



DEVELOPING THE DL&W TERMINAL &
THE KELLY ISLAND RIVER TRAIL
Important Next Steps for Buffalo's Waterfront

Western New Yorkers just spent \$169 million fixing the Buffalo River; they deserve to be able to enjoy it.

-Congressman Brian Higgins

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CONTEXT – THE QUIET WATERFRONT RENAISSANCE

While Canalside has been a tremendous success, and improvements to the Outer Harbor have triggered a good deal of interest and attention, a quiet waterfront renaissance has emerged along the Buffalo River. Over the past 10 years, \$169 million has been invested in environmental clean-ups, habitat improvements, and access improvements on the Buffalo River. The federal government has invested \$72.8 million of this total, the state and local governments have invested \$34.6 million (\$27.2 million of which is a direct result NYPA's 2005 federal settlement), and the private sector private enterprise has invested \$61 million in various cleanups and access projects (See appendix 1 for details).

These improvements have resulted in all kinds of benefits. Between the Michigan Avenue and Ohio Street lift bridges alone, improved access and a cleaner river have resulted in more private investment than at any time since the opening of the St. Lawrence Seaway in 1959 (\$40.7 million since 2013). With a cleaner river and better water, it is not uncommon to see scores of canoeists, kayakers and others in small craft recreating on the waterway. It is also heartening to see the return of various native species of birds, mammals, fish and other creatures that are presumed to have abandoned the river generations ago. And of course, the RiverBend site, which is the epicenter of a \$5 billion clean-technology investment by the State of New York and Solar City, is situate on the Buffalo River.



Source: USACE.

Much of the federal funding for the improvements to the River has come from programs like the Great Lakes Restoration Initiative and other grants under the Great Lakes Legacy Act, for which many of my colleagues and I on Congress' Great Lakes Task Force have long advocated. While the availability of this funding was a necessary condition for the cleanup of the Buffalo River, alone it would not have been sufficient to advance this work. On the U.S. side of the Great Lakes, the EPA has designated thirty-one "Areas of Concern" which need special investment and

attention to return them to uses which benefit the public and the environment. While efforts to improve many of these areas have languished, the improvement of the Buffalo River has been able to advance through multiple seasons of multi-million dollar improvements. Two things have made the Buffalo River stand out compared to peer Areas of Concern. First and foremost has been the leadership of the Buffalo Niagara Riverkeeper. While the clean-ups of other Areas of Concern throughout the Great Lakes have been led by state agencies, ours was led by this resourceful, persevering and dedicated non-profit. The other distinguishing factor was the leadership provided by the Honeywell Corporation. As the owner of a subsidiary which had been acquired from a legacy polluter, Honeywell could have sought to minimize their liability through contracted legal battles. Instead, they organized the efforts of various other private entities with legacy issues and brought them to the table to advance a robust clean-up effort.

WHAT'S NEXT?

The Buffalo Niagara Riverkeeper and its partners are engaged in important habitat restoration initiatives all along the shoreline of the Buffalo River which will continue for the next few years. Even if the Buffalo River achieves “delisting” as a Great Lakes Area of Concern in the coming years, the river will still be eligible for competitive federal grant funding under the various programs from which it has benefitted in the past. Also, in future years, additional private funding for habitat work and additional environmental remediation may become available through U.S. Interior Department’s Natural Resource Damage Program. While important progress has been made and will continue to be made, there are still ongoing threats to the health of the river which are not yet fully resolved,¹ and access to the river remains limited.

ECHDC should devote some of the resources made available to it as a result of the 2005 settlement with the New York Power Authority to two transformational projects which will allow visitors to and residents of Western New York the ability to enjoy the Buffalo River waterfront in ways that have been denied them for generations. These projects are the buildout of the Kelly Island River Trail and the development of the second floor of the historic DL&W Terminal. According to the ECHDC website, the Corporation intends to spend \$32 million on parking ramps at the Inner Harbor. Parking ramps may very well be necessary in that location, but parking ramps are and should be self-financing, and are not the highest and best use of NYPA settlement funds which were intended to open up Buffalo’s waterfront. Each of these initiatives, the Kelly Island River Trail and

¹ One such concern with regard to the health of the river is the discharge of untreated sewage by the Buffalo Sewer Authority (BSA) at outfalls all along the River during and after rain storms. Pursuant to their long term agreement with the EPA, between now and 2018, the Buffalo Sewer Authority is slated to invest \$20 million in improvements designed to reduce the extent of untreated sewage discharged into the river, which will leverage \$17.6 million in federal funding which they invested in this effort in 2009. Even though these improvements and others anticipated in BSA’s 20-year plan will reduce the frequency and extent of these discharges, they will not eliminate them completely, and the health and utility of the river will continue to be negatively impacted.

the preparation of the DL&W Terminal for private development, may have a cost on the order of \$10 million.

KELLY ISLAND RIVER TRAIL

Two recent planning efforts have identified the need to improve bicycle and pedestrian access between the Ohio Street corridor and the opposite shoreline of the Buffalo River on Kelly Island: The Middle Harbor Development Concept Plan by Wendel and the Kelly Island Access/Safety Improvements Draft Review by Fisher Associates. The recently-opened RiverWorks complex on Kelly Island has attracted huge crowds in only its first weeks of operation. Facilitating this type of water-dependent recreational use should certainly be a goal of Buffalo's waterfront development agency. At the same time, the existing large-scale industrial grain milling and food manufacturing facilities on Kelly Island should continue to be encouraged as they are also water-dependent uses, are major employers and are an integral part of Buffalo's waterfront heritage. With appropriate infrastructure, the existing industrial uses can coexist with the new recreational uses, and this investment should be a focus for ECHDC.

The Fisher Associates study points out that the pedestrian and bicycle access provided by the Michigan Avenue bridge is not optimal, that the intersection of Michigan Avenue and Ganson Street is a scene for problematic interactions between recreational and industrial users, and that steps can be taken to support the ongoing industrial operations on Kelly Island as well as new, recreational uses by investing in infrastructure which protects both functions. This study proposes enhanced pedestrian capacity on the Michigan Avenue bridge, possibly through a new, cantilevered structure for bicyclists and pedestrians suspended from the upstream side of the bridge. It also proposes diverting the bulk of the recreational pedestrian traffic away from the intersection of Ganson Street and Michigan Avenue by creating a new multi-use trail facility along the river, at least between the Michigan Avenue bridge and the Riverworks complex.

The Wendel plan developed very similar suggestions but was somewhat broader in its geographic scope; it anticipated a "River Trail" along the length of Kelly Island's Buffalo River shoreline which would connect to the new Ohio Street trail at Michigan Street and at Silo City. Importantly, this plan realizes that not all portions of River shoreline will be available for trail development; notably the Lafarge cement plant, a well-established, water dependent use, would not be interfered with. Together with the recently-developed trail infrastructure along Ohio Street, the Kelly Island River Trail would create a pedestrian and bicycle loop of just under two miles, which is in the ideal range for recreational users.

ECHDC should fund the build-out the essential elements of these plans to further activate this stretch of Buffalo's waterfront for recreational users while protecting important remaining industrial operations. In addition to the recent plans by Wendel and by Fisher Associates, the build-out of the Kelly Island River Trail would help realize the vision of decades of waterfront planning initiatives,

notably the 2007 Niagara River Greenway Plan and *From Rust Belt to Green Belt*, the City of Buffalo's waterfront plan from 1990.

PREPARING THE DL&W TERMINAL FOR PRIVATE DEVELOPMENT

The second floor of what remains of Buffalo's former DL&W Terminal presents a unique development opportunity and unique challenges. The 75,000 ft² enclosed station platform area is historic, unique and beautiful, and it opens up to a 35,000 ft² patio overlooking the Buffalo River. It is ideally situated within 200 yards of Canalside, the First Niagara Center and HARBORCENTER complex, the Seneca Buffalo Creek Casino, the Ohio Street Corridor and Kelly Island. It is also unconventionally configured, festooned with structural posts at uneven increments, is lacking in adequate access and adequate utility service, and has former station platforms running its entire length. Because of these challenges, developers have indicated that in order to make the site competitive for private development to open it up to uses which the public can enjoy, the building needs public investment to prepare its shell for this use. ECHDC should make the necessary investments to make this unique, historical waterfront building ready for development.

It is anticipated that the NFTA will soon publish their Canalside-Cobblestone Transit Options study, which is likely to call for a new light rail station on the ground floor of the DL&W either along South Park Avenue or along the Buffalo River. With that concurrent work, this initiative presents the opportunity for desirable transit-oriented development which would help connect Buffalo's burgeoning waterfront to other development nodes up and down the Metro Rail corridor.

CONCLUSION

The tremendous progress which has been made in improving the Buffalo River is a public good in its own right. It would be a regrettable missed opportunity, however, if our community did not leverage this \$169 million investment by making it possible for Western New Yorkers and our visitors to fully enjoy this river. The two projects recommended in this report represent concrete opportunities to make tangible progress at achieving the goals of twenty-five years of planning and to further connect Western New Yorkers to this river into which they have already invested so much.

APPENDIX

| <u>Source</u> | <u>Project</u> | <u>Year(s)</u> | <u>Amount</u> |
|--|--|----------------|----------------------|
| EPA, Great Lakes Legacy Act and Great Lakes Restoration Initiative | Buffalo River Clean-up (including planning) | 2008-2015 | 32,380,401 |
| Honeywell, others | Buffalo River Clean-up (including planning) | 2008-2015 | \$23,100,000 |
| EPA | Buffalo Sewer Authority-Hamburg Drain | 2009 | \$17,600,000 |
| City of Buffalo | Hamburg Drain Match | 2009 | \$400,000 |
| FHWA | Ohio Street | 2014 | \$8,152,000 |
| NYPA via ECHDC | Ohio Street | 2014 | \$2,038,000 |
| City of Buffalo | Ohio Street | 2014 | \$1,200,000 |
| U.S. Army Corps of Engineers | Various, including dredging | 2005-2015 | \$6,729,407 |
| Private Companies | DEC Cleanups (LTV, Buffalo Color, Exxon Mobile) | 2008, 2013 | \$38,000,000 |
| NYPA | Mutuals Park, Ice Boom Facility, BSRA Contribution | 2010 | \$24,100,000 |
| Various | Buffalo RiverFest Park | 2009-2015 | \$5,418,812 |
| National Science Foundation | Buffalo State College-Buffalo River Research | 2007 | \$308,980 |
| FHWA | South Park Lift Bridge | 2006 | \$7,646,990 |
| City of Buffalo | South Park Lift Bridge | 2006 | <u>\$1,911,748</u> |
| | | <i>Total:</i> | <i>\$168,986,338</i> |