



January 8, 2009

2009 Board of Directors

Anthony Armstrong
Richard Butz
Max Coykendall
Thomas DeSantis
Timothy Fulton
Richard Roach
Lynda Schneekloth
Randal Snyder
Greg Stevens
Megan Toohey
Anne Wadsworth

Board Emeritus

Barry Boyer
Paul Dyster
Michael Hamilton

Executive Director and Riverkeeper

Julie Barrett O'Neill

2008 Support from

RIVERKEEPER Members
and Donors
U.S. EPA Great
Lakes National
Program Office
National Fish and Wildlife
Foundation
N.Y.S. Council
on the Arts
N.Y.S. Department of
Environmental
Conservation
NYS Department of State
Coastal Management
Program
New York Power Authority
Relicensing Fund
John R. Oishei Foundation
Margaret L. Wendt
Foundation
Peter L. Cornell Foundation
M&T Charitable Foundation

Mr. Seyed Ghasemi
City of Buffalo
Department of Public Works
502 City Hall
Buffalo, NY 14202

Re: Bailey Avenue Bridge Improvement Alternatives

Dear Mr. Ghasemi:

Please accept the following comments on behalf of Buffalo Niagara Riverkeeper related to the proposed Bailey Avenue Bridge improvements in South Buffalo.

Per our conversation on December 31, 2008, I understand that the City of Buffalo Department of Public Works is coordinating a meeting in the near future with several key stakeholders, including Buffalo Niagara Riverkeeper, who may have strong concerns or relevant input related to the above referenced project. Understanding that several of the following issues may be addressed at this meeting, this letter is to be sure these concerns are included in the official public comment record for the project.

We look forward to the opportunity to speaking with the City, NYS Department of Transportation, and its consultants directly about this project.

Buffalo Niagara Riverkeeper's comments can be organized into three categories:

- A. Potential impacts of the proposed project on the Buffalo River and surrounding environs;**
- B. Lack of coordination of the Bailey Bridge planning and numerous other planning efforts in and around South Buffalo;**
- C. Potential loss of a natural and educational resource in the "Bailey Avenue Peninsula Pocket Park".**

A. Potential impact of the proposed project on the Buffalo River and surrounding environs.

The Bailey Avenue Bridges are the geographic endpoint to what is known as the Buffalo River Area of Concern, or "AOC". (There are 43 AOC's in the Great Lakes Basin, and the Buffalo River obtained this designation in 1987 as being one of the most toxic and impacted rivers in the country.) Each AOC has a Remedial Action Plan, or "RAP", that was developed and is used to guide the remediation and restoration of the waterway. Buffalo Niagara Riverkeeper has served as the Buffalo River RAP Coordinator, as designated by the US Environmental Protection Agency, since 2003, and therefore has a strong and vested interest in any project that may impact or affect the Buffalo River.

One major collaborative project affiliated with the Buffalo River RAP that is currently underway is the Feasibility Study (FS) for contaminated sediments. This \$3+ million study is nearing completion and, when completed in mid-2009, will produce a consensus-based remediation strategy for the river. (Preliminary cost estimates for remediation and restoration of the river range from \$40-\$100 million).



The planning and/or construction related to the Bailey Avenue Bridge has the potential to conflict with the river remediation construction work targeted for 2010 and beyond. Specifically, bridge construction could have impacts on river hydrology, flow regimes and ice scour, shoreline stabilization, re-vegetation and habitat improvements. **The engineering team responsible for re-design of the Bailey Avenue Bridges must coordinate their work with our FS team who are simultaneously conducting analyses and preliminary design within the river channel. (The FS Team consists of representatives from Riverkeeper, USEPA-GLNPO, NYSDEC, USACE and Honeywell).**

Two of the three alternatives presented at the public meeting proposed relocation of the roadway and the bridges. Disturbance of the shoreline and nearshore area is inevitable. With shoreline disturbance comes the guarantee of the spread of invasive plant species such as Japanese knotweed, purple loosestrife and phragmites. The spread of these species up and down the River and all our local waterways is wreaking havoc with the natural ecosystem. The spread of invasives is exacerbated by disturbed shorelines and the species are overtaking what little natural habitat remains, as well as undermining erosion control efforts. Also, replacing 60+ year old trees and a floodplain forest community with saplings is not fully mitigating ecosystem impacts. **A long-term (meaning 5+ years) invasive species management plan and in-depth habitat restoration plan must be included in any project proposal that will disturb shoreline. These management plans can also be coordinated with the work of the FS Team outlined above.**

B. Lack of coordination of the Bailey Bridge planning and numerous other planning efforts in and around South Buffalo. Riverkeeper is very concerned about the lack of communication between the City Department of Public Works (DPW) and the City Office of Strategic Planning (OSP). Even though the planning on the Bailey Avenue Bridges had been occurring for the better part of a year, there was no conversation between the two City departments until the morning of the public meeting and only after Riverkeeper contact OSP.

There are at least three recently completed or ongoing planning efforts and one pending planning effort that will bisect, traverse, abut or overlap the stretch of Bailey Avenue in south Buffalo. These include:

- 1) **The Elk Street Corridor Plan.** Funded by Honeywell and Exxon Mobil, a market analysis, land use plan, narrative vision and GIS maps were developed that also includes a proposed crossing over the Buffalo River through the former Exxon property and ultimately connects to Elk Street near Bailey. (**See attached schematic**).
- 2) **South Buffalo Brownfield Opportunity Area or “BOA”.** Currently being managed by the City of Buffalo OSP, this 18-month, stakeholder-involved study is evaluating current land use conditions, conducting a market analysis and developing a shared vision for redevelopment of south Buffalo. Three alternatives are in the final stages of review and multiple public meetings are scheduled for early 2009. Several iterations of plans include the proposed “Tiff Street Arterial” (see next item) and all GIS maps, research, and schematics are available from John Fell in the Office of Strategic Planning.
- 3) **Tiff Street Arterial Study.** Completed as part of the NYSDOT Route 5 Project, a full Environmental Impact Statement has already been completed for the proposed arterial- which would include a traffic study. The Tiff Street Arterial may relieve traffic congestion and volume issues within the stretch of Bailey that crosses the Buffalo River and Cazenovia Creek. This plan should be available within NYSDOT, however Riverkeeper has numerous hard copies of all legal documents related to the Route 5 project and we would be happy to make them available for review.
- 4) **Buffalo River Brownfield Opportunity Area “BOA”.** Buffalo Niagara Riverkeeper and the City of Buffalo are about to complete contracts with the Department of State on the north side of the River, that mirrors the work of the South Buffalo BOA. It also encompasses the land and road area including the Bailey Avenue Bridge.

C. Potential loss of a natural and educational resource in the “Bailey Avenue Peninsula Pocket Park”.

Almost 100% of the 6.2 mile shoreline of the Buffalo River Area of Concern has been altered, hardened or contaminated. Few remnants of historical floodplain forest, safe public access, or quality habitat remain along the river, and the Bailey Avenue Peninsula is one of only three sites within the AOC that provide this ecological value and public access benefit. Millions of taxpayer dollars (federal, state and local) were invested in the mid-1990’s to

restore and protect this and the two other sites (Ohio Street Boat Launch, and Smith Street Habitat Restoration Site), as part of the original “Buffalo River Habitat Restoration Project”. The three “pocket parks” persist because of the ongoing stewardship of the surrounding community. (i.e.: The Valley Community Center adopted the Smith Street site, and Adam Hovey and his students from South Park adopted Bailey).

Straightening of the roadway between the two bridges would eliminate a significant percentage of restoration site, and introduce invasive species that would threaten whatever of the ecosystem that remains. Replanting a few trees, planting a monoculture of mowed grass and few benches does not re-create an ecosystem, which is a founding principle behind any earth science curriculum. The “outdoor classroom” function that the Bailey site provides local students and the community is intangible, and the loss of the resource is not easily calculated into a transportation project budget.

The final concern from Riverkeeper’s perspective is the combination of circumstances that seem to be driving this project. The consultants portrayed this project as an important need, but not urgent. ***Bridge stability and DOT rankings for the quality of the bridge supports do not support the argument that this project must be implemented in 2009-10.*** It appears that the reason this project is being implemented now is because of the federal money that has been made available. Where Riverkeeper will always advocate for the improvements and investments into our local communities, we feel the thoroughness of the planning on this project to date has been lacking due to the above referenced concerns, and its priority should be re-evaluated based on other information that is available.

Second, the concern of personal safety was raised numerous times at the meeting. Riverkeeper does not “love fish more than human life” as one resident quipped, and our staff and members live and drive within these communities on a daily basis. Are there other temporary, lower-cost opportunities for improving the safety for drivers and pedestrians on this stretch of roadway (i.e.: road signs, lights, crosswalk, lane striping, berm, etc.) while the adjacent transportation projects are being evaluated and coordinated with the proposed work on Bailey?

Finally, straightening and flattening of the roadway may improve visibility, but it will turn and Indy-car race track into a drag-strip. Vehicle speed and accident rates will not be reduced just because the road is straightened. The consultants who presented this project at the public meeting where by far neutral on the design alternatives, and this is an irresponsible approach to gathering meaningful public input.

Riverkeeper appreciates the opportunity to comment on this project and we look forward to a productive dialogue with the City of Buffalo, NYSDOT and other stakeholders. If you have any questions, please feel free to contact me directly at 852-7483, or email, Jedlicka@bnriverkeeper.org.

Sincerely,



Jill Jedlicka
Director of Ecological Programs
Buffalo Niagara Riverkeeper

cc: Julie Barrett O’Neill, Riverkeeper
Martin Doster, NYSDEC
Robbyn Drake, Riverkeeper
John Fell, City of Buffalo OSP
Mary Beth Giancarlo Ross, USEPA-GLNPO
Councilmember Richard Fontana
Adam Hovey, South Park Highschool
John Morris, Honeywell
Mary Rossi, Erie County DEP
NYS Assemblyman Mark Schroeder
