue Code.

- C. **Property.**
For the purposes of this agreement, "Property" will mean the parcels of real estate shown on the attached map ("Property Map", Exhibit A). The Property is an approximately 44-acre parcel. Further identified by the following SBLs: 50.17-1-4; 50.03-1-18.
- D. **Valuation.**
The Parties agree that the purchase price for the Property is \$41,000.00, which represents the preliminary appraised value of the Property. The Land Conservancy will have a current full appraisal completed prior to closing, and the parties agree that the purchase price of the property will not exceed the appraised fair market value of the Property.
- E. **Access.**
The Property is accessible from Love Road, Grand Island, New York. The Landowner agrees the Land Conservancy may access the Property for generating interest in protecting the Property, property inspections, wildlife studies, and all other acquisition related activities during the life of this Agreement. The Land Conservancy will add the Landowner as an Additional Insured on its Liability Insurance Policy and will provide Landowner with a Certificate of Insurance evidencing the coverage.
- F. **Site Investigation.**
The Land Conservancy and its contractors shall be permitted to enter the Property to complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report. All contractors will provide proof of Worker's Compensation coverage and include Landowner as an Additional Insured on its Commercial General Liability Insurance and provide proof of coverage.
- G. **Reliance.**
The Land Conservancy is willing to move forward with the project based upon this Project Agreement and to incur costs associated with the due diligence required to evaluate the Property for conservation and to raise funds for its acquisition. The Landowner confirms that the following statements are accurate:
1. **Ownership.** No person or party, other than the Landowner, has any ownership or leasehold interest in the Property.
 2. **Voluntary Grant.** The Landowner is not obligated to sell the property to the Land Conservancy by any contractual arrangement or to satisfy any legal requirement.
 3. **Liens.** The Landowner will ensure that all liens are released before the Property is sold to the Land Conservancy.
 4. **Property Information.** The Landowner will give the Land Conservancy a copy of any lease, easement or other servitude affecting the Property upon execution of this Agreement. The Landowner will inform the Land Conservancy of any survey or environmental assessment of the Property in its possession or that they are aware of, and these will be furnished to the Land Conservancy.
 5. **Property Condition.** To the best of the Landowner's knowledge, there are no hazardous or toxic wastes or debris, nor any underground storage tanks, on or under the Property.

- II. Professional Assistance.
 Each party will select any advisors and service providers (e.g., legal and financial advisors) it deems necessary to complete this transaction. Each party will rely solely on the advice and counsel of its own advisors to determine whether or not any feature of this transaction is in the best interests of the party.
- I. Information Sharing.
 Parties may share information about the proposed transaction with government agencies and other parties to find funding and to build support for the project.
- J. Fundraising
 The Landowner acknowledges that the Land Conservancy needs to submit grants and seek funding for this project. The Landowner further permits the Land Conservancy to release pertinent information about the property and project to potential funders and grant applications in an effort to raise money for the completion of this project. The Land Conservancy's ability to secure funding will be a contingency in the PSA entered into between the Parties. The Landowner understands that it may take up to 2 years for the Land Conservancy to secure funding, and such extended time period to secure funding will be reflected in the PSA.
- K. Care of Information.
 Notwithstanding Items I and J above, the Parties named herein will use discretion with respect to the distribution of information learned as a result of this proposed transaction.
- L. Publicity.
 The Parties will consult with each other about timing and content before issuing any press release or otherwise making any public statements in connection with this Agreement. The party publicly disclosing information will provide a meaningful opportunity to the other party to review and comment upon any draft press release or other announcement and shall give due consideration to all reasonable suggested additions, deletions, or changes.
- M. Project Completion.
 The Parties plan to complete the acquisition of the Property within two years from the date this Agreement is fully executed. Once this Agreement is signed, the Parties will proceed in good faith to complete the steps outlined below within the stated two-year period. Each party will keep the other advised as to the progress of tasks it is responsible to complete. Time extensions may be requested when there is good cause for same, and will not be unreasonably withheld.

Steps to Complete the Project
Western New York Land Conservancy

- 1. Funding
 Initiate fundraising activities, which may include private funding sources, agency grant opportunities, and appeals to the public.
- 2. Site Assessment
 Complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.

3. Title
Review the Title Search (as defined below) provided by the Landowner in a timely manner.
4. Survey
The Land Conservancy will obtain an updated survey of the Property which complies with NYS survey standards, certified to the Western New York Land Conservancy, Inc. and its title company. The Land Conservancy will not order the survey until they have confidence in their fundraising for the full project and Property purchase. Should the Landowner decide not to move forward with closing after the survey has been ordered, the Landowner will reimburse the Land Conservancy for all costs of the survey.

The Landowner (Buffalo Ornithological Society)

1. Title
The Landowner will provide the Land Conservancy, at the time the Land Conservancy orders the survey referenced above, a fully guaranteed tax and title search covering the Premises only (the "Title Search"), the first set-out of which shall be the first recorded source of title prior to 1920 in the Erie County Clerk's Office, the last continuation of which shall be dated subsequent to the Effective Date and where not covered by the search, a local tax certificate.
2. Deed
The Landowner will instruct its attorney to prepare a Bargain & Sale Deed (the "Deed") and associated required recording documents to effectuate the fee simple acquisition of the Property by the Land Conservancy. The Land Conservancy's Board of Directors and/or its attorney must review and approve the Deed before it can be recorded.
3. Closing Documents
Prior to closing, the Land Conservancy will be supplied by the Landowner with the items listed below. Where applicable, the documents must be properly signed and in form for recording:
 - a. The Deed, properly executed by the landowner and with all exhibits attached.
 - b. The signed Baseline Documentation Report certified to be true, correct, and completed.
 - c. Evidence satisfactory to the Land Conservancy that no unpaid tax or other liens encumber the Property as of the acquisition date.
 - d. The Title Search and any other documents or items required to be produced by the Landowner to establish clear title to the Property.
4. Recording
The Deed will be recorded at the Erie County Clerk's office. Each Party will pay its own costs associated with the closing according to what is customary in Erie County, New York for arm's length transactions. A real property transfer tax will be assessed, which is the responsibility of the Landowner.
5. Required Approvals
The Landowner will obtain all approvals required for the sale of the Property.

Acceptance

The Landowner and the Land Conservancy enter into this non-binding Agreement as of the Agreement Date set forth above.

The Landowner- Buffalo Ornithological Society, Inc.

David F. Suggs
By: David Suggs
Its: President

Date: 5/29/2020

Western New York Land Conservancy, Inc.

Nancy Smith
By: Nancy Smith
Its: Executive Director

Date: 5/29/2020

EXHIBIT A
PROPERTY MAP



FUNK PRESERVE

PROJECT AGREEMENT Land Acquisition: Funk Property- Grand Island

Agreement Date: May 21, 2020

Property: 2500 Staley Rd., Grand Island, NY
10.5 acres
SBL 50.02-2-1 (See Exhibit A)

Current Landowner: Valerie Funk

Parties to Agreement:

Western New York Land Conservancy, Inc.
Office Address-
11663 Old Strykersville Road
Wales, NY 14052

Valerie Funk
2244 West Oakfield Road
Grand Island, NY 14072
rafunk54@gmail.com

Mailing Address-
P.O. Box 471
East Aurora, NY 14052-0471
marisa@wnylc.org

Background

The Western New York Land Conservancy, Inc. (the "Land Conservancy") and Valerie Funk (the "Landowner"), collectively the "Parties", enter into this non-binding project agreement (this "Agreement") effective as of the Agreement Date set forth above on the basis of the following facts, understandings, and intentions.

- A. Purpose.
This Agreement is evidence of the Parties' willingness and commitment to work towards the sale/purchase of the property identified above (the "Property"). This Agreement neither binds the Land Conservancy to purchase, nor the Landowner to sell the Property; rather, it sets the terms under which the Parties agree to proceed in good faith towards a satisfactory transaction. It is the intention of the Parties to formalize the terms of this Agreement into a Purchase and Sale Agreement ("PSA"), noting that certain provisions may be subject to modification and/or restructuring based on due diligence and related efforts by the parties.
- B. Land Conservancy.
The Land Conservancy is a New York not-for-profit corporation within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the "ECL") with a mission to permanently protect land with significant conservation value in Western New York for the benefit of future generations. The Land Conservancy is organized for conserving real property and is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(iv) of the Internal Revenue Code.

- C. **Property.**
For the purposes of this agreement, "Property" will mean the parcels of real estate shown on the attached map ("Property Map", Exhibit A). The Property is an approximately 10.5-acre parcel, further identified by the following SBL: 50.02-2-1.
- D. **Valuation.**
The Parties agree that the purchase price for the Property shall be \$102,000; not to exceed the fair market value based on a current, full appraisal completed prior to closing. This price is based on a purchase of 10.5 acres, and will be adjusted on a proportionate per acre basis if the size of the property to be purchased changes.
- E. **Access.**
The Property is accessible from Staley Road, Grand Island, New York. The Landowner agrees the Land Conservancy may access the Property for generating interest in protecting the Property, property inspections, wildlife studies, and all other acquisition related activities during the life of this Agreement.
- F. **Site Investigation.**
The Land Conservancy and its contractors shall be permitted to enter the Property to complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
- G. **Reliance.**
The Land Conservancy is willing to move forward with the project based upon this Project Agreement and to incur costs associated with the due diligence required to evaluate the Property for conservation and to raise funds for its acquisition. The Landowner confirms that the following statements are accurate:
1. **Ownership.** No person or party, other than the Landowner, has any ownership or leasehold interest in the Property.
 2. **Voluntary Grant.** The Landowner is not obligated to sell the property to the Land Conservancy by any contractual arrangement or to satisfy any legal requirement.
 3. **Liens.** The Landowner will ensure that all liens are released before the Property is sold to the Land Conservancy.
 4. **Property Information.** The Landowner will give the Land Conservancy a copy of any lease, easement or other servitude affecting the Property upon execution of this Agreement. The Landowner will inform the Land Conservancy of any survey or environmental assessment of the Property in its possession or that they are aware of, and these will be furnished to the Land Conservancy.
 5. **Property Condition.** To the best of the Landowner's knowledge, there are no hazardous or toxic wastes or debris, nor any underground storage tanks, on or under the Property.
- H. **Professional Assistance.**
Each party will select any advisors and service providers (e.g., legal and financial advisors) it deems necessary to complete this transaction. Each party will rely solely on the advice

and counsel of its own advisors to determine whether or not any feature of this transaction is in the best interests of the party.

- I. Information Sharing.
Parties may share information about the proposed transaction with government agencies and other parties to find funding and to build support for the project.
- J. Fundraising
The Landowner acknowledges that the Land Conservancy needs to submit grants and seek funding for this project. The Landowner further permits the Land Conservancy to release pertinent information about the property and project to potential funders and grant applications in an effort to raise money for the completion of this project. The Land Conservancy's ability to secure funding will be a contingency in the PSA entered into between the Parties. The Landowner understands that it may take up to 2 years for the Land Conservancy to secure funding, and such extended time period to secure funding will be reflected in the PSA.
- K. Care of Information.
Notwithstanding Items I and J above, the Parties named herein will use discretion with respect to the distribution of information learned as a result of this proposed transaction.
- L. Publicity.
The Parties will consult with each other about timing and content before issuing any press release or otherwise making any public statements in connection with this Agreement. The party publicly disclosing information will provide a meaningful opportunity to the other party to review and comment upon any draft press release or other announcement and shall give due consideration to all reasonable suggested additions, deletions, or changes.
- M. Project Completion.
The Parties plan to complete the acquisition of the Property within two years from the date this Agreement is fully executed. Once this Agreement is signed, the Parties will proceed in good faith to complete the steps outlined below within the stated two-year period. Each party will keep the other advised as to the progress of tasks it is responsible to complete. Time extensions may be requested when there is good cause for same, and will not be unreasonably withheld.

**Steps to Complete the Project
Western New York Land Conservancy**

1. **Funding**
Initiate fundraising activities, which may include private funding sources, agency grant opportunities, and appeals to the public.
2. **Site Assessment**
Complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
3. **Title**
Review the Title Search (as defined below) provided by the Landowner in a timely manner.
4. **Survey**
The Land Conservancy will obtain an updated survey of the Property which complies with NYS survey standards, certified to the Western New York Land Conservancy, Inc. and its title company. The Land Conservancy will not order the survey until they have confidence in their fundraising for the full project and Property purchase. Should the Landowner decide not to move forward with closing after the survey has been ordered, the Landowner will reimburse the Land Conservancy for all costs of the survey.

The Landowner (Valerie Funk)

1. **Title**
The Landowner will provide the Land Conservancy, within sixty (60) days after Landowner or their attorneys have been provided with the following: 1) written proof that the fundraising as detailed in Section J above has been successfully completed, and 2) a print of the premises only survey by the Land Conservancy as described at Section 4 above, a fully guaranteed tax and title search covering the Premises only (the "Title Search"), the first set-out of which shall be the first recorded source of title prior to 1920 in the Erie County Clerk's Office, the last continuation of which shall be dated subsequent to the Effective Date and where not covered by the search, a local tax certificate.
2. **Deed**
The Landowner will instruct its attorney to prepare a Warranty Deed (the "Deed") and associated required recording documents to effectuate the fee simple acquisition of the Property by the Land Conservancy. The Land Conservancy's Board of Directors and/or its attorney must review and approve the Deed before it can be recorded.
3. **Closing Documents**
Prior to closing, the Land Conservancy will be supplied by the Landowner with the items listed below. Where applicable, the documents must be properly signed and in form for recording:
 - a. The Deed, properly executed by the landowner and with all exhibits attached.
 - b. The signed Baseline Documentation Report certified to be true, correct, and completed.
 - c. Evidence satisfactory to the Land Conservancy that no unpaid tax or other liens encumber the Property as of the acquisition date.

d. The Title Search and any other documents or items required to be produced by the Landowner to establish clear title to the Property.

4. Recording

The Deed will be recorded at the Erie County Clerk's office. Each Party will pay its own costs associated with the closing according to what is customary in Erie County, New York for arm's length transactions. A real property transfer tax will be assessed, which is the responsibility of the Landowner.

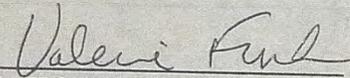
5. Required Approvals

The Landowner will obtain all approvals required for the sale of the Property.

Acceptance

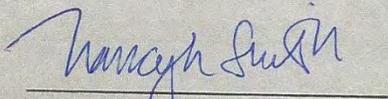
The Landowner and the Land Conservancy enter into this non-binding Agreement as of the Agreement Date set forth above.

The Landowner-


By: Valerie Funk

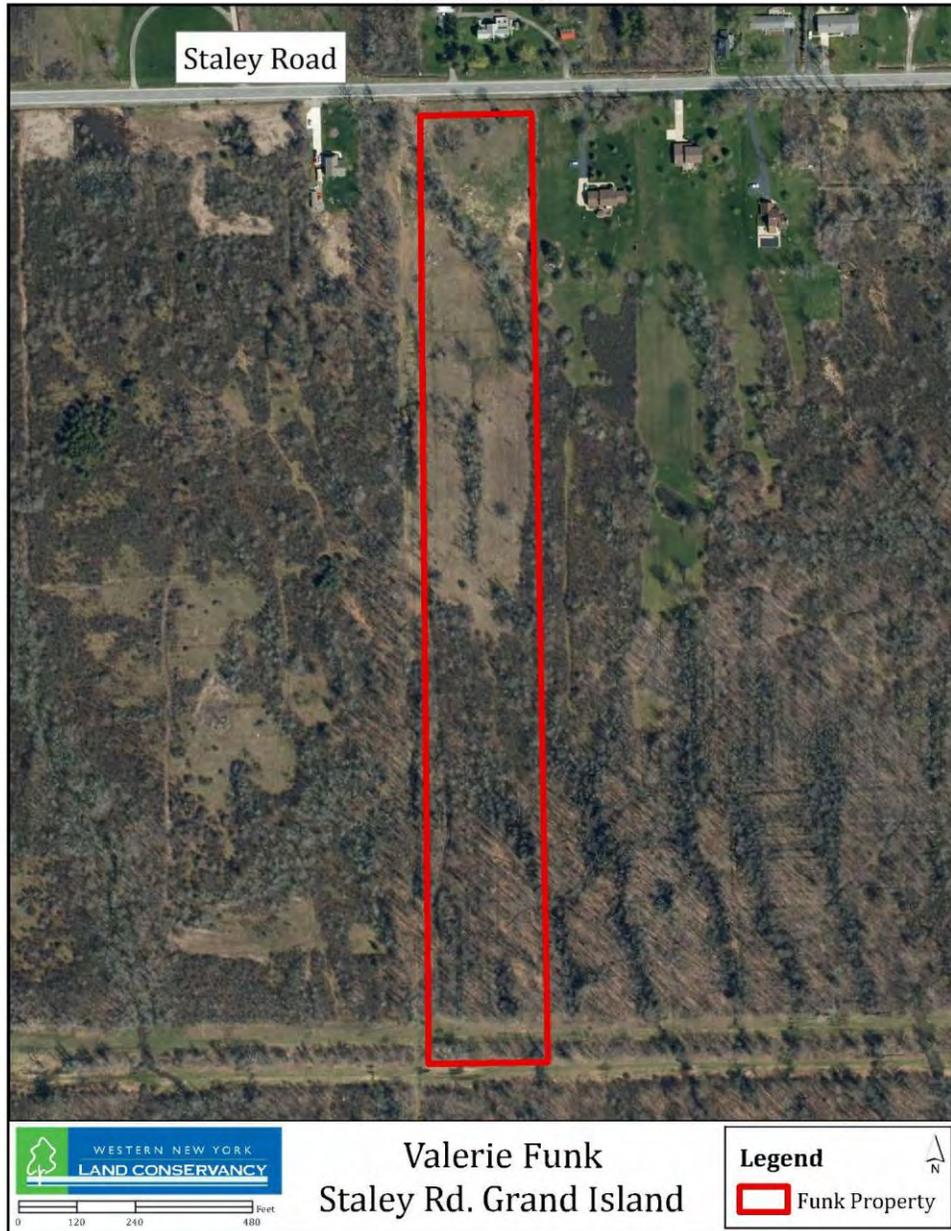
Date: 5/26/2020

Western New York Land Conservancy, Inc.


By: Nancy R. Smith
Its: Executive Director

Date: 5/26/2020

EXHIBIT A
PROPERTY MAP



PROJECT AGREEMENT
Land Acquisition: Gerber/Reilly Property- Grand Island

Agreement Date: May 21, 2020

Property: 2489 Whitehaven Rd., Grand Island, NY
36.3 acres
SBL 36.00-1-8 (See Exhibit A)

Current Landowner: Nicole Gerber & Dave Reilly

Parties to Agreement:

Western New York Land Conservancy, Inc.
Office Address-
11663 Old Strykersville Road
Wales, NY 14052

Nicole Gerber & Dave Reilly
2489 Whitehaven Rd.
Grand Island, NY 14072
nicoleanddave@yahoo.com

Mailing Address-
P.O. Box 471
East Aurora, NY 14052-0471
marisa@wnylc.org

Background

The Western New York Land Conservancy, Inc. (the "Land Conservancy") and Nicole Gerber & Dave Reilly (the "Landowner"), collectively the "Parties", enter into this non-binding project agreement (this "Agreement") effective as of the Agreement Date set forth above on the basis of the following facts, understandings, and intentions.

- A. Purpose.
This Agreement is evidence of the Parties' willingness and commitment to work towards the purchase of a conservation easement on the property identified above (the "Property"). This Agreement neither binds the Land Conservancy to purchase, nor the Landowner to sell a conservation easement on the Property; rather, it sets the terms under which the Parties agree to proceed in good faith towards a satisfactory transaction.
- B. Land Conservancy.
The Land Conservancy is a New York not-for-profit corporation within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the "ECL") with a mission to permanently protect land with significant conservation value in Western New York for the benefit of future generations. The Land Conservancy is organized for conserving real property and is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(iv) of the Internal Revenue Code.
- C. Property.

For the purposes of this agreement, "Property" will mean the parcel of real estate shown on the attached map ("Property Map", Exhibit A). The Property is an approximately 36.3-acre parcel, further identified by the following SBL: 36.00-1-8.

- D. **Valuation.**
The Parties agree that the conservation easement has preliminarily been appraised for \$144,000. A full appraisal will be completed prior to closing, and the purchase price of the conservation easement will not exceed the appraised fair market value of the conservation easement.
- E. **Access.**
The Property is accessible from Whitehaven Road, Grand Island, New York. The Landowner agrees the Land Conservancy may access the Property for generating interest in protecting the Property, property inspections, wildlife studies, and all other conservation easement acquisition related activities during the life of this Agreement.
- F. **Site Investigation.**
The Land Conservancy and its contractors shall be permitted to enter the Property to complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
- G. **Reliance.**
The Land Conservancy is willing to move forward with the project based upon this Project Agreement and to incur costs associated with the due diligence required to evaluate the Property for conservation and to raise funds for the conservation easement acquisition. The Landowner confirms that the following statements are accurate:
1. **Ownership.** No person or party, other than the Landowner, has any ownership or leasehold interest in the Property.
 2. **Voluntary Grant.** The Landowner is not obligated to sell a conservation easement on the property to the Land Conservancy by any contractual arrangement or to satisfy any legal requirement.
 3. **Liens.** The Landowner will ensure that all liens are released before the conservation easement is sold to the Land Conservancy.
 4. **Property Information.** The Landowner will give the Land Conservancy a copy of any lease, easement or other servitude affecting the Property upon execution of this Agreement. The Landowner will inform the Land Conservancy of any survey or environmental assessment of the Property in its possession or that they are aware of, and these will be furnished to the Land Conservancy.
 5. **Property Condition.** To the best of the Landowner's knowledge, there are no hazardous or toxic wastes or debris, nor any underground storage tanks, on or under the Property.
- H. **Professional Assistance.**
Each party will select any advisors and service providers (e.g., legal and financial advisors) it deems necessary to complete this transaction. Each party will rely solely on the advice

and counsel of its own advisors to determine whether or not any feature of this transaction is in the best interests of the party.

- I. Information Sharing.
Parties may share information about the proposed transaction with government agencies and other parties to find funding and to build support for the project.
- J. Fundraising
The Landowner acknowledges that the Land Conservancy needs to submit grants and seek funding for this project. The Landowner further permits the Land Conservancy to release pertinent information about the property and project to potential funders and grant applications in an effort to raise money for the completion of this project. The Land Conservancy's ability to secure funding is a contingency of moving forward with the project. The Landowner understands that it may take up to 2 years for the Land Conservancy to secure funding.
- K. Care of Information.
Notwithstanding Items I and J above, the Parties named herein will use discretion with respect to the distribution of information learned as a result of this proposed transaction.
- L. Publicity.
The Parties will consult with each other about timing and content before issuing any press release or otherwise making any public statements in connection with this Agreement. The party publicly disclosing information will provide a meaningful opportunity to the other party to review and comment upon any draft press release or other announcement and shall give due consideration to all reasonable suggested additions, deletions, or changes.
- M. Project Completion.
The Parties plan to complete the acquisition of the Property within two years from the date this Agreement is fully executed. Once this Agreement is signed, the Parties will proceed in good faith to complete the steps outlined below within the stated two year period. Each party will keep the other advised as to the progress of tasks it is responsible to complete. Time extensions may be requested when there is good cause for same, and will not be unreasonably withheld.

**Steps to Complete the Project
Western New York Land Conservancy**

1. **Funding**
Initiate fundraising activities, which may include private funding sources, agency grant opportunities, and appeals to the public.
2. **Conservation Easement Draft**
The Land Conservancy will work with the Landowners to draft a Conservation Easement will proceed in good faith toward Conservation Easement terms agreeable to all Parties.
3. **Site Assessment**
Complete a Phase I Environmental Site Assessment report and a Baseline Documentation Report.
4. **Title**
The Land Conservancy will be ordering Title Insurance.
5. **Survey**
The Land Conservancy will obtain an updated survey of the Property which complies with NYS survey standards, certified to the Western New York Land Conservancy, Inc. and its title company. The Land Conservancy will not order the survey until they have confidence in their fundraising for the full project and Property purchase. Should the Landowner decide not to move forward with closing after the survey has been ordered, the Landowner will reimburse the Land Conservancy for all costs of the survey.

The Landowner (Nicole Gerber & Dave Reilly)

1. **Title**
The Landowner will provide the Land Conservancy, within a timely manner, any title documents (title search, insurance, or abstract) in their possession.
2. **Conservation Easement**
The Landowner will work with the Land Conservancy to review and edit Conservation Easement drafts and will proceed in good faith toward Conservation Easement terms agreeable to all Parties.
3. **Closing Documents**
Prior to closing, the Land Conservancy will be supplied by the Landowner with the items listed below. Where applicable, the documents must be properly signed and in form for recording:
 - a. The signed Baseline Documentation Report certified to be true, correct, and completed.
 - b. Evidence satisfactory to the Land Conservancy that no unpaid tax or other liens encumber the Property as of the acquisition date.
 - c. Any documents or items required to be produced by the Landowner to establish clear title to the Property.
4. **Recording**

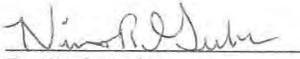
The Conservation Easement will be recorded at the Erie County Clerk's office. Each Party will pay its own costs associated with the closing according to what is customary in Erie County, New York for arm's length transactions. A real property transfer tax may be assessed, which is the responsibility of the Landowner.

5. Required Approvals
The Landowner will obtain all approvals required for the sale of the Property.

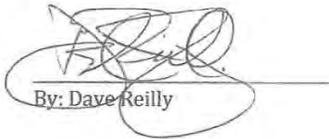
Acceptance

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The Landowner-

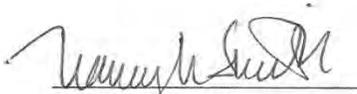

By: Nicole Gerber

Date: 5/28/20


By: Dave Reilly

Date: 5/28/20

Western New York Land Conservancy, Inc.


By: Nancy R. Smith
Its: Executive Director

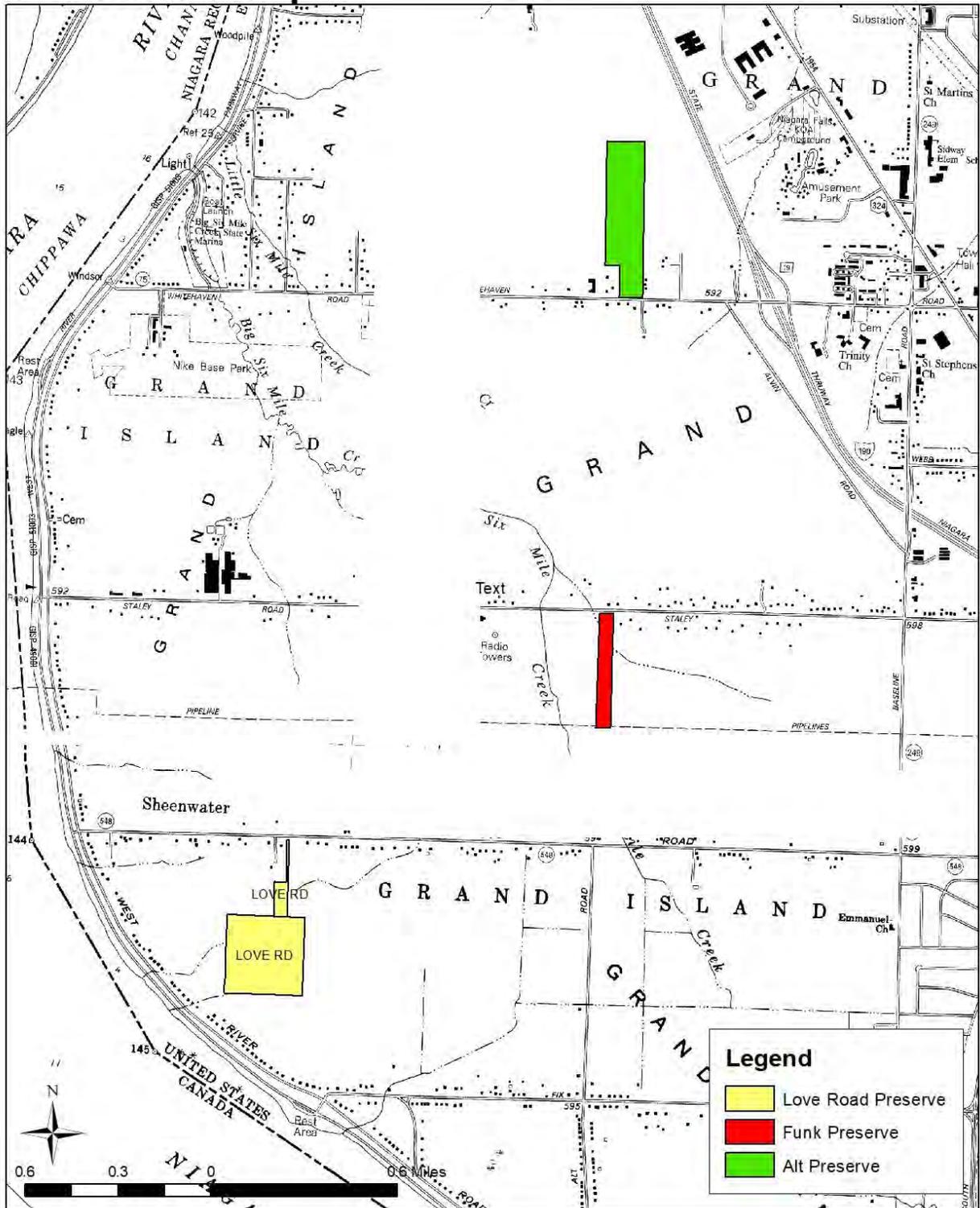
Date: 5/29/2020

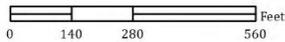
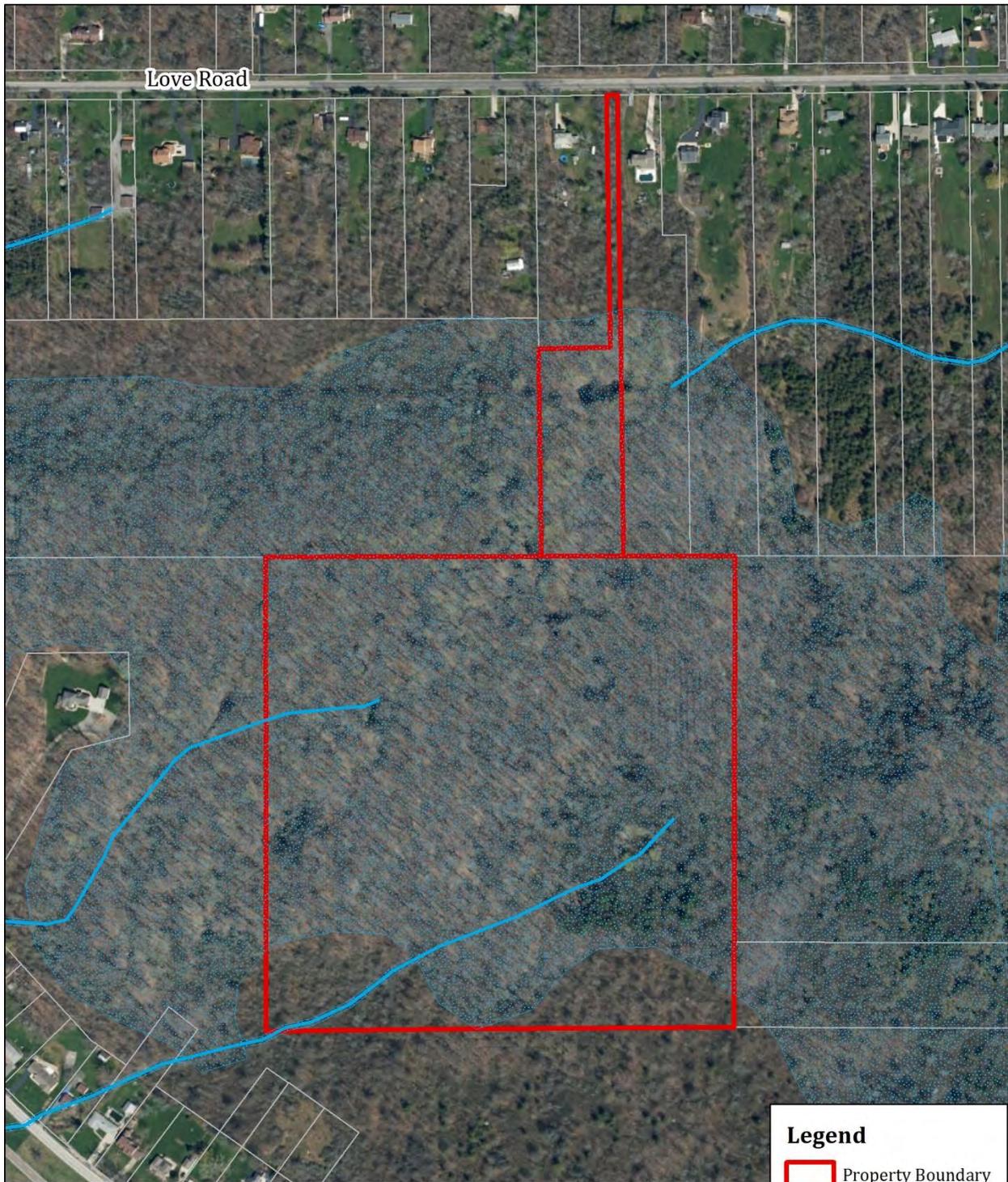
EXHIBIT A
PROPERTY MAP



2. MAP

Planimetric Map



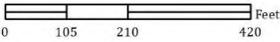
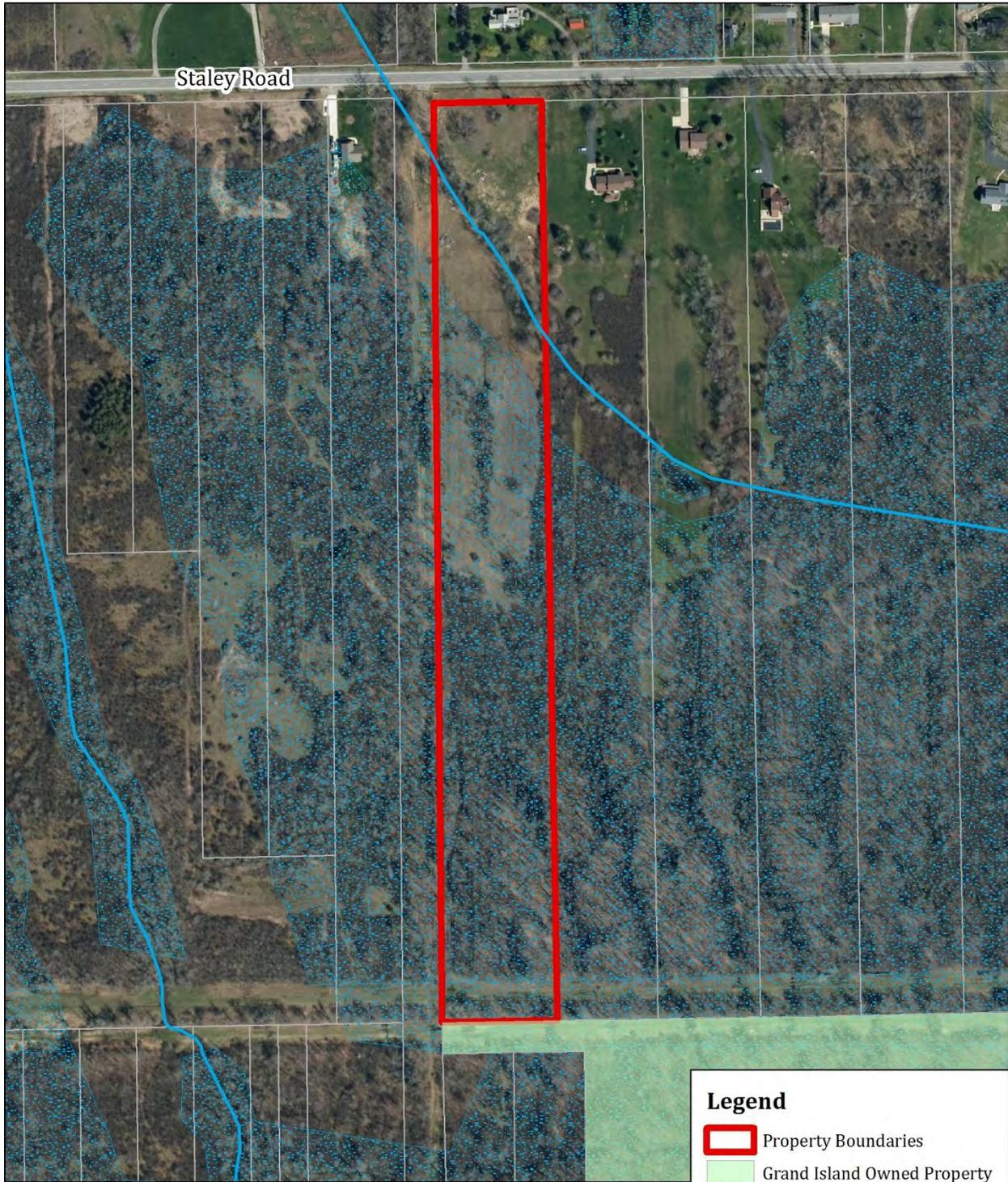


Love Road Preserve Grand Island



Legend

- Property Boundary
- Parcels
- NWI Wetlands
- Streams

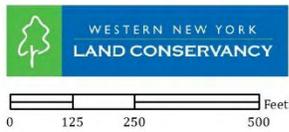
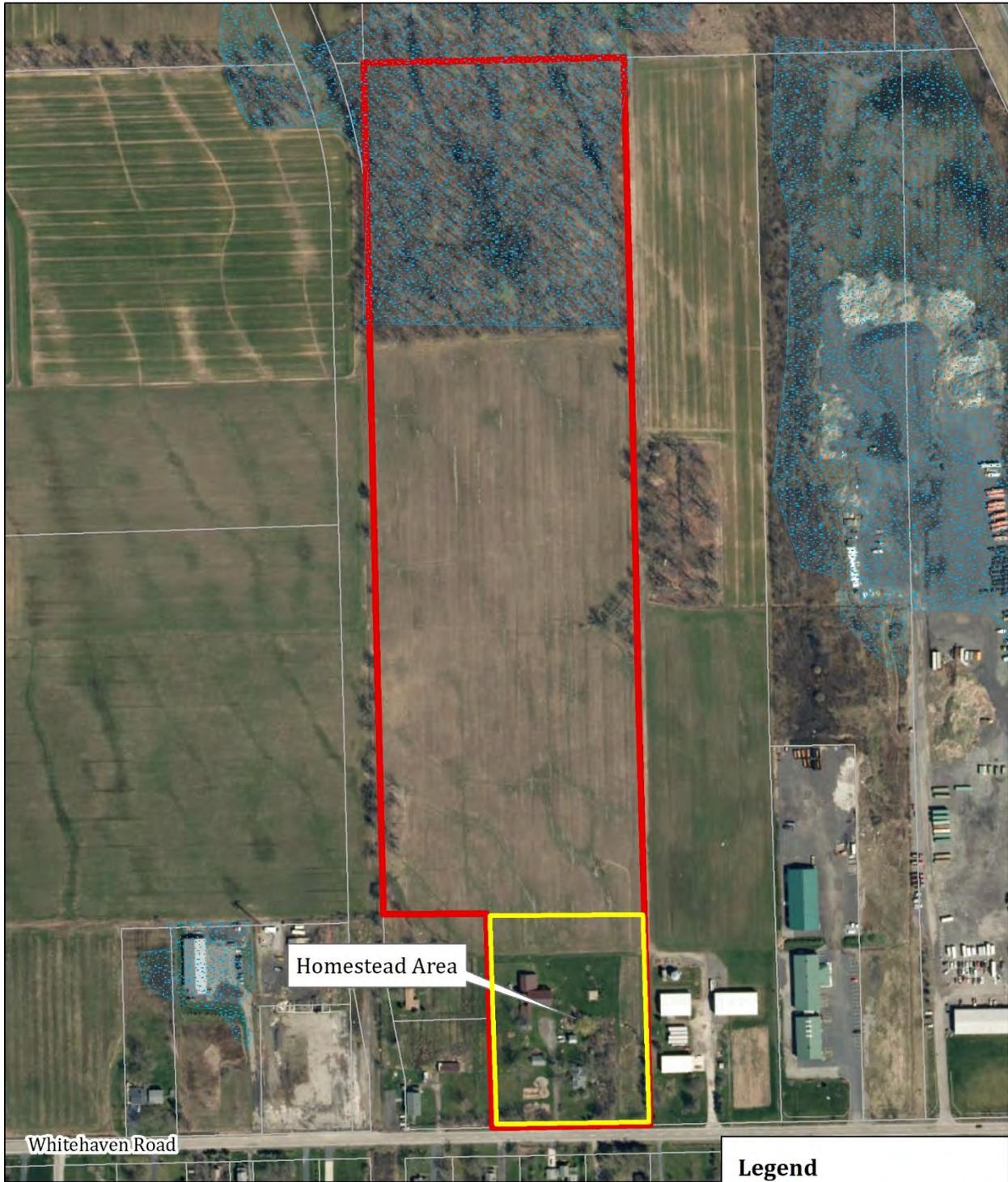


Funk Preserve Grand Island



Legend

-  Property Boundaries
-  Grand Island Owned Property
-  Parcels
-  NWI Wetlands
-  Streams



Alt Preserve Grand Island

Legend

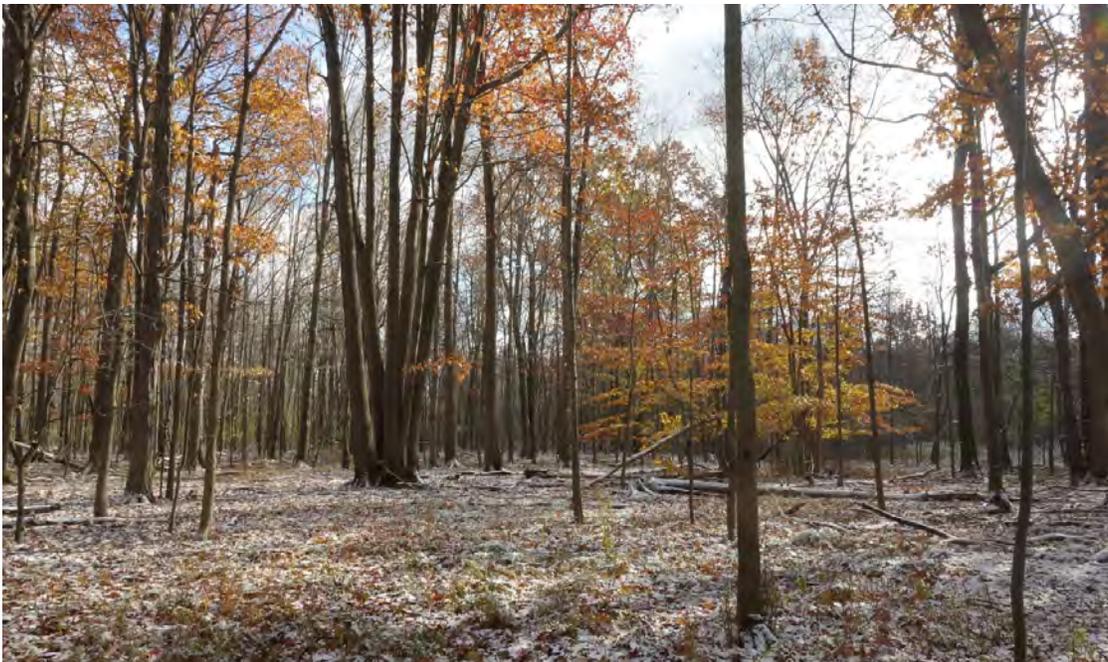
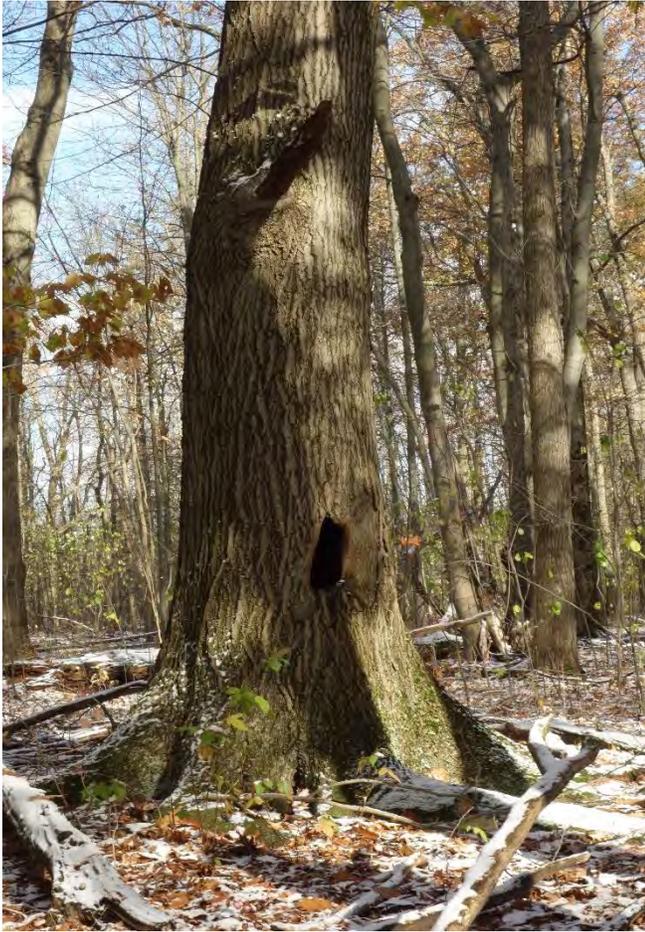
-  Conservation Easement
-  Parcels
-  NW1 Wetlands



3. PHOTOS
LOVE ROAD PRESERVE



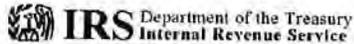
FUNK PRESERVE



ALT PRESERVE



4. TAX EXEMPT STATUS



CINCINNATI OH 45999-0038

In reply refer to: 0248421964
June 11, 2013 LTR 4168C 0
22-3160426 000000 00
00019936
BODC: TE

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



024975

Employer Identification Number: 22-3160426
Person to Contact: Ms. L Mitchell
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your May 31, 2020, 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.

