

OUR Outer Harbor

January 7, 2020

Steve Ranalli
President, ECHDC
95 Perry St, 5th floor
Buffalo NY, 14203

Dear Mr. Ranalli,

Thank you for your work on the “General Project Plan” for the Outer Harbor and for the opportunity to comment on it. Below is an overview of comments from Our Outer Harbor Coalition, followed by other examples of public input to this process including:

- Additional letters from member groups and individuals
- A petition for the Outer Harbor to be designated and treated as a natural park;
- A report, *Buffalo's Outer Harbor: the Right Place for a World Class Park*, published by Partnership for the Public Good, demonstrating the social, ecological and economic values of a park;
- A collection of over 5 years of news articles and editorials on the subject.

We are grateful for the ECHDC's gradual pivot from the original urban development scenario for the Outer Harbor to a plan more grounded in public values.

But the GPP has yet to recognize the ecosystem values of the Outer Harbor. It continues to describe it as “vacant, substandard or underutilized property.” In reality, the Outer Harbor is much more than that. It is a recovering, post-industrial, freshwater coastal ecosystem necessary to millions of lives, human and wild, local and global. **Therefore, for the near term we are asking the ECHDC to do the following:**

- Postpone implementation and any construction related to the GPP and keep the comment period open until after the Covid-19 pandemic has subsided enough to allow us to convene a public meeting where we can hear directly from you about your near and long-range development goals for the Outer Harbor, and you can hear directly from local and regional stakeholders. This is too important a decision to be made without an actual public discussion.
- Consider “flipping the script” for all Outer Harbor land under your control so that it is focused first on making room for a natural, resilient coastal park, and second on economic development, such as at Terminals A and B. We believe there is space and potential funding for both and that we can arrive at a plan that the public is excited about too.

Our comments on the GPP can be summarized under 5 points:

1. **Designate Buffalo's Outer Harbor as a park. Park designation will help secure equal access to natural water, landscapes, recreation and beauty for all *in perpetuity*.** The GPP does not mention the park concept. Its oft-stated overall mission is to attract private development to the Outer Harbor, a long term goal inconsistent with a park designation. As clearly stated since our initial interactions in 2015, we oppose privatization of public lands. Further, we believe Phase 1

funds should be spent on assisting natural regeneration and restoring privatized coastal parcels to the public trust.

2. **Address Coastal Resiliency.** Although the Outer Harbor serves Buffalo as a buffer to Lake Erie storms, the GPP does not address the need to restore and maintain its resilience in the face of increasingly severe lake storms, and flooding from climate destabilization. The Environmental Assessment answers all questions about minimizing damages and risks by checking the box “no impacts.” (LWRP Coastal Assessment Form #9) This is not acceptable. Severe impacts from storms and flooding in just the past two years have not been addressed. **Is it a wise use to invest \$44M in improvements that are repeatedly damaged by increasingly severe storms?** This is like building a house (and a money pit) with no solid foundation.
3. **Address biodiversity.** Buffalo’s Green Code requires new development to be **consistent with the existing character of the neighborhood. Fish, birds, wildlife and outdoor recreation and education** define the overall character of Buffalo’s Lake Erie coast. ECHDC land is surrounded by Tiff and Times Beach Nature Preserves and by DOS-designated “Significant Coastal Habitats” that support planetary biodiversity with many species under threat of extinction. Yet the GPP provides no detail on how it will help protect, restore, or connect them. Phase 1 over-programming on piers, slips and ship canal and meadow will further threaten important species and fragment habitat that is in need of regeneration.
4. **Maintain this Great Lakes coast and submerged lands as a "public trust" to be held in perpetuity for the common good.** Buffalo’s Local Waterfront Revitalization Plan maps the Lake Erie waterfront with the public trust in mind. Most (almost 90%) of its expanded coastal footprint is public land already and should never be privatized. The GPP must not mistake public land for “vacancy.” Green infrastructure and low maintenance natural areas will continue to serve the public trust long after the ECHDC is gone. The GPP must not create a future economic burden for the city, but demonstrate responsibility to the “quieter, simpler,” and sustainable waterfront that the public has clearly asked for. (Buffalo News, 9/12/2018)
5. **Address environmental impacts.** The Full Environmental Assessment Form and Supporting Documentation (FEAF) is incomplete and inadequate in details on environmental protection and restoration. There is no “HARD LOOK” as required under SEQRA. For example: What natural features will be protected? Where? How? How do projected acreages of natural land compare to the amounts of developed trails, roads, buildings, bathrooms, parking lots? Why is sturgeon the only species of concern listed? Why are all the boxes on the Coastal Assessment summary (Part D, #3) concerning impacts to the environment checked “No impact”?

There is also a question of SEGMENTATION. The ECHDC “FEAF Addendum” recognizes this issue but dismisses it, saying segmentation is permissible due to “timing, lack of significant impacts and independent utility” of the various parts of the project. We question this logic. For example: Why make major modifications and a new building at Terminal B (big ticket) before dealing with Terminal A (even bigger ticket)? These should be developed together.

The question of segmentation is also raised by the proposal for the First Buffalo River Marina. The plan is drawn, but the following makes it clear more development is planned: “Although no residential, employment, lodging or retail/service principal uses are described under this GPP, the City’s recent zoning of this parcel to N-3E, Urban Neighborhood (Mixed-Use Edge) anticipates future development of these principal uses occurring along the Buffalo River and City Ship Canal, including this Marina.” Clearly the public is not seeing a final plan for these areas. Any investments in them should be delayed until the full plan is available for public review.

We have a unique opportunity and a duty to protect our own and future generations – let’s do the right thing for this land, its fish and wildlife and our people. Please consider reversing your thinking to imagine a nature-based park with strategic and sustainable development of surrounding assets.

Sincerely,

21st Century Park on the Outer Harbor
Adirondack Mountain Club, Niagara Frontier Chapter
Designing to Live Sustainably
Erie County Federation of Sportsmen's Clubs
Friends of Times Beach Nature Preserve
League of Women Voters of Buffalo/Niagara
Nature Sanctuary Society of WNY
Partnership for the Public Good
Pollinator Conservation Association
Preservation Buffalo Niagara
Sierra Club Niagara Group
Western New York Environmental Alliance
WNY Trout Unlimited
Youth Climate Council
Native Plants Collaborative

and Individuals:

John Ames, Lake Erie homeowner
Paige Ellen Dedrick, Citizen Climate Lobby Buffalo-Niagara
Carl Dennis, Distinguished Poet and Pulitzer Prize winner
Anna Scime, Outer Harbor wildlife lover and Buffalo homeowner
Jean Dickson, Outer Harbor walker
Dennis Galucki, organizer “Imagine Greater Buffalo” series
Joanne Goldfarb, Buffalo resident
Michael Jabot, Distinguished Professor, Science Education, SUNY Fredonia
Joshua Konovitz, Conservationist
Tina Lewis, Outer Harbor walker
Joanne Magavern, Outer Harbor walker
Michael Jabot, Distinguished Professor, Science Education, SUNY Fredonia
Jacqueline Swift
Suzanne Simon, Outer Harbor walker
Nancy R. Smith, Conservationist
Stephen Vermette, Professor, Dept. of Geography, Buffalo State college
Etc.

Separate emails to: US Congressman Brian Higgins, Governor Andrew Cuomo, NYS Senator Sean Ryan, Buffalo Mayor Byron Brown, Buffalo Common Council Members, ECHDC Board of Directors, Buffalo News . . .