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Peter J. Burke, Real Property Manager
Niagara Frontier Transportation Authority
181 Ellicott Street
Buffalo, NY 14203

December 15, 2005

Dear Mr. Burke,

As you know, Buffalo Niagara RIVERKEEPER has been working for nearly 20 years to improve community access to the region's rich waterfront resources and to restore the integrity of the Buffalo and Niagara River systems. In support of that mission, Buffalo Niagara RIVERKEEPER has maintained a strong interest in the revitalization of the 120-acre Buffalo Outer Harbor waterfront property – the largest piece of undeveloped shoreline in the recently created Niagara River Greenway.

We are greatly disappointed at the NFTA's recent management of the development of the Outer Harbor Greenbelt Shoreline Improvement Project. In particular we are concerned that:

1. Despite numerous requests by community organizations to be involved in the development and review of a final design for the project, we are unaware of any public announcements, requests for public comment, or public meetings to discuss the draft report dated September 2005 regarding the Greenbelt design. Further, the draft report provided on Friday, December 9 via email did not include any of the illustrations referenced in the report – making accurate interpretation of the design plans difficult for community members.
2. Despite numerous public comments in support of a wider upland Greenbelt area, with support of a 200 foot or wider setback by many parties, the design in that draft report allows the greenbelt to narrow to as little as 60 feet in areas. The report itself notes the narrow width as a limiting factor in the Greenbelt's ability to provide critical upland shoreline habitat for migratory birds. This is of particular concern in light of the Niagara River's status as a Globally Significant Bird Area.
3. The current plan does not provide any design consideration facilitating public access into or out of the water for small craft boating, down to the water for fishing, or out of the water for emergency purposes. This design effectively blocks off water-dependent access for nearly 1.5 miles of the region's shoreline – failing to recognize the site's unique marine recreational function.
4. The plan broadly dismisses the use of bioengineering solutions and does not discuss the planting of large trees along the shoreline despite the current existence of several stands of mature trees on the site.



5. The plan does not discuss the preservation or expansion of the existing Great Lakes freshwater sand dunes, similar to those being restored at Woodlawn Beach State Park, located between the Pier and the Bell Slip area. It is our understanding that the Woodlawn Beach dunes attract visitors from all over the north east United States.
6. Despite substantial funding from the State of New York in support of the Greenbelt as well as the federal funding application announced via the December 9th request for public comment, there has been no clear movement on behalf of the NFTA to ensure that the Greenbelt area is permanently protected as public parkland as part of the recently created Niagara River Greenway system. Instead, it is our understanding that the Greenbelt may be included in the proposed transfer of land to private development interests in violation of the public trust.
7. On Friday, December 9, 2005, the NFTA requested public comment on the proposed Outer Harbor Greenbelt with a December 13th deadline. Neither the request nor the actual plan were posted on the NFTA's website and were only provided by email at close of business on Friday. The technical nature of the report made a principled, engineering review of the report within four days (including two non-business days) impossible. Such ill-managed efforts to obtain public input appear disingenuous at best. They reinforce existing public distrust and frustration regarding the NFTA's management of the site and directly contradict the agency's claims regarding an open, cooperative revitalization process.

The Outer Harbor is the most visible, recognized feature of the Erie County waterfront – and one treasured by the entire community. Subsequently, there is a unique responsibility of the lead redevelopment agency to protect the public trust and ensure the integrity and responsiveness of efforts to revitalize the site.

We believe that the NFTA's redevelopment of the Outer Harbor for non-transportation uses is highly questionable as an authorized legislative purpose based upon a careful reading of section 1299-d of the NFTA's enabling legislation, as well as the efforts of the NFTA in the mid-1980s to have the legislation amended to more clearly specify a role in non-transportation waterfront developments.

The NFTA's recent efforts regarding the Outer Harbor Greenbelt must be addressed if the NFTA intends to retain its leadership position and establish public confidence in the Outer Harbor's revitalization effort.

Sincerely,

Julie Barrett O'Neill, Esq.
Executive Director
Buffalo Niagara RIVERKEEPER

Cc: Governor G. Pataki, Senator C. Schumer, Senator H. Clinton, Congressman B. Higgins, Assemblyman M. Schroeder, Assemblyman S. Hoyt, County Executive J. Giambra, Mayor-Elect B. Brown, Councilman N. Bonifacio, L. Quinn, L. Meckler
