



Friends of Times Beach Nature Preserve

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Submitted Comments to City of Buffalo Unified Development Ordinance (Green Code)

The Friends of Times Beach (FOTB) represents organizations and individuals that are principally concerned with the preservation and conservation of the Times Beach Nature Preserve, located in downtown Buffalo, on the northeastern portion of the outer harbor. We recognize that the nature preserve both represents and includes essential ecological and economic contexts for the City of Buffalo. Generally speaking, the FOTB respects the process that the City of Buffalo has undertaken regarding public input for this retooling of one of Buffalo's central regulatory codes.

Our concerns, and the concerns of many of our members go to the protection of wildlife in our region. This is as critical in the urban core as it is in the wild lands of some of the most remote regions of our state. Wildlife knows no boundaries other than what nature creates, and what humans construct. This is especially true of flying and migrating wildlife such as birds and important pollinators such as native bees and butterflies.

Indeed many species of these animals, avian and insect, are critical resources that help to maintain the essential biodiversity of our region, and our planet. Without this biodiversity we would have no clean air, no clean water, no food, and no human health. For our region and our populations to thrive into the next decades, it is essential that we find ways not just to refer to conservation strategies, but to front page these strategies. One of the principal goals and missions of the Green Code should be to conserve, protect, and defend the wildlife that rely on our urban habitats and are threatened by inappropriate development and design.

Buffalo is located in a rather unique place. We are at the confluence of Lake Erie and the Niagara and Buffalo Rivers. This corresponds to the location of Times Beach Nature Preserve. The Great Lakes contain more than 20% of the earth's fresh surface water. This valuable resource is threatened by a variety of things including urban and agricultural pollution. This year the International Joint Commission declared that Lake Erie is in precipitous decline. Part of the reason includes sewer treatment standards and facilities that do not do enough. While Buffalo has become a recognized leader in green sewer innovations, it is not enough. The growing threat of sewer discharges, both treated and untreated is a ticking time bomb that threatens the security of the United States and the health of the people that live here, including those that live in the Great Lakes, and including those that live in Buffalo and WNY.

Birds and pollinators are threatened by human development including legal pollution and development standards that barely recognize or touch the impacts on wildlife. Buffalo is perched on the edge of a great wilderness (Lake Erie) that existed for thousands of years before humans settled and developed here. Of course the wilderness has changed, but hundreds of species of birds representing millions of individuals, and huge concentrations of beneficial insects including native bees and migrating butterflies (such as the rapidly declining Monarch Butterfly) depend on our area.

In 1996, a consortium of international conservation organizations, government agencies, and individuals created The Niagara River “globally significant” Important Bird Area (NRIBA). This IBA recognizes both the irreplaceable ecological value of this corridor, and the serious threats to the well-being of the ecosystems that it supports. This designation recognizes threats to many species of birds, including some that are endangered and threatened. The City of Buffalo was a party to that designation. The City in fact adopted a resolution indicating that the City recognizes the NRIBA as a part of its process and procedure.

The Niagara River IBA covers the entire Niagara River from Lake Erie to Lake Ontario and, according to the Canada definition, at least 3.5 km inland in both countries from the center of the river. Times Beach and Buffalo’s outer harbor are considered the Western Gateway to that corridor.

Some of the birds that rely on this corridor travel great distances. The *Bonaparte’s Gull*, which is just now in October beginning to make its annual migration through our area, nests on the far west coast of North America, in the boreal coastal and near-arctic forests of Alaska and British Columbia. They come through here in great numbers on their way to their wintering waters in the Atlantic and Caribbean. It is estimated that 25% of the entire global population of Bonaparte’s Gulls can be found here during November and December. 100,000 of these birds have been seen here on a single day, a spectacle that attracts birders from across the globe. Other birds such as the many species of warblers that travel through here can come from the far north and make their way south, through Central America and in some cases into the Amazon Jungle, or what is left of it. Raptors including *Bald Eagles*, *Peregrine Falcons* and more than a dozen other species depend on our region. In the winter, the Niagara is populated by hundreds of thousands of individuals representing nearly 50 species of waterfowl. These birds come from the north and the Niagara River and the Buffalo Harbor are often the first open waters. They stop, and they stay, nourished and protected by the natural systems that are still found here. Birdwatchers/tourists flock here!

Since the 1994 designation of the NRIBA, the conditions that threatened birds have only worsened.

Just a few weeks ago, National Audubon released a startling new report stating that half of North America’s bird species face disruption and decline. 314 North American bird species are on the brink. Many of these are found and depend on resources in our region. This catastrophic decline is due to a number of factors including habitat loss, pollution, climate change, and commoditization of resources including land that is turned into development.

<http://climate.audubon.org>

What can we do? -Can the Green Code address avian and pollinator conservation issues?

The answer is yes. By adopting rigorous codes and standards that reflect an understanding of human and wildlife interactions, by enforcing and publicizing them, Buffalo can become a leader in conservation and sustainability in the Great Lakes.

It is especially important to recognize the importance of these codes on any development located along the Lake Erie Niagara/Buffalo River complexes and in and near or adjacent to the Niagara River IBA. This is an especially important issue when it comes to the outer harbor.

Buildings: There needs to be considerations about building design and construction including height, setbacks, window configurations, lights, towers, access, stormwater, noise, and activity.

GreenSpace: Promote native plants not lawns and garden areas that need chemicals. Promote no mow, no chemicals. Habitat gardening and wildlife corridors on the outer harbor should reflect bird and pollinator conservation strategies. Promote naturalized areas including shorelines as a first priority.

Schedules: Recognize the very specific and well-known migrations and breeding seasons/schedules regarding construction, events, and maintenance schedules. The “mow-free” area at Wilkeson Pointe on the outer harbor, which included the planting of native plants for birds and butterflies, was inexplicably mowed in mid-September, just when the Monarch butterfly and warbler migrations were beginning. All of the fall flowering plants that were designed to attract and support these forms of wildlife were instantly vanished, which completely decimated migration, and defeated the purpose for the planting.

Transportation infrastructure: Avoid fragmentation of existing habitat, create opportunities to bolster habitat through natural restorations and plantings, consider stormwater issues. Avoid creating toxic rain gardens and bioswales in especially sensitive areas.

Events and Activities: Consider event locations, especially concerts and fireworks that may effect breeding or disrupt wildlife patterns. For example, Fourth of July Fireworks on the outer harbor disrupts breeding and other social patterns in several locations of birds and amphibians. Light shows on the outer harbor grain elevators, especially lights that go skyward are potential dangers for breeding colonies of birds and night migrants.

Energy Infrastructure: Be aware of habitat destruction and the potential consequences of both wind turbines and other infrastructure footprints associated with energy infrastructure, especially on the outer harbor. Advocate for more aggressive SEQRA standards and the best site selection science for this infrastructure that money can buy.

Resources

There are a number of codes and practices that we need to consider in WNY related to best conservation practices and development, design, building practices, site selection, codes and standards. These include but are not limited to:

Fatal Light Awareness Program FLAP

www.flap.org/

<https://www.facebook.com/pages/Fatal-Light-Awareness-Program/167532639934005>

-Great Lakes Lights-out Initiative

<http://www.flap.org/great-lakes-lights-out.php>

-Lights and Nighttime Collisions: <http://www.flap.org/lights.php>

-FLAP link to other avian/building conservation standards including New York City Audubon Bird Safe Building Guidelines, ABC Bird-Friendly Building Design, Chicago Bird Safe Building Design Guide, and links to the FLAP North American Network-(Boston, Chicago, Detroit, Minneapolis/St. Paul: <http://www.flap.org/links.php>

Toronto Bird-friendly Guidelines:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=c5f20621f3161410VgnVCM1000071d60f89RCRD&vgnnextchannel=c64a036318061410VgnVCM10000071d60f89RCRD>

Green Building Alliance, Bird-friendly Design: <https://www.go-gba.org/resources/green-building-methods/bird-friendly-design/>

Audubon Bird-friendly Design: <http://bird-friendly.audubon.org/bird-friendly-design>

City of Portland Resource Guide for Bird Friendly Buildings:

<http://www.portlandoregon.gov/bds/article/408796>

Chicago Ornithological Society Bird Safe Design Guidelines (Many links to North American city guidelines): <http://chicagobirder.org/conservation/birds-building-collisions/>

American Bird Conservancy (ABC) -Bird Friendly Building Design:

<http://www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf>

-ABC Wind Friendly Design Policy Statement (Mentions building adjacent to IBA's)

http://www.abcbirds.org/abcprograms/policy/collisions/wind_policy.html

-ABC Birds and Collisions: <http://www.abcbirds.org/abcprograms/policy/collisions/index.html>

-ABC Birds and Wind Development:

http://www.abcbirds.org/abcprograms/policy/collisions/wind_developments.html

Thank-you

Jay Burney, Chair, Friends of Times Beach Nature Preserve