



**Parks, Recreation  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ROSE HARVEY**  
Commissioner

January 18, 2017

**TO:** Involved/Interested Agencies:  
(see attached list)

**SEQR ACTION:** Niagara Gorge Corridor: Robert Moses Parkway (RMP) Removal  
Project – Main Street to Findlay Drive

**LOCATION:** Two-mile corridor along Niagara Gorge between Main Street (NYS  
Rt. 104) and Findlay Drive  
City of Niagara Falls  
Niagara County

**SUBJECT: Environmental Assessment Form / Negative Declaration**

The NY State Office of Parks, Recreation and Historic Preservation (OPRHP) is Lead Agency for the above-referenced project and has coordinated review pursuant to Article 8 of the Environmental Conservation Law. The Project is a Type I action under the State Environmental Quality Review Act (SEQR). You should have received Part 1 of a Full Environmental Assessment Form (EAF) with the Lead Agency package in February, 2016.

Parts 2 and 3 of the completed Full EAF are attached. On Part 3 of the Full EAF, OPRHP has determined that the project will result in no significant adverse impacts to the environment, and therefore, an environmental impact statement need not be prepared. This determination constitutes a Negative Declaration pursuant to SEQR and completes environmental review of the project.

If you have any questions concerning the environmental review of this project, you may give me a call at 518-474-0409 or email me at [Ron.Rausch@parks.ny.gov](mailto:Ron.Rausch@parks.ny.gov), or contact Andrew C. Giarrizzo, associate Landscape Architect, [Andrew.Giarrizzo@parks.ny.gov](mailto:Andrew.Giarrizzo@parks.ny.gov): 716-299-0806. Thank you.

Sincerely,

Ron Rausch, Director  
Environmental Management Bureau

cc: A. Giarrizzo



**Niagara Gorge Corridor: Robert Moses Parkway (RMP) Removal Project  
Main Street to Findlay Drive  
Potentially Involved/Interested Agencies**

- City of Niagara Falls Mayor
- City of Niagara Falls City Council
- City of Niagara Falls Department of Code Enforcement
- City of Niagara Falls Department of Economic Development
- City of Niagara Falls Department of Engineering
- City of Niagara Falls Fire Department
- City of Niagara Falls Police Department
- City of Niagara Falls Department of Planning & Environmental Services
- City of Niagara Falls Department of Public Works & Parks
- Niagara Falls Water Board Water & Sewer Service
- Niagara County Legislature
- Niagara County Planning Board
- Niagara County Department of Public Works
- Niagara County Industrial Development Agency
- Greater Buffalo Niagara Regional Transportation Council
- Niagara Frontier Transportation Authority
- Niagara River Greenway Commission
- Empire State Development/USA Niagara Development Corp.
- New York Power Authority
- New York State Comptroller's Office
- New York State Department of Environmental Conservation, Region 9 Office
- New York State Department of State
- New York State Department of Transportation, Region 5 Office
- New York State Office of Parks, Recreation, and Historic Preservation, State Historic Preservation Office
- New York State Office of Parks, Recreation, and Historic Preservation, State Parks Police – Niagara Falls State Park
- Federal Highway Administration (advisory only)
- US Army Corps of Engineers, Buffalo District (advisory only)
- US Coast Guard – Buffalo Complex (advisory only)

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Project :

Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b>			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		



d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b>			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b>			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:             Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Niagara Gorge Corridor Robert Moses Parkway Removal Main Street to Findlay Drive, Niagara Falls, NY. Final Design Report/Environmental  
Assessment, PIN 5757.91.121, November 2016. Prepared by Parsons Transportation Group of New York, Inc. on behalf of US Department of  
Transportation Federal Highway Administration and New York State Office of Parks, Recreation and Historic Preservation.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
New York State Office of Parks, Recreation and Historic Preservation as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Robert Moses Parkway Removal Main Street to Findlay Drive

Name of Lead Agency: New York State Office of Parks, Recreation and Historic Preservation

Name of Responsible Officer in Lead Agency: Mark Thomas

Title of Responsible Officer: Western District Director

Signature of Responsible Officer in Lead Agency: *Mark W. Thomas* Date: January 17, 2017

Signature of Preparer (if different from Responsible Officer) *Karen B. Inub* Date: January 17, 2017

**For Further Information:**

Contact Person: Andrew C. Giarrizzo

Address: De Veaux Woods State Park, 3180 De Veaux Woods Drive, Niagara Falls, NY 14305

Telephone Number: 716-299-0806

E-mail: Andrew.Giarrizzo@parks.ny.gov

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

# Niagara Gorge Corridor: Robert Moses Parkway (RMP) Removal Project

## Main Street to Findlay Drive

### Full EAF – Part 3

**Introduction:** This project has been the subject of a very detailed planning process over the past several years including a thorough analysis of alternatives and several opportunities for public involvement and comment. This evaluation of impacts is condensed and summarized from a much more thorough and detailed Final Design Report/Environmental Assessment (November 2016) prepared by the Parsons Transportation Group of New York, Inc. and other consultants on behalf of the US Dept. of Transportation Federal Highway Administration, NYS Office of Parks, Recreation and Historic Preservation and in cooperation with NYS Dept. of Transportation, New York Power Authority, USA Niagara Development Corporation and the City of Niagara Falls, NY as required for the National Environmental Policy Act (NEPA). This document follows the requirements of Part 617, the rules and regulations implementing SEQR.

#### **Impact on Land:**

**1.d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.**

**1.f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal.**

The project will involve physical disturbance of approximately 73 acres including the removal of approximately 33,500 cubic yards of material from demolition of a 2 mile section of the Robert Moses Parkway and reconstruction of a section of Whirlpool Street, reconstruction of a section of Third Street, landscape restoration, construction of a pedestrian/bicycle trail and associated amenities. While the area to be affected is large, most of it is currently developed as an expressway or city streets. Most of the material to be removed is currently pavement. Most of the impacts on land will be temporary and short term during project construction.

Due to the disturbance of over one acre of land, the project will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) including the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and MS4 acceptance authorization by the City of Niagara Falls. During construction, surface water quality will be protected by implementing appropriate erosion and sediment control measures and best management practices (BMPs) that will be discussed within the SWPPP. Some of these temporary measures will include: silt fencing, silt curtains, inlet protections, placement of checkdams where appropriate, mulching and seeding exposed soils as quickly as possible, placing staging areas as far from the river as possible, careful refueling of construction vehicles and placement of silt fence around staged materials until they are stabilized or removed.

For the longer term, most of the existing stormwater collection systems along the Robert Moses Parkway in the project area will be removed and the area regraded. Most of this area, with the exception of the new multi-use trail system will be restored greenspace and habitat. Stormwater runoff from the new multiuse trail system will drain off directly onto the newly restored vegetated areas. All of the new/reconstructed roadways along Whirlpool St. and Third Street and the new access roads will be designed to collect and transport stormwater in a new closed stormwater system separate from the existing combined sewer system. Green infrastructure systems including stormwater treatment chambers (e.g. Vortech), rain gardens, bioswales or permeable pavements will be used in the final

design to reduce the amount of stormwater that ultimately needs to be discharged into the Niagara River.

The project is also expected to reduce the amount of stormwater and associated pollutants reaching the Niagara River by removing more than 12 acres of pavement and thereby reducing the amount of impervious surface in the project area. The two mile long section of the Robert Moses Parkway to be removed will no longer be a source of pollutants such as oil, gas and deicing chemicals and salts. These measures will ensure that the project will not result in any significant adverse impacts on land.

**Impact on Water:**

**3.e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.**

**3.h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.**

**3.i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.**

The project area does not include any wetlands or water resources. The closest water resource is the Niagara River which runs along the western boundary of the project area at the bottom of the Niagara Gorge. There is a buffer of vegetated land along the Niagara Gorge rim and within the Gorge between the project area and the lower Niagara River including mowed lawn areas, some early succession forest, and Calcareous cliff and talus slope woodland communities. Thus the impact of the project on water resources is not expected to be large. In addition, as discussed in the previous section, the project will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) including the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and MS4 acceptance authorization by the City of Niagara Falls. During construction, surface water quality will be protected by implementing appropriate erosion and sediment control measures and best management practices (BMPs) that will be discussed within the SWPPP. Some of these temporary and permanent measures are discussed in the previous section. Implementation of the SWPPP and the long term plans for stormwater control at the site will minimize the potential for any adverse impacts to surface water.

**Impacts on Air:**

**The proposed action may include a state regulated air emission source.**

The action is a proposed road project and the completed new roads will continue to carry vehicular traffic including some fleet or delivery vehicles. The magnitude of these impacts is considered to be small as the project is not expected to result in any significant change in the amount of traffic using the project area. Thus no measurable changes to Carbon Monoxide or other air pollutants are anticipated from the project. Niagara County is currently in attainment with the National Ambient Air Quality Standards (NAAQS). No detailed air quality analysis was deemed necessary since the project will not increase traffic volume, reduce source-receptor distances or change other existing conditions to such a degree as to jeopardize attainment of the NAAQS. Short term increases in airborne particulates during construction will be controlled through contract specifications requiring measures such as wetting of soil surfaces and covering of trucks and other dust sources during construction.



**Impact on Plants and Animals:**

**7.a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.**

**7.b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.**

**7.c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.**

**7.d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need as listed by New York State or the Federal government.**

**7.f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.**

**7.g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.**

A search of the New York Natural Heritage Program database (New York Natural Heritage Program 2015) indicates current records for six state-listed plant species: smooth cliff brake (*Pellaea glabella*); mountain death camas (*Anticlea elegans ssp. glaucus*); elk sedge (*Carex garberi*); slender blazing-star (*Liatris cylindracea*); lesser fringed gentian (*Gentianopsis virgata*); and sky-blue aster (*Symphotrichum oolentangiense*). Five of the six rare plant species occur within the Niagara Gorge, which is located west of the project area and will not be impacted by the project. Only sky-blue aster has been documented in the area on top of the gorge in dry shallow limey soils west of the RMP (Evans et al., 2001). This population, which is located north of the project area, was sought and observed during a reconnaissance level field survey conducted by project consultants in 2014. The field survey did not locate any rare plants or their habitat within the project area. No direct impacts to listed plants are anticipated.

A check of the IPAC database indicated the potential presence of one federally and state-listed threatened wildlife species within the Project Area – the northern long-eared bat (*Myotis septentrionalis*). During the warmer months, this species roosts in living or dead trees or with loose or exfoliating bark, cracks, crevices, cavities, and/or hollows. The successional and mature forests in the project area provide potential summer roosting habitat for this threatened bat. Although most of the project construction work will occur in disturbed/developed and mowed lawn areas, some limited tree removals will occur. Clearing of trees will have no direct effect on northern long eared bats, provided the OPRHP tree removal guidelines for the protection of wildlife are followed. These guidelines recommend no cutting of trees between April and October in order to protect bats and nesting birds. Cutting trees only between October and April will protect these rare bats during their summer roosting season. If trees need to be cut at a different time of year, a biologist will conduct a survey to assure that the trees to be cut are not being used by the rare bats. If the rare bats are found in trees to be removed, the trees will not be cut until November or December.

A review of the New York Natural Heritage Database (New York Natural Heritage Program 2015) and an earlier report regarding the significant species and communities in the Niagara Gorge area (Evans et al 2001) also indicated the presence of several significant ecological communities in the vicinity of the project. Significant ecological communities and habitats identified include calcareous talus slope

woodland, calcareous cliff community, a nesting gull colony, the Lower Niagara River Rapids Significant Coastal Fish and Wildlife Habitat, and the internationally significant Niagara River Corridor Important Bird Area (IBA). The proposed Project will not have an adverse effect on significant natural communities or wildlife habitats. Impacts to significant natural communities are not anticipated, as the calcareous talus slope woodland and calcareous cliff communities occur within the Niagara River Gorge, outside of the Project Study Area. The gull colony and the Lower Niagara River Rapids Significant Coastal Fish and Wildlife Area also occur outside the Project Study Area, and therefore, would not be directly impacted by the Project. While the entire Project Study Area falls within the Niagara River Corridor IBA, the most significant avian habitat features occur within the Niagara River Gorge, which is located outside the Project Study Area. The project will not result in any removal of or ground disturbance in, any portion of a designated significant natural community.

A reconnaissance level field survey of the plants in the project area was conducted by a botanist from Environmental Design and Research (EDR) in 2014. In addition, vegetative communities within the project area were mapped by EDR based on a review of existing data sources. The immediate project area consists primarily of Disturbed/Developed and Mowed/Lawn/Ornamental Plantings as well as some small areas of Successional Forest and one small patch of Mixed Northern Hardwoods.

The proposed improvements to the Niagara Gorge Corridor would result in temporary and permanent impacts to vegetation, wildlife and habitats within the Project Study Area. Construction-related impacts to vegetation include cutting/clearing, removal of stumps and root systems, and increased exposure/disturbance of soil. Along with direct loss of (or damage to) vegetation, these impacts can result in a loss of wildlife food and cover, increased soil erosion and sedimentation, a disruption of normal nutrient cycling, and the introduction or spread of invasive plant species. Impacts to vegetation would result from site preparation, earth-moving, and excavation/backfilling activities associated with removal of the RMP, reconstruction and/or realignment of several existing streets, construction of a new multi-modal trail, reconstructed parking, and improvements to overlooks.

Impacts to native vegetation would be minimal, however, since the majority of the site currently consists of disturbed/developed and mowed lawn/ornamental planting communities. Project construction would primarily include removal of the existing RMP between Main Street and Findlay Drive, ultimately resulting in an open green space. No plant species occurring in the Project Study Area would be extirpated or significantly reduced in abundance as a result of construction activities. In addition, Project construction would primarily occur away from forested areas within the Project Study Area. The current lack of habitat diversity within the Project Study Area and the intensity of existing land uses limit the occurrence of wildlife species to those that are able to adapt to environments dominated by human activities. Construction-related impacts to wildlife would therefore generally be quite minimal, and are anticipated to be limited to incidental injury and mortality due to construction activity and vehicular movement, and displacement of wildlife due to increased noise and human activities. Most of the construction-related impacts would be temporary, and none would be significant enough to adversely affect local populations of any resident wildlife species.

Removal of the Robert Moses Parkway and restoration of native landscape in this area of the park is expected to enhance habitat diversity in the project area. Native landscape restoration will occur in areas where pavement is removed and efforts will be made to replace any wildlife-supporting vegetation removed during construction. Indirect impacts to the communities discussed above from

erosion and sedimentation during construction activities will be minimized through the use of best management practices and erosion control measures as part of the SWPPP as discussed previously.

**Impact on Aesthetic Resources:**

**9.a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.**

**9.c. The proposed action may be visible from publically accessible vantage points: seasonally and year round.**

**9.d. The situation or activity in which viewers are engages while viewing the proposed action is: routine travel by residents and recreational or tourism based activities.**

The land use following project completion will be obviously different or in sharp contrast to the current land use patterns in the project area. The project will convert a highway corridor to parkland. The project will be visible from parkland and scenic viewpoints along the Niagara Gorge including the northern area of Niagara Falls, State Park, Whirlpool State Park, and DeVeaux Woods State Park. The project will be visible to both residents travelling to and from work and tourists visiting the area. However, the visual changes to the project area will be an improvement from the highway landscape that currently exists. The project will remove the existing RMP from Main Street to Findlay Drive and approximately 10.5 acres will be restored to green space with native landscaping. It is anticipated that the project construction will result in a more aesthetically pleasing experience.

**Impact on Historic and Archeological Resources:**

**10.a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion in the State or National Register of Historic Places.**

**10.b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.**

The project area contains several properties that are listed on the State or National Registers of Historic Places including the Niagara Reservation; Niagara Falls Public Library on Main Street; the James G. Marshall House on Park Place; and the Old Customs House on Whirlpool Street and two historic districts. The project area is also in an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archeological site inventory. Phase 1A and Phase 1B Cultural Resources investigations were conducted, and a coordination effort between the project sponsor agencies, SHPO, and designated "Consulting Parties" (e.g., local tribes, historic preservation boards and interest groups, etc.) was conducted in compliance with Section 106 of the National Historic Preservation Act. This process also identified two historic districts in the project area including the Park Place Historic District with 79 contributing resources and the Orchard Parkway Historic District with 80 contributing resources. The cultural resource investigation also identified 41 state/national register eligible historic resources, three eligible bridges and several potentially eligible properties and a potentially eligible historic district. The Robert Moses Parkway has been determined not eligible for listing by the State Historic Preservation Office (SHPO).

The project will not result in any impacts to the Niagara Reservation, the Niagara Falls Public Library or the James G. Marshall house. Removal of the RMP may actually result in a partial restoration of the historic setting of the old customs house, a beneficial impact to this historic resource. Consultation with

the SHPO has been ongoing for this project including review of the project design and the Cultural Resources Investigation Report. The SHPO determined that there are no concerns with potential impacts to above ground historic resources but recommended that construction protection plans be put in place to protect resources within 90 feet of the proposed construction activity (Cumming 2016). Potential Impacts to archaeological resources from the project would be limited to areas with ground disturbing construction activities including Whirlpool Street, Third Street, and the area west of Whirlpool Street to the Niagara gorge. The primary activities that could impact archaeological resources include removal of two miles of the RMP, reconstruction of Whirlpool Street, and construction of a paved multi-use trail. The Phase 1B Archeological Survey determined that no National Register-eligible archaeological resources were identified in the project corridor and SHPO concluded that there were no further archeological concerns with the project (Herter, 2016).

The project will not result in any significant adverse impacts to historic or archaeological resources as construction protection plans will be put in place to protect any resources within 90 feet of construction activities.

**Impact on Transportation:**

**13.e. The proposed action may alter the present pattern of movement of people or goods.**

The proposed project will alter the present pattern of movement of people that currently use the section of the Robert Moses Parkway between Main Street and Findlay Drive. This section of the RMP will be removed and vehicular access/traffic will be redistributed to other routes in the project area. This impact is not expected to be large or significant based on the traffic counts and projections for use of this roadway and the fact that the number of travel lanes that parallel the Niagara Gorge far exceeds the traffic demand in this area both during normal and peak traffic scenarios. This area of Niagara Falls has more roadway pavement in place than is necessary resulting in unnecessary costs to maintain, highway land use in an area that could be used as parkland, additional impervious surfaces contributing to contaminated stormwater runoff, and highway infrastructure that contributes to habitat fragmentation. A traffic study was conducted including the use of a VISSIM traffic simulation model and projection of traffic volumes to the year 2040. The model also calculated travel times and speed along five parallel routes during peak times and concluded that the proposed project (i.e. use of Whirlpool Street in place of the RMP) will actually reduce travel times in most cases. Furthermore, there has not been significant opposition to the removal of this section of the RMP during any of the public meetings or comment periods conducted to date.

**Impact on Noise, Odor and Light:**

**15.a. The proposed action may produce sound above noise levels established by local regulation.**

A detailed noise study was conducted for this project (KHEOPS Architecture, Engineering and Survey, DPC 2015). Existing land uses were determined for various parts of the project area and FHWA Noise Abatement Criteria (NAC) which define limits for determining impacts due to traffic noise based on land use were assigned. Current noise measurements were obtained for 16 sites around the project area in order to establish existing noise levels and peak noise levels. A noise prediction Model was then developed and used to determine existing peak hour traffic noise levels and to determine future traffic noise levels if the project is built. The changes in traffic noise from current conditions to following project completion were not projected to significantly increase in any location and actually would decrease in several locations. Most of the sites were projected to have noise levels well below the FHWA NAC levels. No noise impacts were identified as a result of this project and noise abatement was not considered to be necessary. There will be some short-term construction noise associated with the

project. Noise mitigation measures including timing of work, design modifications, equipment noise reduction, and communication with the affected public about the construction should help reduce these impacts.

**Impact on Human Health:**

**16.a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.**

The Henry E. Wrobel Towers senior housing building is located at 800 Niagara Avenue and the back of the building is adjacent to Whirlpool Street. This 13 story building provides 250 units for elderly residents. The removal of the RMP will not result in any significant adverse impacts to this population. Conversely, removal of this highway and associated impediments will facilitate safer access to the gorge rim and new parkland for this population.

**16.b. The site of the proposed action is currently undergoing remediation.**

**16.c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.**

**16.j. The proposed action may result in excavation of other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.**

A preliminary screening for sites that could potentially contain hazardous wastes or contaminated materials was conducted including a review of government databases and records, a field inspection and discussions with knowledgeable individuals. Twenty-four sites were identified along or adjacent to the project corridor which were identified as having the potential to be an environmental concern to the project as a result of being listed in one or more databases, having had a historical use often associated with soil or groundwater contamination, confirmed contamination from prior investigations, or a history of undocumented fill. The project is also within 2000 feet of three sites in the NYSDEC Environmental Site Remediation database. Site C932133 – City Courthouse site brownfield was cleaned up in 2011. Site V00655 – VCA at Whirlpool Bridge had cleanup completed in 2003. Site C932159710 Niagara Street Market site is still under investigation. More details on the locations, potential environmental concerns and recommended further actions can be found in the Hazardous Waste/Contaminated Materials Screening Assessment report (Watts Architecture and Engineering 2015). There is a potential that hazardous materials may be encountered in the subsurface during construction. Any excavation to a depth of 2 feet or greater has the potential to encounter urban fill and contamination. If evidence of contamination is discovered during construction the Engineer in Charge will be contacted and an environmental inspector will assist with the separation of the materials into appropriate waste streams and disposal in accordance with applicable regulations. A contingency plan will also be developed for removal and mitigation of other types of contamination such as underground petroleum storage tanks. The Hazardous Waste/Contaminated Materials Site Screening Assessment identified several sites that could possibly warrant remediation. The need for a Detailed Site Investigation (Phase II Field Investigation) will be determined once the preliminary design details are known. If necessary, a Remediation Plan will be developed. Beneficial impacts to full remediation of these sites would include elimination of any further contamination of groundwater, return of land value for further development or enjoyment and the land being brought back into beneficial use.

Other recent projects in the Niagara Falls area have identified the presence of Technically Enhanced Naturally Occurring Radioactive Material (TENORM). Based on those projects a gamma radiation survey

was conducted in the project area. Several elevated locations were identified that have a high probability of containing TENORM slag materials. The NYS Dept. of Health has determined that the presence of these materials does not in of itself present a significant public health risk since they are low in concentration and are generally buried. During construction when some of this material may be excavated workers will be protected by the use of hand-held radiation detection instruments, suppression of contaminated dust, and hand washing. As required by the NYS DOH a licensed radiation safety organization will be involved to ensure that appropriate radiation safety measures are followed. If any TENORM slag is found during excavation it will be separated from non-radioactive materials, staged in a covered stockpile or container and shipped out of state for disposal in accordance with NYS DEC regulations. There will be no health impacts to the general public using the project as a result of radioactive materials in the project site.

**Summary:**

As discussed above, a thorough environmental review process has been conducted for this project and no significant adverse environmental impacts have been identified. Furthermore, the project is expected to result in beneficial impacts. The project will add almost 20 acres of greenspace to the project area. Most of this area will be restored with native vegetation improving habitat. The project will reduce impervious paved surfaces and redundant roadways, thus indirectly reducing stormwater runoff and pollution impacts to the Niagara Gorge. The project is also expected to improve quality of life for local residents by providing easier access to the the lower Niagara River and Niagara Gorge and providing a new multi-use trail system within the new greenspace.

## References:

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