

Niagara Gorge Corridor

***Robert Moses Parkway Removal
Main Street to Findlay Drive
Niagara Falls, NY***

Final Design Report/ Environmental Assessment

Appendix iii - Additional FHWA Correspondence

PIN 5761.90

November 2016

In cooperation with:

**New York State Department of Transportation
New York Power Authority
USA Niagara Development Corporation
The City of Niagara Falls, NY**



November 8, 2016

Peter Osborn, Division Administrator
Federal Highway Administration – New York Division
Leo O'Brien Federal Building, Suite 719
11A Clinton Avenue
Albany, NY 12207

**RE: NIAGARA GORGE CORRIDOR
ROBERT MOSES PARKWAY REMOVAL PROJECT
MAIN STREET TO FINDLAY DRIVE
CITY OF NIAGARA FALLS, NIAGARA COUNTY
PIN 5757.91.121**

Dear Mr. Osborn:

The New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) is advancing a project to remove the Robert Moses Parkway (RMP) from Main Street to Findlay Drive in the City of Niagara Falls. The proposed project will remove the RMP and replace it with a pedestrian/bicycle trail network, as well as reconstruct Whirlpool Street and Third Street to accommodate the diverted traffic. The removal of the RMP would result in the addition of 5.94 acres of green space to Niagara Falls State Park and 2.89 acres within Whirlpool State Park. Combined with the annexation of isolated New York Power Authority (NYPA) and NYSOPRHP parcels east of the RMP, this would result in the addition of 20.1 acres to the contiguous parkland/green space that currently exists between the RMP and the Niagara Gorge rim.

The Robert Moses Parkway Trail will be temporarily closed during construction of the project, with pedestrian and bicycle traffic being diverted to Third Street/Whirlpool Street. DiFranco Park may be used as a construction staging area. However, the property is not currently being used as a park, and will be restored to green space once the proposed project is completed. The City of Niagara Falls provided an Official with Jurisdiction letter, stating that the project will not adversely impact DiFranco Park.

A new Niagara Falls Sewage Plant access road will be constructed across a portion of the Aquarium of Niagara property. A new access driveway for the Aquarium will be built off of this access road. The new access driveways will have a *de minimis* impact on the existing Aquarium of Niagara under Section 4(f).

Peter Osborn, Division Administrator
PIN 5757.91.121
November 8, 2016
Page 2 of 2

NYSOPRHP, in conjunction with the New York State Department of Transportation (NYSDOT), has applied the *de minimis* impact criteria and associated determination requirements for parks, recreation areas, and wildlife and waterfowl refuges as specified in Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to the subject project in regards to the proposed project actions in Niagara Falls State Park, Whirlpool State Park, DiFranco Park and the Aquarium of Niagara all in the City of Niagara Falls, in Niagara County. Attached for your reference is Table 6-2 of the Environmental Assessment Report and the concurring letters of support from the officials with jurisdiction for the state parks (NYSOPRHP) and DiFranco Park (City of Niagara Falls) regarding the 4(f) *de minimis* determination. A Public Hearing was held on August 25, 2016 where the public was given the opportunity to comment on the project and the Section 4(f) resources. No comments pertaining to Section 4(f) were received.

NYSDOT hereby requests concurrence from the Federal Highway Administration (FHWA) that the project meets the *de minimis* impact criteria and that the requirements of 23 CFR Part 774 have been met for this project.

If you have any questions, please contact me at (716) 847-3189 or via e-mail at Andrew.Brayman@dot.ny.gov.

Sincerely,



Andrew G. Brayman
Regional Cultural Resources Coordinator

AGB/bjh
Enclosures

cc: Hans Anker, P.E., Senior Area Engineer, FHWA - New York Division (email w/encl)
Craig S. Mozrall, P.E., Special Projects Manager, NYSDOT - Region 5 (w/o encl)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

November 18, 2016

Leo W. O'Brien Federal Bldg.
Suite 719
Albany, NY 12207
518-431-4127
518-431-4121 (fax)
NewYork.fhwa@dot.gov

In Reply Refer To:
HED-NY

Mr. Andrew Brayman
New York State Department of Transportation, Region 5
100 Seneca Street
Buffalo, NY 14203-2939

Subject: PIN 5757.91 Niagara Gorge Corridor Robert Moses Parkway Removal Project
Main Street to Findlay Drive, City of Niagara Falls, Niagara County
Section 4(f) *de minimis* Impact Determination

Dear Mr. Brayman:

In response to your November 8 request, we have determined that the project will have a *De Minimis* impact on 4(f) resources. The public has been afforded an opportunity to comment on the project, effort has been taken to avoid/minimize impact, it will not impact the use or character of the Whirlpool State Park and the City of Niagara Falls (jurisdictional agency) has responded with their concurrence in a letter dated May 25. The requirements of 23 CFR Part 774 have been met for this project.

If you have any questions, please contact me at (518) 431-8853.

Sincerely,

Hans Anker, P.E.
Senior Area Engineer

cc: Kim Lorenz, NYSDOT Region 5

