

League of Women Voters Buffalo Niagara
1272 Delaware Avenue
Buffalo, NY 14209
December 9, 2020

Steven Ranalli, President
Erie Canal Harbor Development Corp.
landprojectcomments@esd.ny.gov

Re: Buffalo Outer Harbor GPP

Dear Mr. Ranalli,

The League of Women Voters of Buffalo-Niagara hereby comments on the General Project Plan (GPP) offered by the Erie Canal Harbor Development Corp. (ECHDC), dated November 9, 2020.

As noted previously, the League supports plans for the waterfront that provide and ensure year-round access to the waterfront, and a coherent regional planning process arrived at and adopted with adequate public participation. We support only such commercial development as makes appropriate use of a waterfront location. We support development of services and facilities necessary for a variety of recreational activities within a framework that protects and enhances the natural environment at the water's edge.

The GPP offers a 20-year plan that contains elements that parallel much of the League's vision for the Buffalo waterfront. However, the approval process should be suspended until the pandemic is resolved and open public hearings can be held in person.

Following are our comments on specific elements in the GPP.

Introduction. The plan seeks to develop the area "for open space and other civic facilities", i.e. places for public gatherings and recreational uses. Such development does not adequately recognize the function of the area as an ecological buffer for the city of Buffalo.

Organizing the projects into sub-areas facilitates the plan, however Terminal A should be included as a logical part of the whole plan covering the next 20 years.

Location. This chart is helpful to clarify tax and zoning realities.

Background. The summary of project history helps to see the GPP in perspective. The purpose of the ECHDC is primarily commercial and civic development, which fails to recognize the ecological function of the site. All of the waterfront site should be protected as a passive park, since this site is subject to storms and surges from Lake Erie. Habitat restoration everywhere must be a primary activity, to enhance the natural functions of the shoreline.

Purpose and Need. The language of the GPP tends to reflect the provisions of the UDC Act, rather than the actual features of the site. The site is not "vacant and underutilized" but rather serves as an active

ecological buffer for the city of Buffalo. It is sufficient to make improvements such as comfort stations and informational signage plus completing and maintaining the pedestrian and bicycle trails throughout. There is a significant need to involve the adjacent town and city communities in the process, especially to identify their transportation modes to access the site.

Project Description. 1- Sitewide Elements. Contamination exists throughout the site. The results of the Human Health Risk Assessment must be made easily available to the public, in order to be assured that every effort has been made to protect all life— human and wild— from the known contaminants buried in the soil of the project. As for water access, any additional water access elements should be minimal in order to reduce ecological disturbances and to reduce recurring damage due to storms on the lake. Land access offers improvements for bike-pedestrian trails and more efficient auto parking. However, no provision is made for any public transit access. The discussion of open space acknowledges that the landscape is slowly regenerating itself as waterfront. The plan to remove invasive species and improve the soil is commendable. However, such improvements must respect the historic ecology of the waterfront including the presence of natural sand features. As for public use areas, these must be limited in scope and promote respect for the regenerative landscaping of the site.

Project Description. 2-Subareas.

Improvements planned for the **First Buffalo River Marina** are appreciated, especially to move the ferry landing to a more central location. This is an appropriate water-based development for the site. Also, improvements for the Connecting Terminal Grain Elevator are welcome, especially to help the public understand their industrial heritage at the waterfront. The zoning of this area to Mixed-Use should not include any residential development.

Wilkeson Pointe improvements are welcome. The buffer to separate this area from Times Beach is essential and all landscaping should be consistent with regenerative landscaping goals. The GPP should define what types of reconstruction will be use for amenities and programming.

Michigan Pier rehabilitation may be more complicated than expected, given its structural problems underwater. Perhaps the pedestrian bridge should be delayed or omitted, pending evaluation of the pier's stability. **Slip No. 2** continues as a docking area for boats and watercraft. Could the slip accommodate a Great Lakes cruise ship? Such cruises operate seasonally, and passengers could be transported via the ferry to the Inner Harbor of downtown Buffalo for access to local businesses. The GPP proposes major changes to **Slip No. 3**, including depositing dredged material from the Buffalo River as fill to support coastal wetland habitat. The ECHDC must be transparent about the nature of this dredged material and ensure there is no contamination either to human or wild life.

The GPP supports the current condition of the **Meadows**. Attention should be paid to wildlife needs in this area, to maintain large open spaces without public encroachment. Consult with shoreline experts to determine whether any buffering stones would be effective. Respect areas of the shoreline which offer sheltering habitat for waterfowl.

The **Bell Slip** is a treasured area for waterfowl sheltering and for varied wildlife on shore. Bird-watching here is very rewarding now, and shows that this water's edge attracts various species because the birds are undisturbed as they use both water and shore. Any improvements must respect the habitat that is already developing in this place, especially the sand features and rare native plant species.

A comfort station should not be installed there, in order to protect the wildlife. Likewise, no multiple trails should be cut through the cottonwood stands because they could interfere with wildlife.

The **Lakeside Complex** attracts many bicycle users. Has the ECHDC monitored the health of the trees and shrubs that were planted? Again, the highly-contaminated Radio Tower area is located here. How does the GPP ensure that the Radio Tower area is not disturbed at all? The ECHDC should isolate the Radio Tower area with permanent encirclement by a high fence.

Terminal B plans require complete overhaul. The proposal offered by the GPP assumes that large outdoor public events are compatible with the overall purpose and vision of the Outer Harbor. Introducing large numbers of autos to the area for public events brings gridlock and congestion, not to mention the expense of upkeep, trash collection and policing. The notion of an amphitheater for large crowds and a stage to accommodate amped-up performers is not compatible with the setting, nor is it sustainable in a location subject to Lake Erie weather events. This proposal is not in line with the League's guidelines of "appropriate use of a waterfront location" or "recreational activities within a framework that protects and enhances the natural environment at the water's edge." Surely the building at Terminal B can be repurposed to attract groups of manageable size whose creative activities build on the natural features of the Outer Harbor— perhaps an urban version of Artpark? This could be civic investment that celebrates neighborhoods and promotes cross-cultural understanding for the region.

Terminal A Subarea. The GPP explains why Terminal A is not included in its plan, but has been segmented out of the project. However, there has been no communication from the ECHDC concerning the advisory panel set up to offer recommendations for its use. Please communicate with the public concerning this advisory panel: have they met? how often? who is on the panel? can suggestions be offered to them? Considering that Terminal A is an historic structure and a local historic landmark, it would be wise to resurrect it as a functioning space.

Adjacent Projects.

The Buffalo Skyway is the easiest and most direct route to the Outer Harbor; if it is demolished there needs to be a commitment from the City of Buffalo to provide adequate roads to the site. Alternatives include Ohio Street and Michigan Avenue, both of which require regular maintenance of their bridges.

Times Beach is an integral part of the Outer Harbor area, despite its separate management by the City and the County. Its entrances and its boardwalks have been damaged extensively by recent Lake Erie storms and are awaiting cleanup. The expertise of those who look after Times Beach is a valuable resource for this GPP.

We note that the breakwall protecting all of the waterfront has been breached. The city, county and the ECHDC must be proactive to see that the breakwall is repaired.

Project Schedule. The project schedule appears to be realistic.

Project Funding. Since funding sources are primarily the New York Power Authority Relicensing Agreement and the "Buffalo Billion" from Empire State Development, the League will keep our NYS legislators apprised of our evaluation of the GPP. As usual, funding for operations and maintenance of improvements at the Outer Harbor must be arranged by the ECHDC. Much of this item is described as "it

is expected that” — language that is too vague to be acceptable. What is NYSOPRHP? Much of the expectation is based on revenues from concessions and potential rents.

Economic Impact. no comment

Land Use....Findings. Generally, the GPP here summarizes the benefits to these improvements for the site. The League emphasizes that the Outer Harbor lands are a unique asset to the metro Buffalo region and to all of Western New York. Everything that ECHDC does to support and enhance the beauty and natural landscapes of this site helps to strengthen the whole region and to improve our quality of life.

Non-discrimination.... no comment

Local requirements. no comment

Environmental Review Process. Please provide the League with a copy of the NEPA /FONSI issued by the USACE in 2020, regarding the dredged materials to be unloaded into Slip No. 3. The summary of the bureaucratic hurdles surrounding Terminal A is very helpful.

Exhibit A maps are helpful

In summary, the League finds that the GPP provides a framework for future improvements at the Outer Harbor. Much of what the GPP proposes is needed, such as comfort stations and improved ferry access. There needs to be more connection with the nearby communities to ensure that local transit-dependent users have access to the site. Too much of what the GPP offers is centered on intensive human activity while ignoring the naturally developing waterfront landscape. The League will continue to watch birds and wildlife and sunsets at the Outer Harbor and advocate for preserving these public lands for the public good.

Sincerely,

Joan T. Parks, President
Gladys Gifford, waterfront chair
League of Women Voters of Buffalo/Niagara