

Challenges to Restoring Beneficial Uses and Commission Recommendations

Challenges to a timely restoration of beneficial uses in the Niagara River AOC were noted during the Commission's Status Assessment process. Identified challenges and Commission recommendations are presented below.

Funding a Comprehensive Rap Program

The lack of secure long-term funding appears to be a challenge to both the Ontario and New York RAP efforts. The Commission commented in its Open Letter to Great Lakes Leaders in the Tenth Biennial Report that, "Although progress has been made, Governments have not committed adequate funding or taken the decisive actions required to restore and protect the Great Lakes."

Extensive investments have been directed toward the remediation of hazardous waste sites. To date, remediation efforts to address the remaining 26 priority hazardous waste sites have required expenditures in excess of \$370 million (U.S.) with additional future costs estimated at over \$261 million (U.S.) (U.S. EPA and NYSDEC 2000). The large amounts of funding made available for remediation of priority hazardous waste sites contrast sharply with funds made available for fish and wildlife habitat enhancement, control of combined sewer overflows and contaminated sediment remediation. The absence of dedicated RAP budgets to address these necessary remedial actions in the Niagara River AOC may impede overall progress toward addressing impaired beneficial uses. This lack of devoted funding appears to have affected both the New York and Ontario RAPs' efforts to fully restore beneficial uses in the Niagara River AOC. Fish and wildlife habitat restoration in the Ontario portion of the AOC, contaminated sediment remediation in New York waters and further control of combined sewer overflows in New York State are areas that clearly merit additional attention.

Efforts to restore instream fish and wildlife habitat within the AOC have been necessarily delayed due to the pressing need to first address severe contamination by persistent toxic substances. Habitat conditions of the Niagara River have been described (NYSDEC 1994) by the statement, "The loss of fish and wildlife habitat on the upper Niagara River has been dramatic." The Niagara River Remedial Action Plan Status Report (NYSDEC 2000) describes how an assessment of fish and wildlife habitat areas and funding through U.S. EPA and New York State resulted in the initiation of 11 habitat creation or restoration projects along the Niagara River. The initiation of these habitat projects is commendable and the Commission supports additional investments in this area.