

January 9, 2020

TO: Council Members Chris Scanlon and Joel Feroletto

FROM: Margaret Wooster on behalf of the Outer Harbor Coalition

We want to share with you this brief analysis of one “exhibit” in the Queen City Landing proposed project which addresses the requested rezoning of the site from N-IS to a Planned Unit Development (PUD). This exhibit is the Coastal Assessment Form (Exhibit Q) whose purpose is to help the Planning Board and Common Council assess whether a proposed project is consistent with the policies and objectives of the City’s Local Waterfront Revitalization Plan (LWRP) and the Green Code’s C-W District. (UDO Section 5.3) These goals and policies are designed to conserve and enhance important natural assets unique to coastal areas such as living shorelines, fish and wildlife habitat, public access, scenic resources, recreation, land buffering and water supplies.

As a Senior Environmental Planner with Buffalo Niagara Riverkeeper several years ago, I was one of many who helped draft the LWRP and I believe I can speak to its purpose.

**Here are 7 of the LWRP’s 10 goals:**

- 1. Holistically protect the state’s coastal economic, social and environmental interests.**
- 2. Safeguard the City’s access to clean Great Lakes water for generations to come.**
- 3. Promote water-based industry and enterprise.**
- 4. Protect/rebuild the Erie-Niagara food web/protect significant fish and wildlife coastal habitats.**
- 5. Provide for public water access in support of the public trust.**
- 6. Maximize coastal resilience**
- 7. Minimize environmental degradation from solid waste and hazardous substances.**

**Here are some of the QCL project’s related potential impacts that must be assessed:**

- 1. It may actually decrease coastal economic and environmental interests and become a public liability by interrupting a regenerating coastal expanse of public parks and nature preserves that buffer the city from increasingly severe lake effect storms.**
- 2. It is upstream from Buffalo’s sole source water supply, vulnerable to contaminants like lead, mercury and cadmium from sediment disturbance. (DEC/CHM2 Hill, 2014)**
- 3. It is not water-dependent or water-based. Its attractions serve a very limited public.**
- 4. In sheer bulk it is in not consistent with surrounding uses including several DOS-designated “Significant Coastal Habitats” and a globally significant Important Bird Area and migratory flyway.**
- 5. It is counter to the major public investments we have made in public access and a “simpler quieter waterfront” (ECHDC, 2018).**
- 6. It is located in a 100-year floodplain and the site has flooded several times already this winter. It is on one of the most exposed and vulnerable coasts in New York State (NYSERDA, 2011).**
- 7. Based on QCL’s prior Geotechnical Report (May, 2016) and on DEC sediment sampling (2014), the project site is over former lakebed, requiring pilings to be driven down through up to 70 feet of unstable sediments to bedrock, raising concerns of shoreline stability, exposure to hazardous substances and environmental degradation.**

It is clear from reviewing the form that the applicant does not understand or care to address the purpose of the Coastal Assessment. QCL answers 23 pages of specific questions with little more than “N/A” (Not Applicable), or the following two paragraphs, neither of which address the fundamental questions of the LWRP, although each is pasted in as an answer at least a dozen times:

*“The project will transform a currently vacant, underutilized, remediated Brownfield site into a vibrant center of activity where Buffalonians, visitors and tourists can gather, eat and enjoy the beautiful Lake Erie views. The project focuses on the waterfront experience. It will connect to the existing trail along Fuhrmann, will add 30 new public boat slips, and will provide public access where there currently is none.”*

*“Currently, stormwater runoff generated by the existing previously developed, vacant site discharges overland into the Inner harbor at Lake Erie without detention. Post-development conditions will result in a decrease in impervious surfaces at the site. In addition a bioretention based planter system will be utilized in measure to filter runoff prior to discharge to the waters of Lake Erie.”*

The final page of the Coastal Assessment Form answers 20 of 32 Yes/No questions with “No.”

Will the proposed action potentially adversely affect significant habitats? scenic resources? natural protective features? recreational uses? shoreline stability? The CAF answers “No” but has provided no substantiating reasons.

Will the proposed action require expansion of existing public services and infrastructure? reduce existing public access? reduce existing protection from flooding and erosion? diminish water quality? The form blithely checks “No.”

Finally the CAF asks if the project is located in a flood prone area or an area of high erosion. Again “No” although we all know the building site is in the 100-year floodplain and that it flooded all the way to Fuhrmann Boulevard several times this fall and winter. The breakwalls and shoreline dikes have protected it from erosion but these were breached by the seiches that caused the flooding. So far these barriers require at least \$10 million in repairs (BN 12/16/2019), and they may well be breached again.

In our view, given the cautionary approach our elected officials should provide to protect our city and its citizens, and given the principles of our Comprehensive Plan—“fix the basics and build on assets, target sustainability, and employ smart growth”—the answer to all or most of these questions is likely “Yes.”

**In conclusion, we believe that the Planning Board, the Common Council and the public need significantly more information from QCL before we can confidently conclude that it will not substantially hinder our City’s coastal objectives. A PUD rezoning should be denied or at least deferred until such information is made available and openly discussed.**