



Friends of Times Beach Nature Preserve

C/O Burney 83 Salem Street Buffalo New York 14220

www.friendsoftimesbeachnp.org

October 13, 2015

Dear ECHDC members:

We have heard through the media that your organization has announced intentions to “light up” the connecting terminal grain elevator located on Fuhrmann Blvd, across the street from the Times Beach Nature Preserve.

We have not seen all of the details, but we have heard from the media that this will include a nightly light show on all four sides of the terminal from dusk until about 11pm starting in November.

We have not been aware of any review of the potential impacts on the nature preserve, or on migrating and breeding birds, all of which are related to both seasonal schedules and nighttime issues involving lights.

We are concerned about the negative impact of this lighting on migrating and resident birds and other wildlife that depend upon Times Beach and the outer harbor for their survival. Migration seasons in the spring, summer and fall are constants along Buffalo’s outer harbor and waterfronts. Times Beach Nature Preserve and the outer harbor are the “Gateway” to the Niagara River Corridor Globally Significant Important Bird Area (NRCIBA) which is recognized by the National Audubon Society and its Birdlife International partners. This international designation has a great deal to do with seasonal migration issues.

We have discussed some of these seasonal migratory and breeding birds issues with various ECHDC representatives including Mr. David Colligan, whom in some media releases has reflected an understanding of the avian context of the location of the outer harbor. Given this (to us) surprise announcement reported only by a few local media outlets, and our lack of interaction with the ECHDC on this and most other outer harbor projects, we are concerned that the sustainability of natural resources on the outer harbor are in jeopardy.

We are concerned about the announcement and installation of this light project both because of these profound environmental concerns, the apparent lack of stakeholder engagement in this project, and because of recent commitments by Governor Cuomo to the NYS Audubon “Lights Out New York” program which he announced last spring.

A press release accompanying his announcement stated that *“state buildings and facilities will turn off non-essential outdoor lighting from 11pm to dawn during times of peak bird migration” identified as from April 15 through May 30, and August 16 through November 15. This is*

designed to enhance bird conservation and to promote energy conservation.

In addition to the bird conservation context the Governor's Press Release stated:

"Lights Out New York will strengthen the state's ongoing efforts to reduce light pollution. New York has already enacted new Public Building Law regulations, to take effect in December, that will limit the installation of new outdoor lighting on state managed lands and put restrictions on the brightness, glare and direction of outdoor lighting fixtures. New York's Lights Out Initiative will precede the implementation of these regulations and help take immediate action to improve the state's energy efficiency and nighttime environment not only for wildlife but also for those looking to enjoy the beauty the nighttime sky."

We are concerned that the Empire State Development Corporation and the Erie Canal Harbor Development Corporation are not aware of the Governor's policy or are ignoring the widely publicized policy initiative. It would seem that the best practices of the ECHDC regarding any and all outer harbor development would reflect state policy in these matters.

We know that the ECHDC is concerned about these avian issues because we have heard Mr. Colligan refer to these issues, including the NRCIBA in the press. We appreciate those concerns and hope that these references are more than "lip service". We hope that the ECHDC will continue to lead and support our efforts to conserve and protect the Nature Preserve and our substantial natural resources on the outer harbor.

More from the Governors press release:

"New York State is joining the Audubon Society in the charge to reduce sources of light pollution that disrupt and disorient birds during migration." Audubon Lights Out initiatives in places like New York City have found willing partners including private buildings including Rockefeller Center, the Chrysler Building and the Time Warner Center.

"Many species of shore birds and songbirds rely on constellations to help them navigate to and from their summer breeding grounds throughout the state," the release continues. "Excessive outdoor lighting, especially in adverse weather conditions, can cause these migrating birds to become disoriented, a phenomenon known as fatal light attraction. According to the US Department of Agriculture this phenomenon has led to the death of an estimated 500 million to a billion birds annually in the United States through collisions with windows, walls, floodlights or the ground."

The press release also says, "Lights Out New York will strengthen the state's ongoing efforts to reduce light pollution. New York has already enacted new Public Building Law regulations, to take effect in December, that will limit the installation of new outdoor lighting on state managed lands and put restrictions on the brightness, glare and direction of outdoor lighting fixtures. New York's Lights Out Initiative will precede the implementation of these regulations and help take immediate action to improve the state's energy efficiency and nighttime environment not only for wildlife but also for those looking to enjoy the beauty the nighttime sky."

Former Department of Environmental Conservation Commissioner Joe Martens was quoted in the Governors Press Release as saying *‘This initiative will increase more natural settings for birds and help foster the long-term sustainability of our precious natural resources.’*

Here is a link to the governors April 27, 2015 Press Release

<https://www.governor.ny.gov/news/governor-cuomo-announces-lights-out-new-york-initiative-protect-migratory-birds>

and the New York State Audubon Press Release:

<https://www.audubon.org/news/new-york-turns-out-lights>

The Governor’s commitment is a welcome gesture and a symbol of emerging leadership that is recognizing issues of habitat, wildlife, energy conservation, cost efficiency and climate change. This demonstrates his knowledge of how they are all related to a better future for wildlife, climate, and human well-being. However we are concerned that Empire State Development, and the ECHDC are not playing on the same team or are not acting as good partners to those of us that share the governors stated values.

The Buffalo Outer Harbor, the location of the Connecting Terminal, and Times Beach Nature Preserve all have important associations with migrating and breeding birds. This includes both spring and fall, periods that the Governor’s Lights Out New York initiative addresses, and also the special late November through January period when we have a world-class gull and tern migration that occurs nowhere else in the Great Lakes or on the planet. These migrations are environmental, cultural, and economic resources that could be damaged by ongoing and inappropriate development and entertainment decisions by ECHDC and the state. Without proper attention to these issues in planning strategies and decisions- which would involve including better public and science input and attention to regulations and policies of Governor Cuomo, we may do harm to commonly held resources. As you may know, Pope Francis has recently called for more attention to “Our Common Home” and the “Rights of Nature”. Many in our community are looking towards the ECHDC and the Outer Harbor development plans through the lens of these issues. We once again ask you to engage us in the planning process as you continue to spend public money that could create harm to a sustainable future for our region.

Jay Burney
Friends of Times Beach