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April 9, 2013

LTC Owen J. Beaudoin
Commander and District Engineer
United States Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207

Re: The closure of the pier at the north end of Squaw Island in Buffalo, NY

Dear Colonel Beaudoin:

I was surprised and disappointed to read in *The Buffalo News* that the US Army Corps of Engineers intends to eliminate access to the pier at the northern end of Squaw Island. As you are aware, this facility has long been used for recreational fishing and other low-impact recreational purposes. Relative to that announcement, I write today to convey the following:

- 1) I strenuously object to this decision. Along with stakeholders in the community, I have fought vigorously to increase, not decrease, high-quality public access to the Buffalo waterfront. My office has already been contacted by a number of recreational fisherman, who indicate that this site is highly prized for the quantity of species and the quality of specimens to which it affords access.
- 2) I point out to you that this decision raises serious Environmental Justice considerations. While there are exceptions to this rule, generally speaking, wealthier people fish on boats, and less wealthy people fish on land. While the justification for the continuing operation of the Black Rock Lock is its occasional industrial use, in reality, its primary use today is to facilitate recreational boating, including recreational fishing. So, by this decision, the US Army Corps of Engineers is eliminating access and recreational opportunities for less wealthy anglers in order to facilitate and favor more wealthy anglers. Merely allowing the status quo would allow both types of anglers to continue their activities. This leads to a specific question:
- 3) What NEPA process did you follow in order to arrive at this decision? As you know, the National Environmental Policy Act (NEPA) requires that federal agencies undergo a rigorous review before they make a decision which may have a negative environmental impact, where "environmental" considerations include negative impacts on recreational uses of the natural environment and

Environmental Justice considerations. NEPA requires government actors to avoid negative environmental impacts first, and if they cannot be avoided, to mitigate them. The alienation of this resource from its users would surely trigger a rigorous NEPA review. I hereby request a copy of all of the NEPA documentation associated with this decision.¹

- 4) Over the past several years, several repairs and improvements have been made to the Black Rock Lock and the surrounding infrastructure. Much of this work was funded through specific line-items in the annual Energy and Water Appropriations Bill for which I specifically advocated. Among the improvements made in the last decade, a new perimeter fence was constructed along the west side of the lock. That fence line excludes the pier in question, allowing unfettered access between the pier and the rest of Squaw Island Park. The decision about where to place that perimeter fence must surely have been deliberate. As such, I hereby request copies of all of the documentation associated with the decision about where to place the current fence line when that fence was constructed.¹

Thank you very much for your service to the United States and for your leadership. I look forward to the provision of the materials I have requested, and I hope that the US Army Corps of Engineers will reverse this decision.

Sincerely,



Brian Higgins
Member of Congress

¹ I make this request pursuant to the oversight authority granted the Congress in Article I of the US Constitution, but also in accordance with FOIA. Pursuant to FOIA, I am prepared to receive these documents in whatever reasonable medium you choose and I further ask that you waive any applicable reproduction charges but stand ready to pay any reasonable and legal reproduction charges which may apply, should that be necessary.