

ATTACHMENT B

CORRESPONDENCE



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

New York Division

July 12, 2016

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Ms. Kim Lorenz
Environmental Unit Manager
New York State Department of Transportation, Region 5
100 Seneca Street
Buffalo, NY 14203-2939

Subject: PIN 5761.90 – Section 106 Consultation
Niagara Gorge Corridor, Robert Moses Parkway Removal, Main Street to
Findlay Drive
City of Niagara Falls, Niagara County

Dear Ms. Lorenz:

Please reference your July 12 letter requesting our review and confirmation that the requirements of 36 CFR Part 800 have been met for the subject project. You reviewed the supporting material and concluded that the proposed undertaking will have *No Adverse Effect* upon properties on or eligible for inclusion on the National Register of Historic Places. You notified the State Historic Preservation Officer (SHPO) of your recommendation.

The SHPO has reviewed the project in accordance with Section 106 of the National Historic Preservation Act and their letter dated March 9 offers an opinion that the project will have *No Adverse Effect* on historical properties eligible or included on the National Registers of Historic Places.

We have reviewed the information submitted and concur that there will be *No Adverse Effect* on cultural resources eligible for, or listed on, the National Register of Historic Places. The requirements of 36 CFR Part 800 have been met for this project. The Section 106 process is complete.

If you have any questions, please feel free to contact me at (518) 431-8892.

Sincerely,

Hans Anker, P.E.
Senior Area Engineer

cc: R. Pierpont, OPRHP (15PR04311)



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

DARRELL F. KAMINSKI, P.E.
Regional Director

July 12, 2016

Jonathan D. McDade, Division Administrator
Federal Highway Administration
Leo W. O'Brien Federal Building, Suite 719
Clinton Avenue and North Pearl Street
Albany, NY 12207

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

Dear Mr. McDade:

On May 26, 2016, New York State Department of Transportation (NYSDOT) received a confirmation letter from the State Historic Preservation Office (SHPO) regarding the above-referenced federally aided Reconstruction Project. The letter provides SHPO's opinion that, based on the Finding Documentation sent on May 3, 2016, the project will have a "*No adverse effect*" upon cultural resources included in or eligible for inclusion in the State and National Register of Historic Places. NYSDOT Region 5 is in agreement with this finding.

NYSDOT sent the Finding Document and Phase IB Survey Report to the Seneca Nation of Indians, Tonawanda Seneca Nation, Tuscarora Nation, and the Seneca Cayuga Tribe of Oklahoma on June 10, 2016. The Federal Highway Administration (FHWA) was copied on these letters. We contacted each of the Nations on two (2) separate occasions after the letters were sent to solicit comments. To date, NYSDOT has not received comments from any of the Nations. Attached is documentation of our attempts to contact the Nations.

The Finding Document and Phase 1B Survey Report were sent to the Consulting Parties on June 9, 2016. The Consulting Parties were contacted on June 21 and June 24, 2016. A summary of the discussion with each of the Consulting Parties is enclosed.

NYSDOT respectfully requests concurrence from FHWA that the project will have a "*No adverse effect*" on historic properties. Enclosed for your records is a copy of SHPO's letter and the documentation of contact with the Tribal Nations and Consulting Parties.

Jonathan D. McDade, Division Administrator

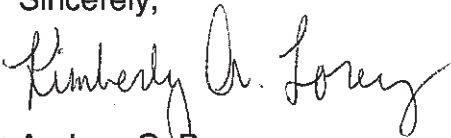
PIN 5757.91

July 12, 2016

Page 2 of 2

If you have any questions regarding this project or would like additional information, please contact me at (716) 847-3189 or via e-mail Andrew.Brayman@dot.ny.gov.

Sincerely,


for Andrew G. Brayman

Regional Cultural Resource Coordinator

AGB/llg

Enclosure: SHPO letter, Tribal Nations Communication Log

cc: Hans Anker, P.E., Senior Area Engineer, FHWA, NY Division (w/ encl)
Terry Smith, Project Support/Regional Liaison, NYSDOT, POD 41 (email w/o encl)
Sanjay Singh, P.E., Assistant Regional Design Engineer, NYSDOT, R-5 (w/o encl)



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 26, 2016

Mr. Hans Anker
FHWA New York Division
Leo W. O'Brien Federal Building, Room 719, Clinton Ave and N. Pearl Street
Albany, NY 12207

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Anker:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We have reviewed the finding document dated May 3, 2016. Based upon this review, we have no further archeological concerns. As such, we concur that the proposed project will have No Adverse Effect upon historic resources provided that construction protection plans are put in place for all historic resources within 90 feet of construction. If there are substantive changes to the proposed project, consultation with our office should resume.

If additional submissions are needed we would appreciate them being provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2181.

Sincerely,

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: A. Giarrizzo, C. Morzrall, F. Schieppati, K. Hess, K. Lorenz, L. Paonessa, P. Tronolone, T. DeSantis, T. Dohnohue

PIN 5757.91
ROBERT MOSES PARKWAY REMOVAL PROJECT
MAIN STREET TO FINDLAY DRIVE
CITY OF NIAGARA FALLS
NIAGARA COUNTY

Section 106 Consultation Timeline:

June 10, 2016 – Sent Phase IB Survey report and Finding Document to the Seneca Nation of Indians (SNI), Tonawanda Seneca Nation (TSN), Tuscarora Nation and Seneca Cayuga Tribe of Oklahoma.

June 22, 2016 – Called all four nations to confirm that they received the package and to solicit comments, or to determine if they thought any comments would be forthcoming. Left voicemail message with SNI Tribal Historic Preservation Officer (THPO) Scott Abrams and Tuscarora contact Bryan Printup. I did not leave a message with TSN because there was only one general voicemail; neither Chief Darwin Hill nor Christine Abrams had separate voicemails. The number I had for the Seneca Cayuga THPO was disconnected.

June 27, 2016 – Called all four nations again and left voicemails for SNI THPO, SNI Archaeologist (Jay Toth) and TSN. I spoke with Bryan Printup (Tuscarora) who had read the cover letter but had not reviewed the other documents. He said he could provide comments by the end of that week (7/1) or early the following week. I also spoke with the new THPO for the Seneca Cayuga, Micco Emartha. He said the nation had no comments at that time and typically uses all of the allotted time.

July 11, 2016 – Spoke with Christine Abrams from Tonawanda Seneca Nation. She has not yet reviewed the package and will not be available to discuss the project until 7/21/16. I did not receive comments from any of the other nations.

June 9, 2016

Mr. Daniel Davis
2639 Welch Avenue
Niagara Falls, NY 14304

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Mr. Davis:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

On May 26, 2016, the Federal Highway Administration (FHWA) received a notice and letter via NY SHPO's Cultural Resources Information System (CRIS) indicating its concurrence that "the proposed project will have No Adverse Effect upon historic resources provided that construction protection plans are put in place for all historic resources within 90 feet of construction." Such protection plans are being proposed to be put in place and will be specifically stated in the Design Report/Environmental Assessment. A copy of this concurrence letter from NY SHPO is also enclosed.

Before FHWA can prepare its final effect determination pursuant to Section 106 requirements, we are requesting, as part of your role as a designated Consulting Party for this project, your review and any final comment on the Draft Section 106 Finding Documentation, NY SHPO's review/concurrence letter and the Phase 1B Cultural Resource Investigation Report. According to 36 CFR Part 800, Consulting Parties are entitled to a 30 day review period. However, we kindly ask that any comments you have be submitted within 15 days of your receipt of this letter. If no comments have been received by that time, we will contact you to verify if any comments are forthcoming or if you have any verbal comments to share that will be made in writing prior to the end of the 30 day review period. Our intent is to determine if you generally intend to agree or disagree with the finding. The next step would then be the public release of the Design Report / Environmental Assessment and the subsequent public hearing.

If you have any questions, please contact me at 716-541-0733 or via email at Thomas.Donohue@parsons.com. All comments should be directed to my attention at the above mailing address or email address. Please include the Project Identification Number (PIN) and Project name in the subject line of your letter or email.

Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Ms. Marge Gillies, Secretary
Niagara Falls National Heritage
1175 Oak Place
Niagara Falls, NY 14304-2535

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Ms. Gillies:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Mr. Lewis Buttery
BRI-NK Foundation / NFHPS
1201 Pine Street – Suite 118
Niagara Falls, NY 14301

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Mr. Buttery:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

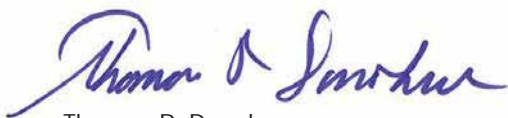
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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Mr. Michael Murphy
Park Place Historic District
642 4th Street
Niagara Falls, NY 14301-1014

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Mr. Murphy:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Mr. Richard Crogan
Park Place Historic District
642 4th Street
Niagara Falls, NY 14301-1014

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Mr. Crogan:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Ms. Stephanie Crockatt, Director
Buffalo Olmsted Parks Conservancy
84 Parkside Avenue
Buffalo, NY 14214

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Ms. Crockatt:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

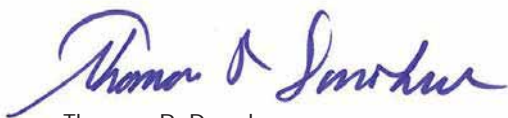
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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

June 9, 2016

Ms. Elaine Timm
City of Niagara Falls Historian
1283 93rd Street
Niagara Falls, NY 14304-2607

**RE: PIN 5761.90, Niagara Gorge Corridor
Robert Moses Parkway Removal Project – Main Street to Findlay Drive
Niagara Falls, Niagara County, New York**

Dear Ms. Timm:

As a follow-up in our continued consultation with you in the Section 106 Consultation Process for the above-stated project, this is written to advise you that a Phase 1B Cultural Resource Investigation Report and Draft Section 106 Finding Documentation were prepared and submitted to the New York State Historic Preservation Office (NY SHPO) on April 13, 2016 and May 4, 2016, respectively. Copies of these documents are enclosed.

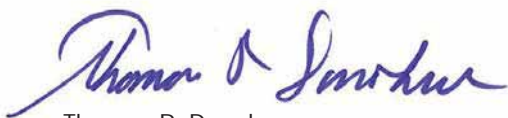
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Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosures

cc: Craig Mozrall, Kimberly Lorenz, NYSDOT – Region 5
Paul Tronolone, USAN
Andy Giarrizzo, State Parks

CONSULTING PARTY MEMBERS

NAME	ADDRESS	PHONE-E-MAIL	Phone Log Regarding review of Phase 1B Report and Section 106 Finding Documentation	
			Date	Time
Mr. Daniel Davies	2639 Welch Avenue Niagara Falls, NY 14304	Phone (716) 284-4705 dandavis43@msn.com	6/24/2016	12:12 PM
Ms. Stephanie Crockatt Director Buffalo Olmsted Parks Conservancy	Parkside Lodge 84 Parkside Avenue Buffalo, NY 14214	Phone (716) 838-1249 Ext. 16 stephanie@bfloparks.org	6/24/2016	5:00 PM
Ms. Marjorie Gillies Secretary Niagara Falls National Heritage	1175 Oak Place Niagara Falls, NY 14304-2535	Phone (716) 283-8829 mgillies@verizon.net	6/24/2016	12:18 PM
Mr. Lewis Buttery BRI-NK Foundation /Niagara Falls Historic Preservation Society	1201 Pine Street - Suite 118 Niagara Falls, NY 14301	Phone (716) 434-5051 lewisbuttery@gmail.com	6/21/2016	12:20 PM
Mr. Michael Murphy Park Place Historic District	642 4th Street Niagara Falls, NY 14301-1014	Phone (716) 534-1544 michael@festivalatthefalls.com	6/24/2016	12:30 PM
Mr. Richard Crogan Park Place Historic District	642 4th Street Niagara Falls, NY 14301-1014	Phone (716) 534-1546 rcrogan@aol.com	6/24/2016	12:33 PM
Ms. Elaine Timm City of Niagara Falls Historian	1283 93rd Street Niagara Falls, NY 14304-2607	Phone (716) 471-2217 etimm01@aol.com	6/24/2016	12:42 PM

Summary of Discussion

Left VM message regarding if any future comments are forthcoming. Welcomes with the no-adverse effect determination. Welcomes invite as a CP Member during final design phase to discuss details of the project. Has many ideas that may be useful for public awareness of historic sights along the gorge.

No comments forthcoming. No objections to the no adverse effect determination. Welcomes invite as a CP Member during final design phase to discuss details of the project.

Agrees with the no-adverse effect determination. Welcomes invite as a CP Member during final design phase to discuss details of the project. Wanted to insure the Native American Community is involved with the project. I assured Marge they are engaged through the NYSDOT. Will submit written comments to document their position within the next few days. Dr. Tom Chambers is the president of the organization and will submit the letter.

Discussed the resubmitted comments received on 6/19/16 that were originally submitted on 4/15/16. A draft response letter documenting the conversation is attached.

Left VM message regarding if any future comments are forthcoming. Also see contact with Mr. Richard Crogan below.

A meeting with the group is scheduled next week to discuss the reports/findings. Not committed to the no adverse effect until group meeting. A written response will most likely be submitted early next week. Welcomes invite as a CP Member during final design phase to discuss details of the project. Will explain situation with Michael Murphy as well.

Left VM message regarding if any future comments are forthcoming.

June 27, 2016

Mr. Lewis Buttery
BRI-NK Foundation / NFHPS
1201 Pine Street – Suite 118
Niagara Falls, NY 14301

**RE: PIN 5757.91.121, Niagara Gorge Corridor: Robert Moses Parkway Removal Project
Main Street to Findlay Drive, Niagara Falls, Niagara County, New York**

Dear Mr. Buttery:

Thank you for your continued participation in the Section 106 Consultation Process for the Robert Moses Parkway Removal Project and your review and comments on the Phase IA and Phase 1B Cultural Resources Investigations along with the Section 106 Finding Documentation.

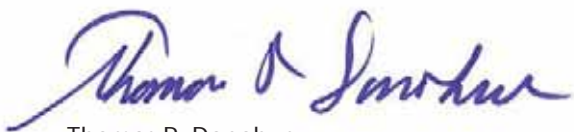
As noted during our phone conversation we are in receipt of your comment letter and other materials provided to us on April 15, 2016 and reiterated in an email dated June 19, 2016. As we discussed, the Buttery Elevators along with the Van Horn and Manning Elevators that used to exist along the gorge rim between the Whirlpool Bridge and Whirlpool State Park could have been noted in our Phase 1A Report within the section that addressed Mapped Documented Structures. However, these elevators and associated structures were located on and adjacent to the gorge rim, and it does not appear that any of the original area occupied by the historic facilities, would be affected by the project.

Therefore as discussed, we agreed that in lieu of making any modifications to the cultural resource reports, it is more important to include appropriately designed pathways, signage, overlooks or other features that could be included in the project to call the public's attention to these historic structures that once stood along the gorge. As such, during the final design phase of the project we would like to give you and other members of the Consulting Parties the opportunity to meet with the design team to provide input on those features.

I hope and trust that the above is a fair representation of our discussion and serves as a satisfactory response to your comments on the project.

Sincerely,

PARSONS TRANSPORTATION GROUP
OF new York, inc.



Thomas R. Donohue
Principal Project Manager

Enclosure

cc: Andy Giarrizzo, NYS Office of Parks, Recreation, & Historic Preservation
Craig Mozrall, NYS Department of Transportation
Kimberly Lorenz, NYS Department of Transportation
Paul Tronolone, USA Niagara Development Corp.





Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 26, 2016

Mr. Hans Anker
FHWA New York Division
Leo W. O'Brien Federal Building, Room 719, Clinton Ave and N. Pearl Street
Albany, NY 12207

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Anker:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We have reviewed the finding document dated May 3, 2016. Based upon this review, we have no further archeological concerns. As such, we concur that the proposed project will have No Adverse Effect upon historic resources provided that construction protection plans are put in place for all historic resources within 90 feet of construction. If there are substantive changes to the proposed project, consultation with our office should resume.

If additional submissions are needed we would appreciate them being provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2181.

Sincerely,

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: A. Giarrizzo, C. Morzrall, F. Schieppati, K. Hess, K. Lorenz, L. Paonessa, P. Tronolone, T. DeSantis, T. Dohnohue



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

April 25, 2016

Mr. Hans Anker
FHWA New York Division
Leo W. O'Brien Federal Building
Room 719, Clinton Ave and N. Pearl Street
Albany, NY 12207

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Anker:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the *Phase IB Archaeological Survey Report*, prepared by Panamerican Consultants and dated April 2016, in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based on this review, the SHPO understands that no archaeological sites were identified, and we have no further archaeology concerns with this undertaking. As noted in our March 9, 2016 letter, the SHPO concurs that there are no concerns with potential impacts to above ground historic resources and recommends that construction protection plans are put in place to protect historic resources within 90 feet of the proposed construction activity.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archeology Unit Program Coordinator
e-mail: nancy.herter@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
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ROSE HARVEY
Commissioner

March 9, 2016

Mr. Hans Anker
FHWA New York Division
Leo W. O'Brien Federal Building, Room 719, Clinton Ave and N. Pearl Street
Albany, NY 12207

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Anker:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We have reviewed the provided information dated February 5, 2016 responding to our letter of January 22, 2016. In particular we have reviewed the table that summarizes the anticipated impacts of the project to historic resources. Based upon our review, we concur that there are no concerns with potential impacts to above ground historic resources. We recommend that construction protection plans be put in place to protect historic resources within 90 feet of the proposed construction activity.

We note that there are still outstanding requests for information relating to archeology for this project. Once this information is provided, we will be able to complete our review. If there are substantive changes to the proposed project, consultation with our office should resume.

We would appreciate any additional information be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2181.

Sincerely,

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov
cc: A. Giarrizzo, C. Morzrall, F. Schieppati, K. Hess, K. Lorenz, L. Paonessa, P. Tronolone, T. DeSantis, T. Dohnohue

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

February 5, 2016

Beth A. Cumming
Senior Historic Site Restoration Coordinator
NYS Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
P.O. Box 189
Waterford, New York

**Re: FHWA Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, New York
15PR04311**

Dear Ms. Cumming:

In response to your letter of January 22, 2016 to Mr. Hans Anker of the Federal Highway Administration, we are providing additional information to clarify the project effects on historic properties. This information includes:

- A table that summarizes the anticipated effects of the build and no-build alternatives on S/NRHP-Listed or Eligible properties within the Project's Area of Potential Effect (APE).
- Aerial photographs and maps showing the locations of historic properties within the APE, the roads to be removed, and locations and types of new construction (primarily multi-use and multi-modal trails).
- Detailed plan sheets of the removals and new trail construction.

Please let us know at your earliest convenience if there is any additional information you will require to complete your review.

PIN 5757.91.121 Robert Moses Parkway (RMP) Removal Project: Main Street to Findlay Drive, Niagara Falls, NY
SHPO Project Reference No. 15PR04311
 Summary of Anticipated Effects of Alternatives to S/NRHP-Listed and S/NRHP-Eligible Properties within the APE
 (Excluding Any Potential S/NRHP-Eligible Archaeological Resources)

Property/District Within or Abutting the APE	S/NRHP No. (if listed) or "Eligible"	Address or General Location	Year or Period Built	Keys Character-Defining Elements/Aspects of Property/District	Anticipated Effects Under Each Alternative	
					No Build Alternative (Expressway Remains in Place)	Build Alternative (Removal of all expressway features; Restoration of Gorge rim and installation of trail network; reconstruction of Whirlpool Street & portion of Third Street)
Niagara Reservation	90NR01961 (also listed as National Historic Landmark)	Extends along Niagara Gorge, Niagara Falls and Niagara River in Niagara Falls, NY	1885	Designed by Frederick Law Olmsted; Nation's oldest state park; 16 contributing resources within the Reservation, none of which are located in or near the APE; Architectural resources in the APE portion of the Reservation (i.e., Niagara Gorge Discovery Center and Niagara Gorge Trail Information and Public Restroom) are less than 50 years old and not included in CRIS. This area of the park was historically the main industrial locus in the City of Niagara Falls and was not part of the Olmsted design. It is part of the NHL because it is within the reservation boundaries which were used as the NHL boundary.	Expressway components of the RMP and Robert Moses Parkway Trail would continue to traverse the northern end of the Reservation, thereby physically restricting public access to and from neighborhoods to the east, as well as pedestrians and bicyclists to only two locations (i.e., Main Street / Rainbow Boulevard at the south end of the Project and at the pedestrian bridge between the Niagara Gorge Discovery Center and the adjacent Aquarium of Niagara). This portion of the Reservation was recently and significantly disturbed by the aborted construction of a State Parks police station at a previously-proposed site along the Gorge rim, as well as the new site for the State Parks police station between the RMP and Whirlpool Street (2 nd Street), now under construction.	Removal of all pavement and components of the RMP and Robert Moses Parkway Trail in the northern portion of the Reservation; removal of the pedestrian bridge between the Niagara Gorge Discovery Center and the adjacent Aquarium of Niagara property; currently paved areas would be restored with grass, trees and/or native vegetation. Removal of existing pavement and natural restoration of reclaimed land would result in an increase of 5.94 acres of contiguous green space within the property; construction of new connecting ramp between Niagara Falls Bridge Commission's existing access road below the Rainbow Bridge and Main Street would slightly offset this gain in contiguous green space with a transportation-related pavement increase of 0.04 acres; several 13-ft-wide multi-use paths to accommodate bicyclists and pedestrians, as well as several narrower connecting paths would be constructed and would provide unlimited public access to pedestrians and bicyclists.
Aquarium of Niagara	Eligible	701 Whirlpool Street, Niagara Falls, NY	1965	The Aquarium of Niagara is historically significant for its association with innovative aquarium technology that manufactured synthetic sea water for aquariums. The Aquarium of Niagara is also a good example of Mid-Century Modern design, which was popularized during a thirty-year period from post-WWII through the mid-1970s.	Aquarium property would continue to be physically separated from the Niagara Gorge rim and adjacent recreational properties by Whirlpool Street, the pump station access road and the RMP on the west and Third Street on the east	Removal of the closed section of Whirlpool Street, the pump station access road and the RMP on the west side of the property; Reconstruction of Third Street adjacent to the east side of the property; Construction of a new access road to the NFWB sewage pumping station across an already disturbed portion of the property near existing parking and access drives; Aquarium property would be directly connected to nearby Niagara Gorge Discovery Center and Niagara Reservation. The net effect would be positive for access as well as the property's setting.

PIN 5757.91.121 Robert Moses Parkway (RMP) Removal Project: Main Street to Findlay Drive, Niagara Falls, NY
SHPO Project Reference No. 15PR04311
 Summary of Anticipated Effects of Alternatives to S/NRHP-Listed and S/NRHP-Eligible Properties within the APE
 (Excluding Any Potential S/NRHP-Eligible Archaeological Resources)

Property/District Within or Abutting the APE	S/NRHP No. (if listed) or "Eligible"	Address or General Location	Year or Period Built	Keys Character-Defining Elements/Aspects of Property/District	Anticipated Effects Under Each Alternative	
					No Build Alternative (Expressway Remains in Place)	Build Alternative (Removal of all expressway features; Restoration of Gorge rim and installation of trail network; reconstruction of Whirlpool Street & portion of Third Street)
Chilton Avenue-Orchard Parkway Historic District	10NR06119	Portions of Chilton Avenue and Orchard Parkway between Whirlpool and Main streets.	Late 19 th and early 20 th centuries	Late Victorian: Queen Anne, Tudor revival and Craftsman. The district consists of 103 contributing and 36 non-contributing buildings.	The district would not be affected by the No Build Alternative.	The reconstruction of Whirlpool Street would neither directly nor indirectly affect the district. None of the buildings in the district front Whirlpool Street.
Old Customs House	90NR01962	2245 Whirlpool Street, Niagara Falls, NY	1863	The Old Customs House is the oldest federal building in the City of Niagara Falls and the oldest extant resource associated with this historically important Whirlpool Land Port of Entry. It is architecturally and historically significant under NRHP criteria A and C.	The Customs House would continue to be adjacent to, and in the shadow of the RMP high-level viaduct that passes over the Whirlpool Bridge Plaza, a condition that already affects the visual environment and historic setting of this resource. The building has been renovated/restored and incorporated into the newly-built train station and is no longer a free-standing intact building.	No physical impact to the Customs House would occur as a result of the Project. Removal of the current RMP viaduct in this area would result in a positive visual effect on this resource, and would partially restore its historic setting.

PIN 5757.91.121 Robert Moses Parkway (RMP) Removal Project: Main Street to Findlay Drive, Niagara Falls, NY
SHPO Project Reference No. 15PR04311
 Summary of Anticipated Effects of Alternatives to S/NRHP-Listed and S/NRHP-Eligible Properties within the APE
 (Excluding Any Potential S/NRHP-Eligible Archaeological Resources)

Property/District Within or Abutting the APE	S/NRHP No. (if listed) or "Eligible"	Address or General Location	Year or Period Built	Keys Character-Defining Elements/Aspects of Property/District	Anticipated Effects Under Each Alternative	
					No Build Alternative (Expressway Remains in Place)	Build Alternative (Removal of all expressway features; Restoration of Gorge rim and installation of trail network; reconstruction of Whirlpool Street & portion of Third Street)
Michigan Central Railroad Bridge (out of service; owned by the City of Niagara Falls, Ontario)	Eligible	Crosses Lower Niagara River/Niagara Gorge west of Whirlpool Street, between Bath and Ontario Avenues, Niagara Falls, NY	1924-1925	Currently known as Canadian Pacific Railway Bridge; a steel arch bridge spanning the Niagara Gorge between Niagara Falls, Ontario, and Niagara Falls, New York; designed by William Perry Taylor, Chief Engineer J.L. Delming, and Norwegian consulting engineer Olaf Hoff; bridge no longer in use and tracks have been removed.	The existing abandoned bridge is anticipated to continue to exist.	No direct or indirect impact associated with the proposed Project. Removal of the RMP overpass/viaduct would partially restore the historic setting of the bridge, resulting in a positive effect. Potential for future overlook feature, subject to agreements with current owner.
Whirlpool Rapids Bridge	Eligible	Crosses Lower Niagara River/Niagara Gorge west of Whirlpool Street, between Bath and Ontario Avenues, Niagara Falls, NY	1897	A double-decked, two-hinged, riveted, spandrel-braced, arch-type bridge; 1,080 feet long with a 47.5- foot two-lane roadway; the main span is 547 feet with a rise of 115 feet; the structure consists of riveted girders and I-beams with limestone abutments; Vehicular traffic is carried on the lower deck, which is flanked by cantilevered sidewalk; Upper deck carries one set of railroad tracks currently used by Amtrak and Conrail; On the American side, the bridge rests on the stone abutment of the 1855 suspension bridge; Architecturally significant under NRHP Criterion C as an example of an early steel arch bridge which possesses good integrity and for its association with prominent bridge designer Leffert L. Buck.	The existing bridge is anticipated to continue to exist and to be used for vehicular and rail traffic.	No direct or indirect impact associated with the proposed Project. Removal of the RMP viaduct would partially restore the historic setting of the bridge, resulting in a positive effect.

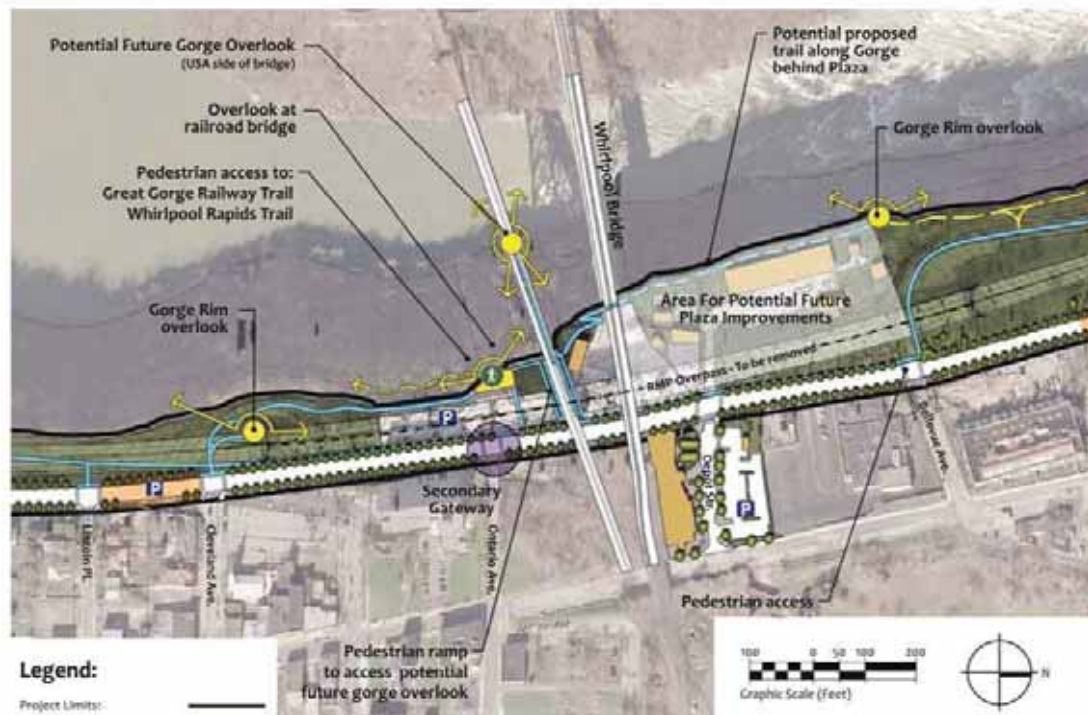


PROPOSED CONSTRUCTION AND ROAD REMOVAL WITHIN THE NIAGARA RESERVATION NHL AND ADJACENT TO THE NATIONAL REGISTER ELIGIBLE AQUARIUM OF NIAGARA

NIAGARA GORGE CORRIDOR - ROBERT MOSES PARKWAY - NORTH SEGMENT

Also see Figures 1.4 and 5.1 and Photographs 1.2 and 1.3 in: PHASE 1A CULTURAL RESOURCES INVESTIGATION FOR THE PHASES I-IV PRELIMINARY DESIGN AND DESIGN APPROVAL DOCUMENT FOR THE ROBERT MOSES PARKWAY - NORTH SEGMENT NIAGARA FALLS STATE PARK, CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK PIN 5757.121 (OPRHP Project Review 15PR04311)

- Legend:**
- Project Limits:
 - Existing Trails: (Width varies - 1' minimum)
 - Multi-Use Trail: Pedestrians & Bicycles (12' wide)
 - Multi-Modal Trail: Pedestrians, Bicycles & Trucks (12' minimum)
 - On-Street Trolley Line:
 - Potential On-Street Parking:
 - Gateway Node:
 - Scenic Overlook:
 - Gorge Trail Access:
 - Existing/Proposed Parking:



Legend:

- Project Limits:
- Existing Trails: (Multi-use - 10' wide min.)
- Multi-Use Trail: Pedestrians & Bicyclists (10' wide)
- Multi-Modal Trail: Pedestrians, Bicyclists & Trailers (10' wide min.)
- On-Street Trolley Line:
- Potential On-Street Parking:
- Gateway Node:
- Scenic Overlook:
- Gorge Trail Access:
- Existing/Proposed Parking:

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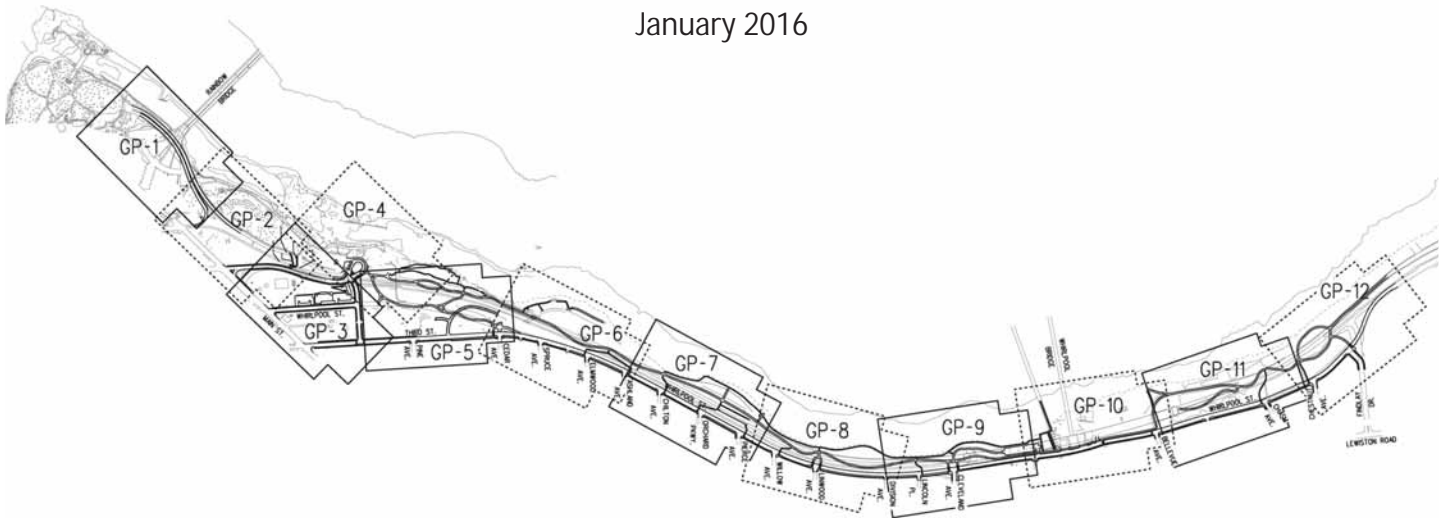
NIAGARA GORGE CORRIDOR - ROBERT MOSES PARKWAY - NORTH SEGMENT

Also see Figures 1.5 and Photographs 1.40 and 1.41 in: PHASE 1A CULTURAL RESOURCES INVESTIGATION FOR THE PHASES I-IV PRELIMINARY DESIGN AND DESIGN APPROVAL DOCUMENT FOR THE ROBERT MOSES PARKWAY - NORTH SEGMENT NIAGARA FALLS STATE PARK, CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK PIN 5757.121 (OPRHP Project Review 15PR04311)

NIAGARA GORGE CORRIDOR

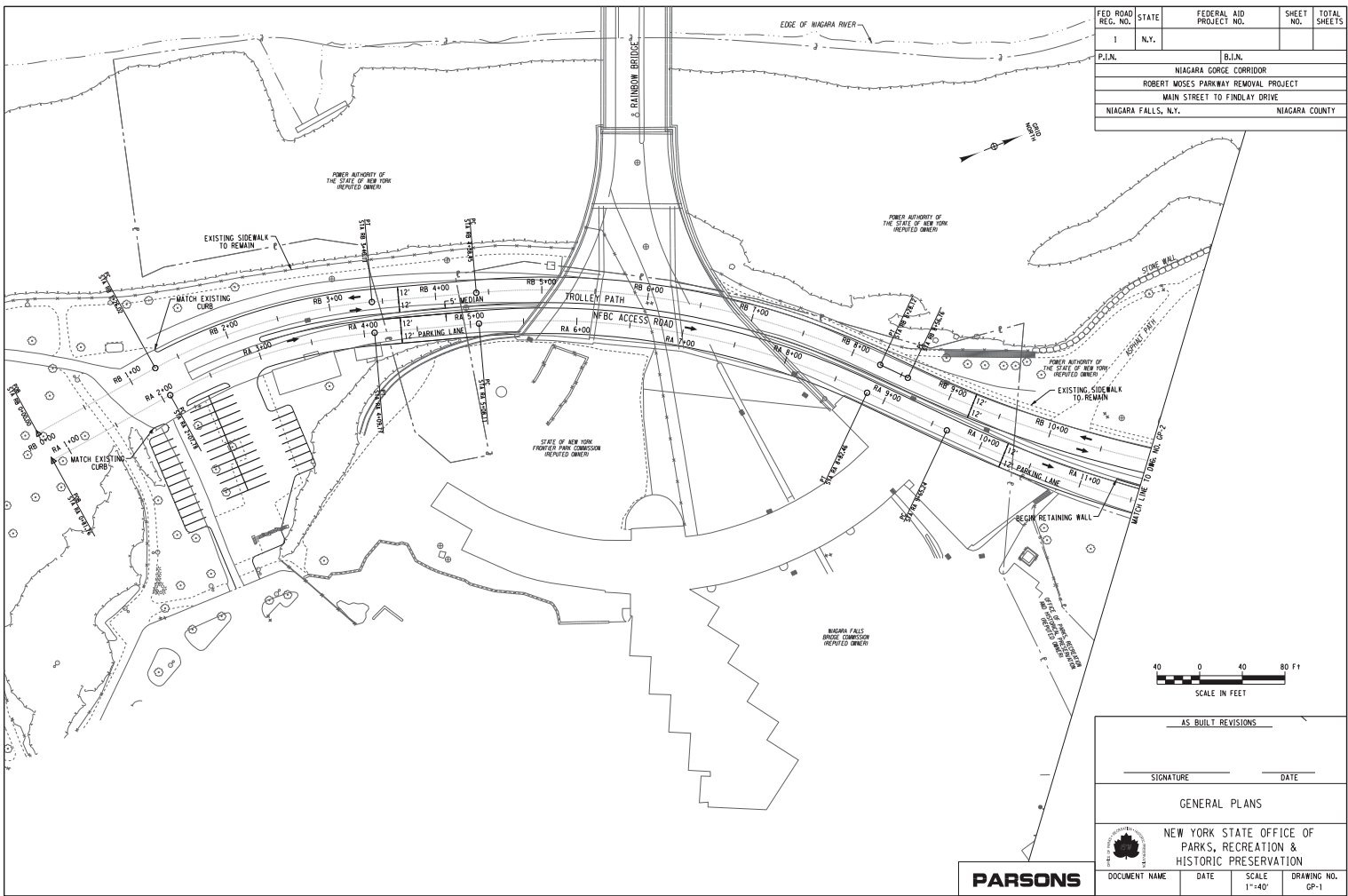
Robert Moses Parkway Removal Project: Main Street to Findlay Drive Niagara Falls, NY

January 2016



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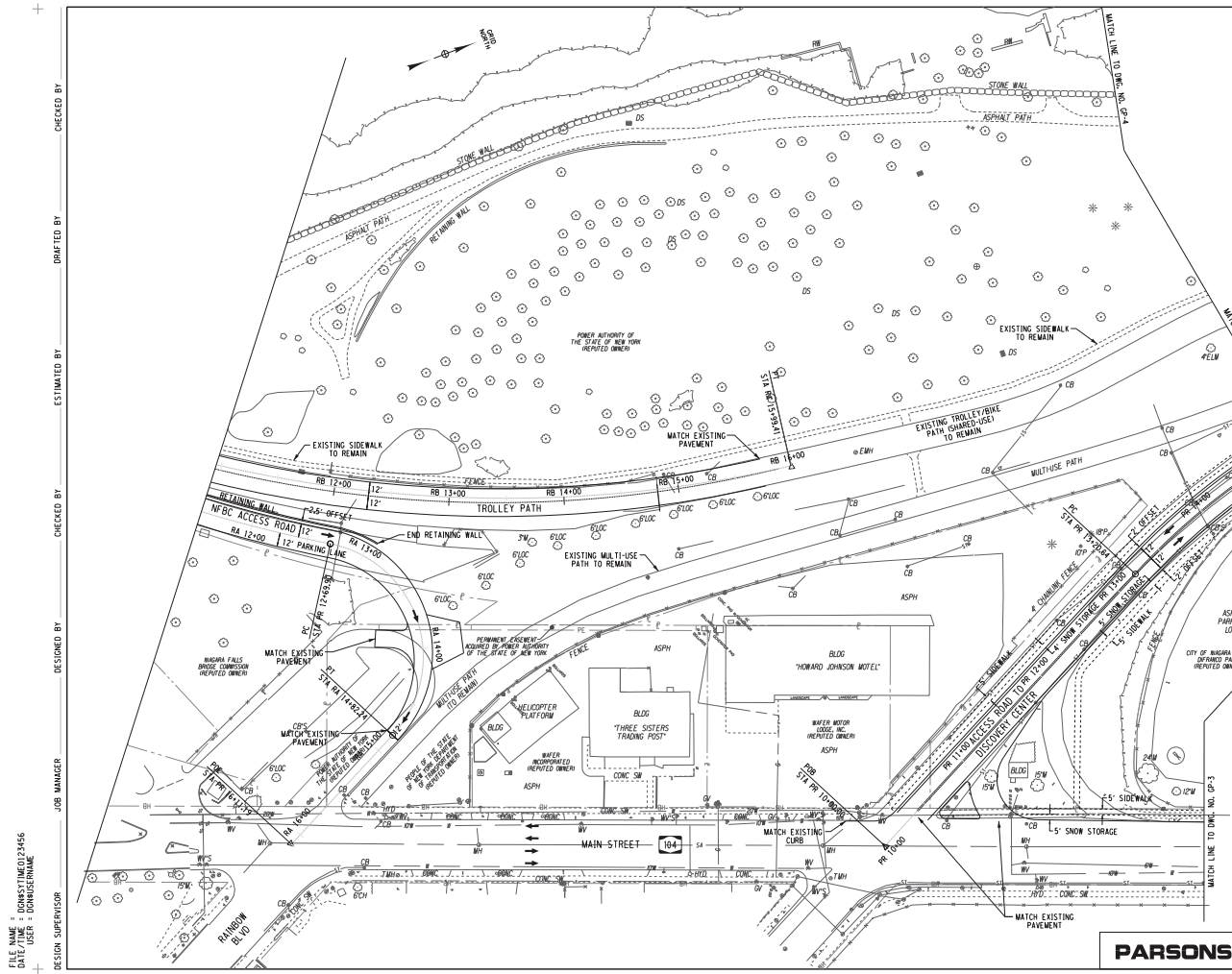
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GENERAL PLANS

NEW YORK STATE OFFICE OF
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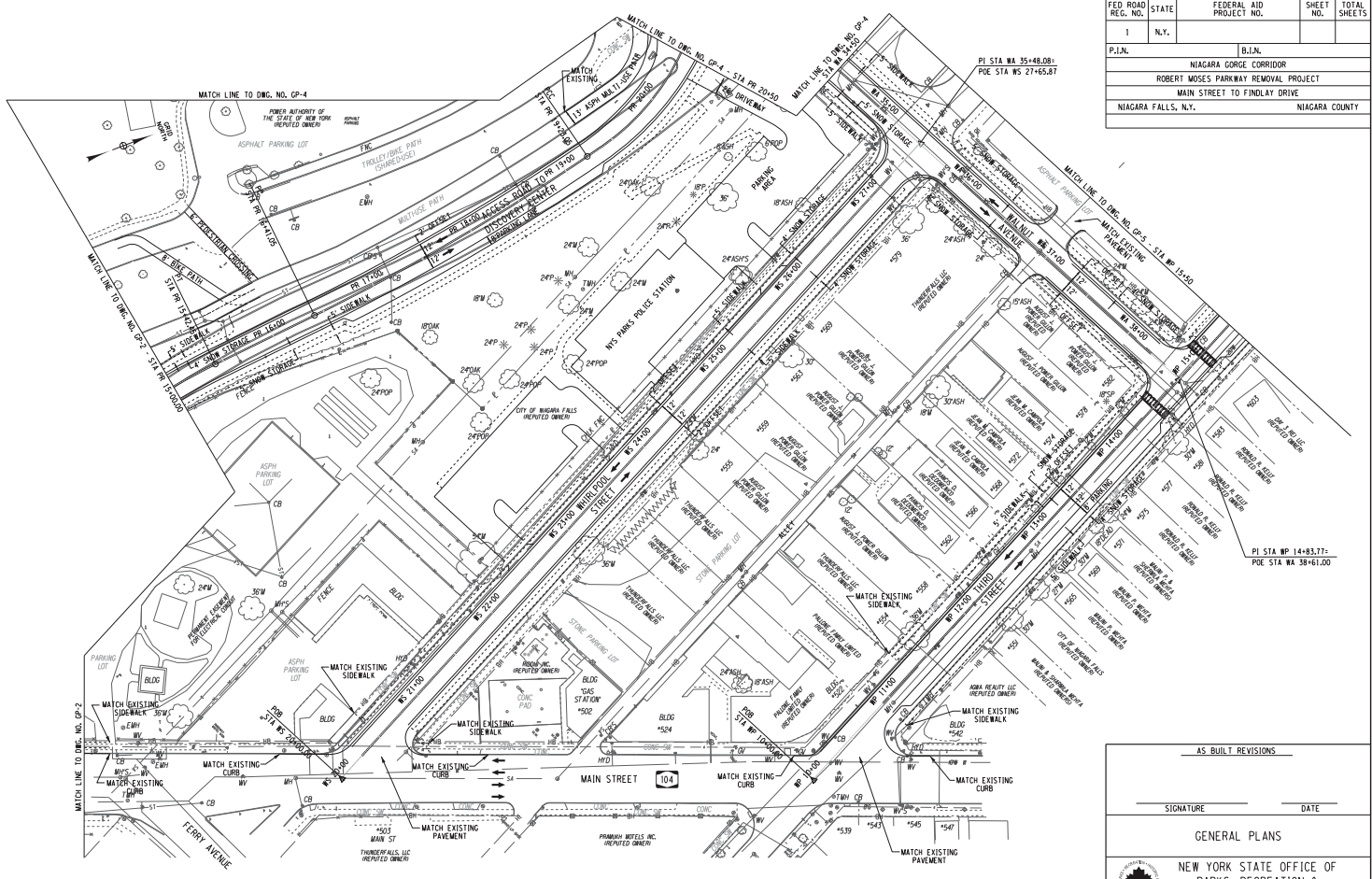
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NIAGARA FALLS, N.Y.			NIAGARA COUNTY	




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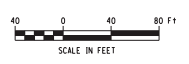
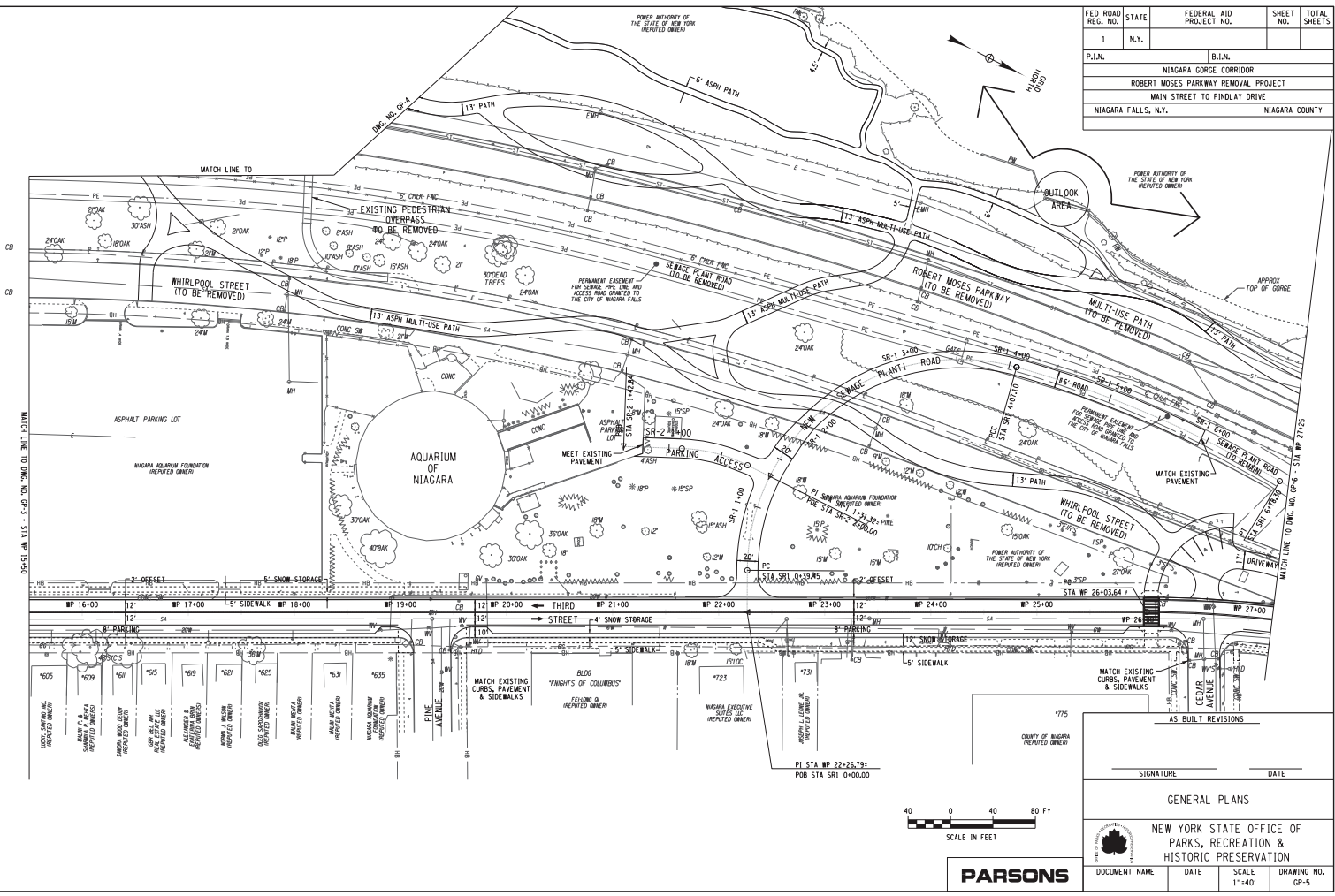
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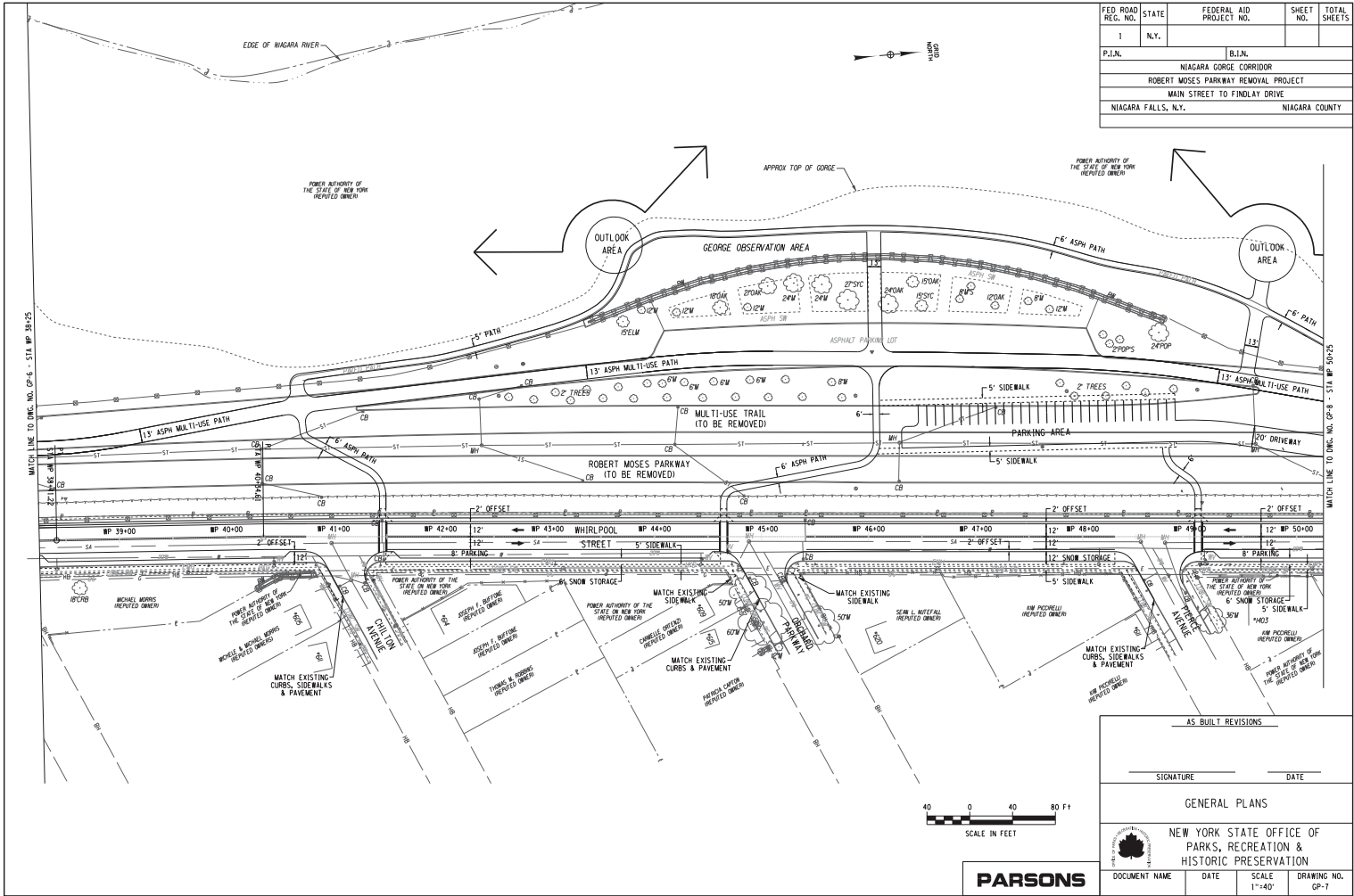
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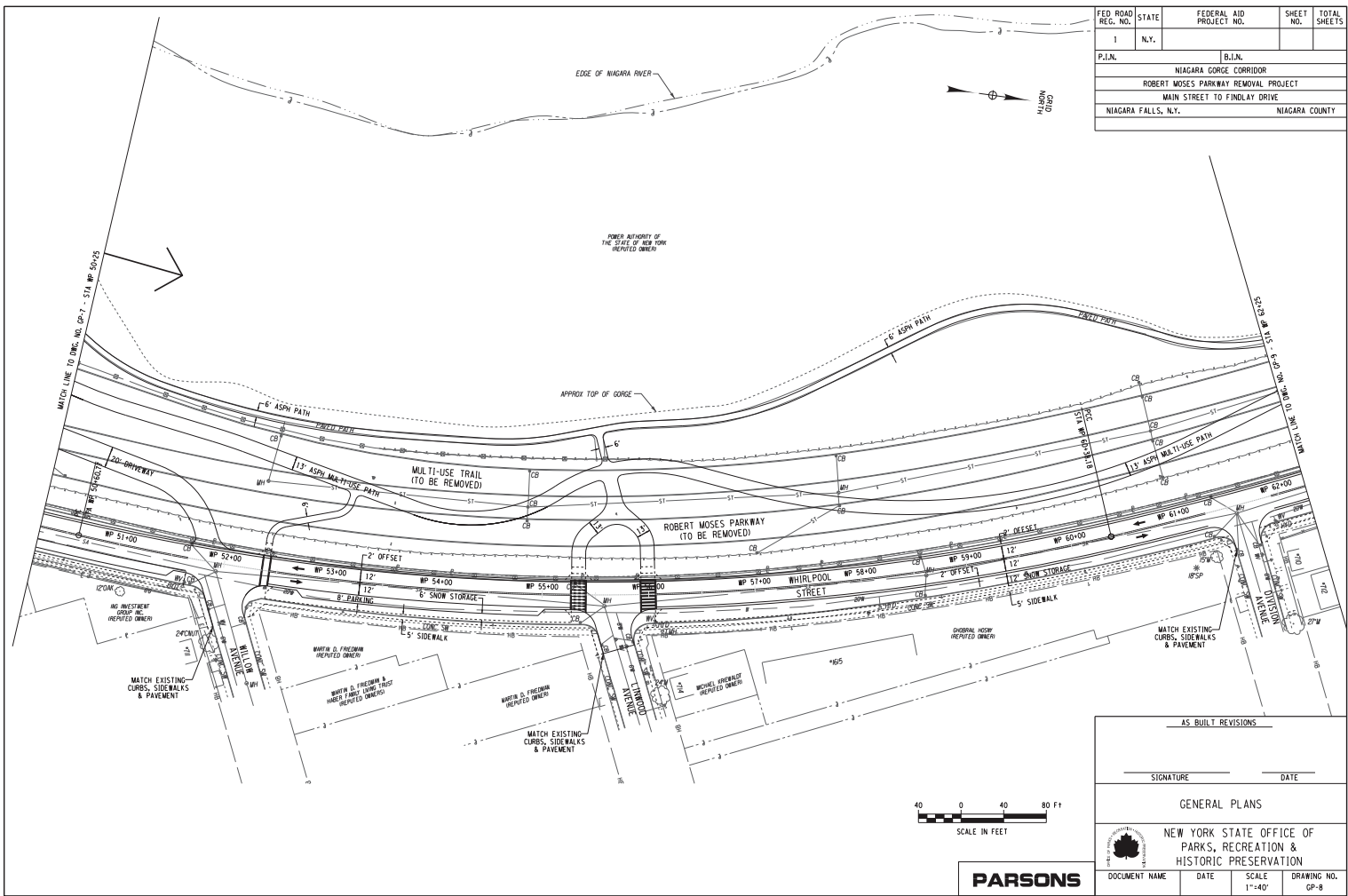


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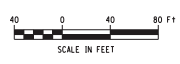
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GENERAL PLANS

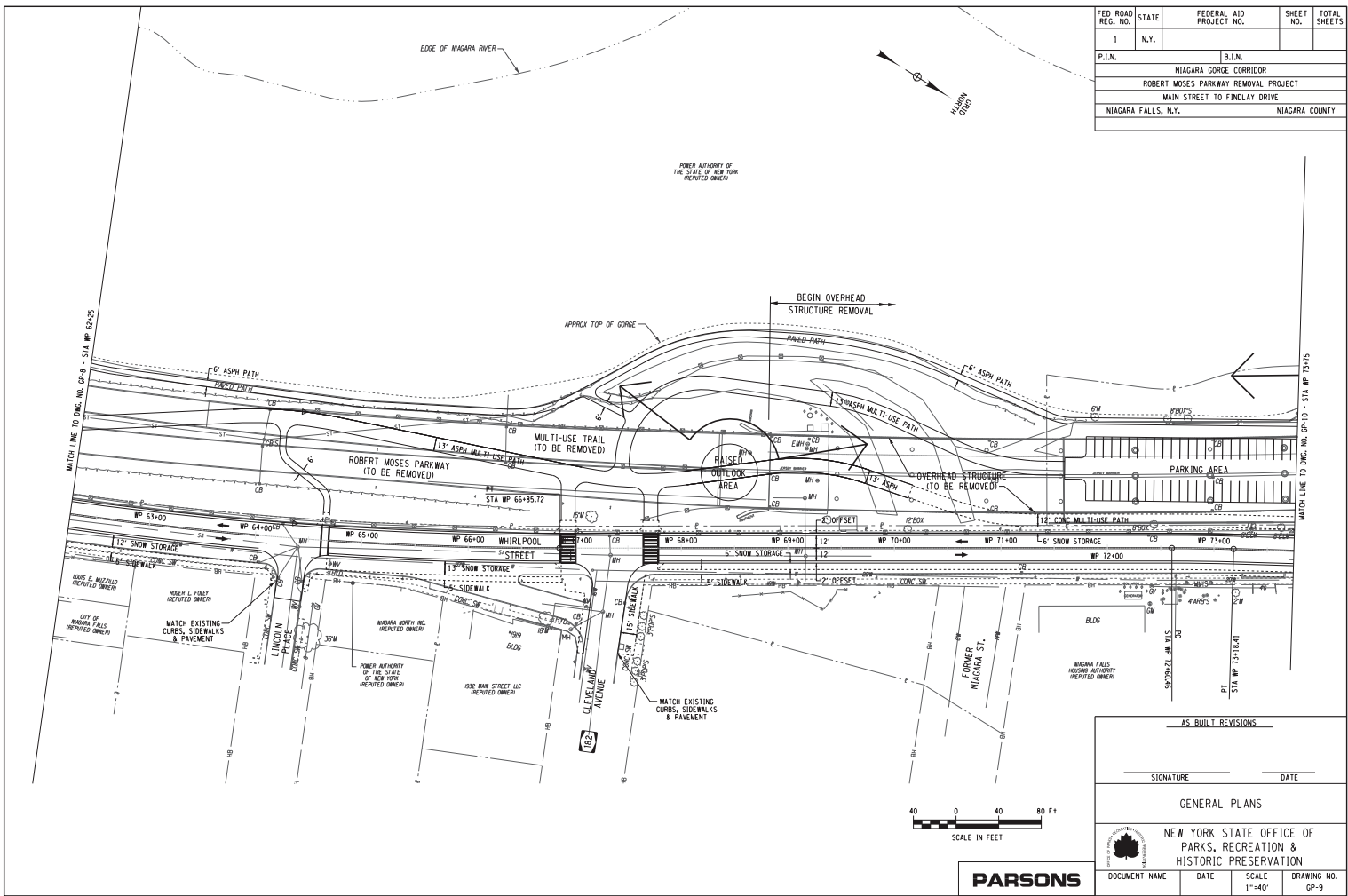
NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION

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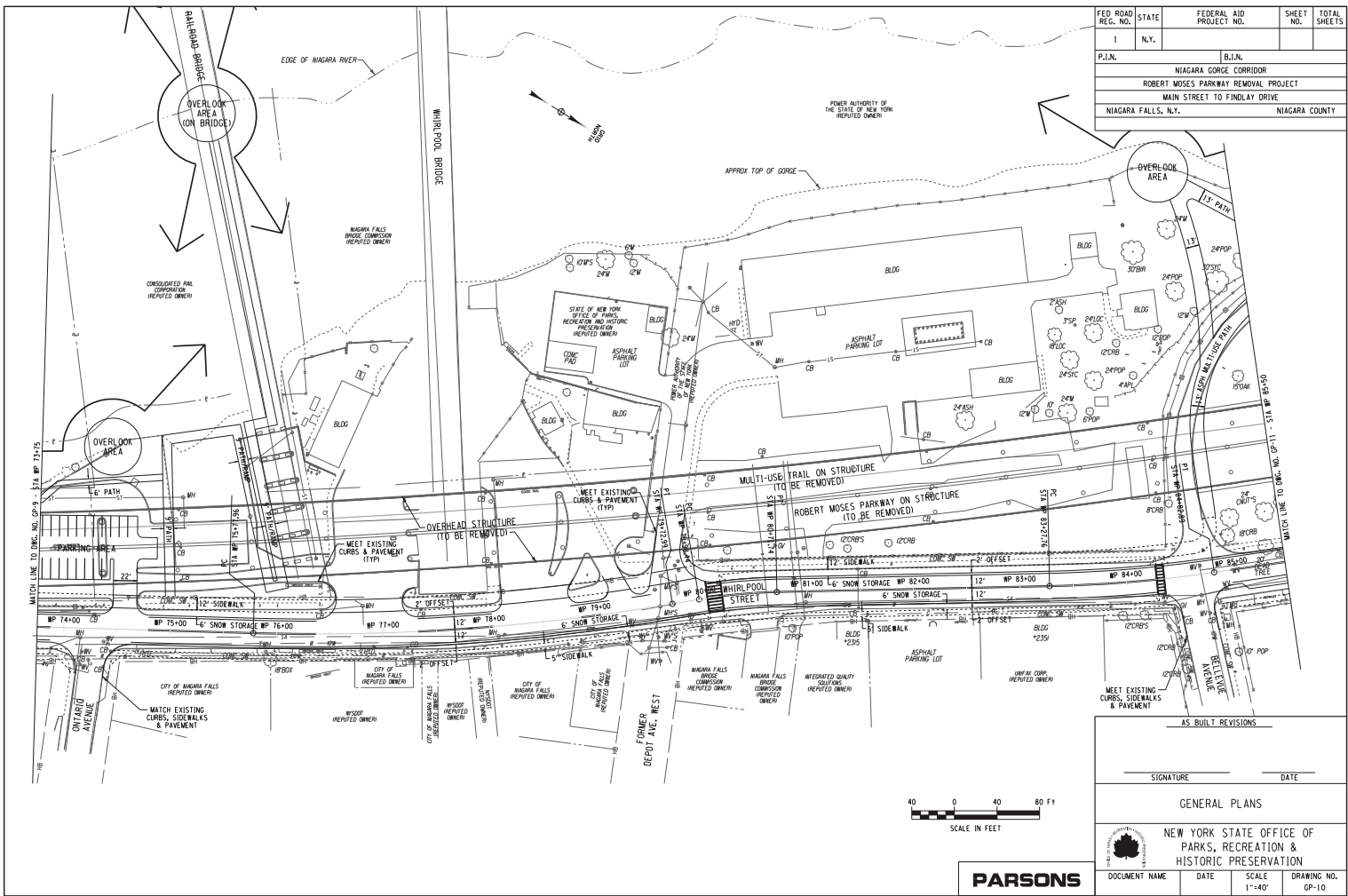
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1	N.Y.			
P.I.N.		B.I.N.		
NIAGARA GORGE CORRIDOR				
ROBERT MOSES PARKWAY REMOVAL PROJECT				
MAIN STREET TO FINDLAY DRIVE				
NIAGARA FALLS, N.Y.			NIAGARA COUNTY	

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SIGNATURE	DATE
GENERAL PLANS	
NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION	
DOCUMENT NAME	DATE
SCALE	DRAWING NO.
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NIAGARA FALLS, N.Y.			NIAGARA COUNTY	

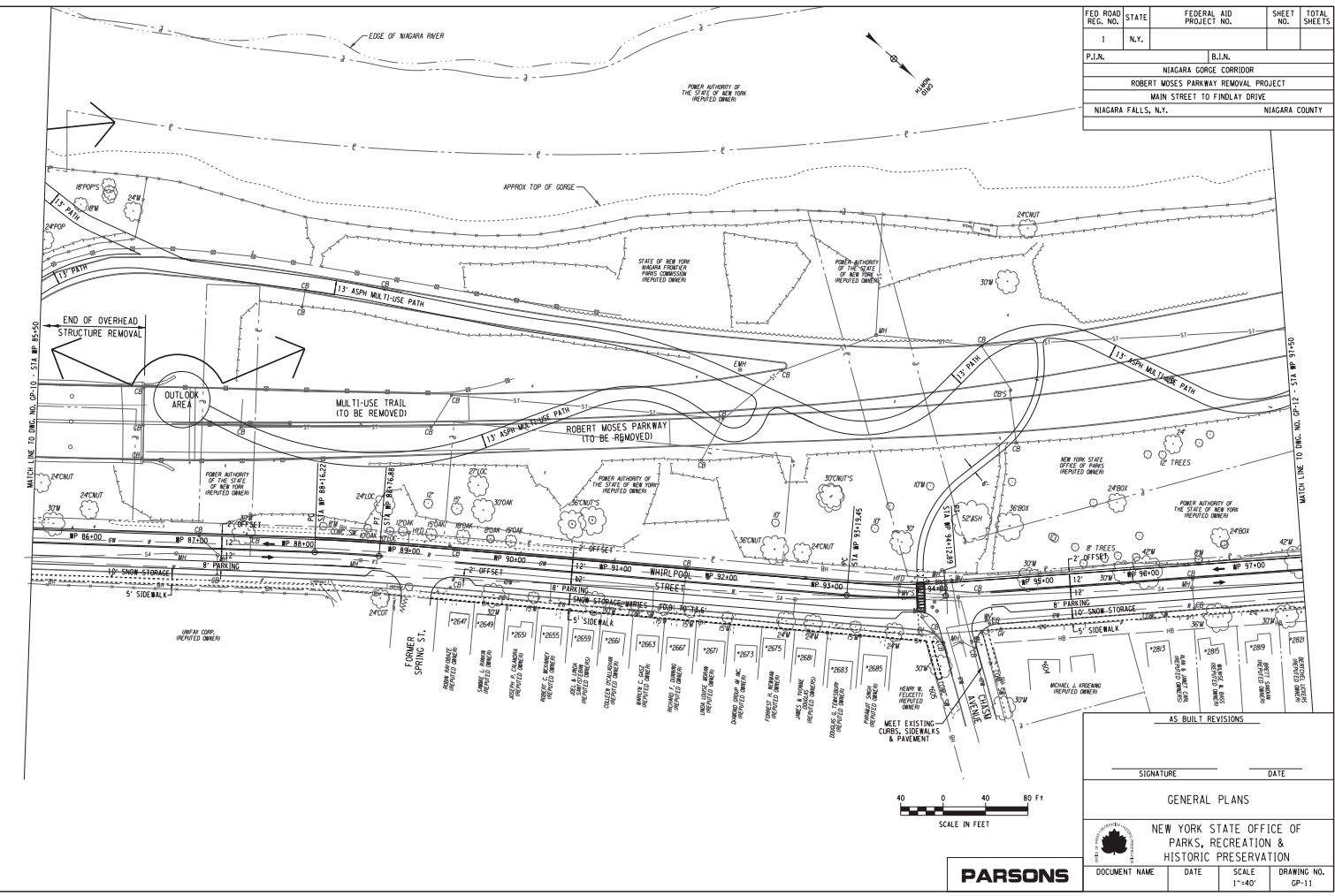


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NIAGARA GORGE CORRIDOR				
ROBERT MOSES PARKWAY REMOVAL PROJECT				
MAIN STREET TO FINDLAY DRIVE				
NIAGARA FALLS, N.Y.			NIAGARA COUNTY	

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SIGNATURE	DATE

GENERAL PLANS

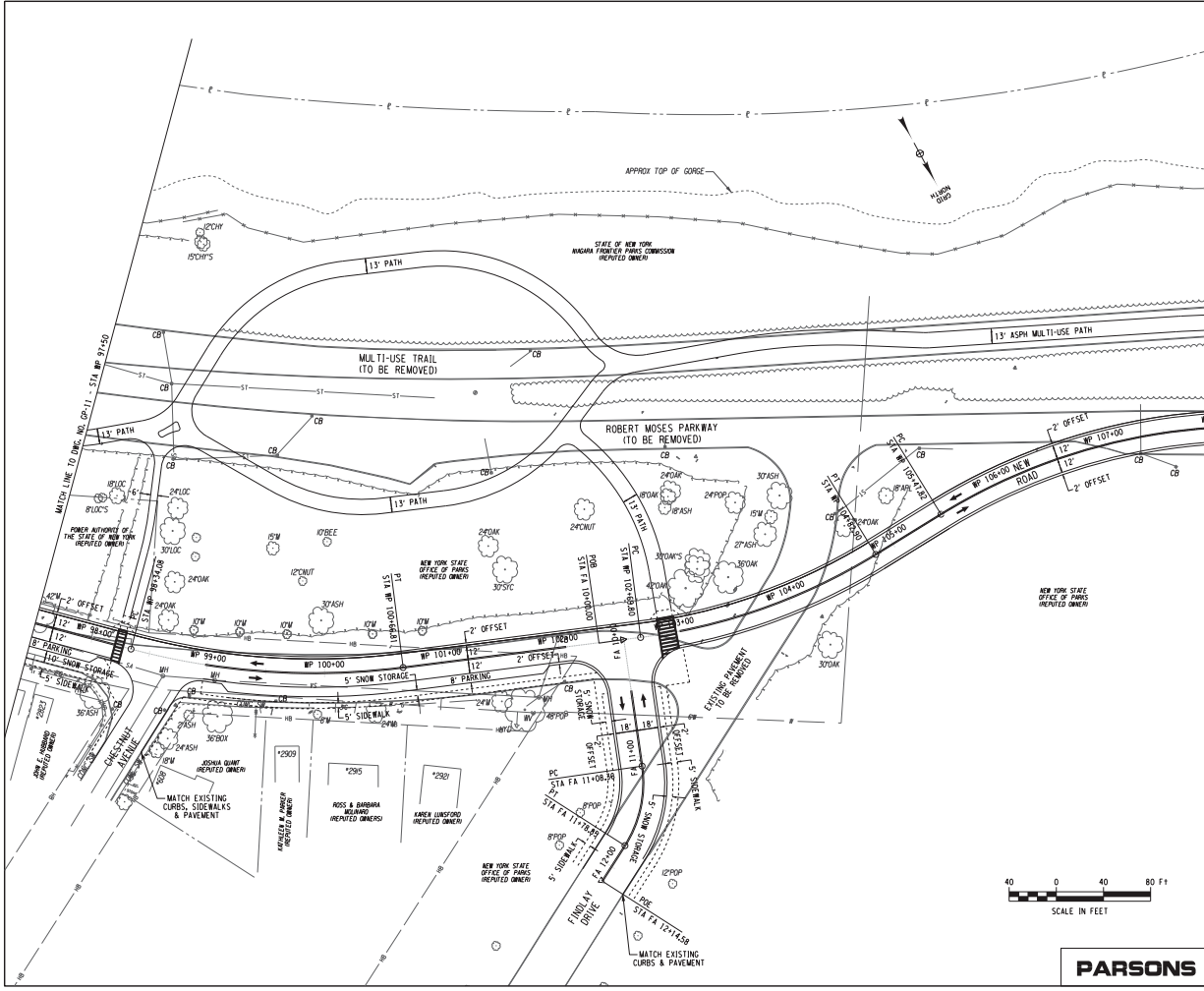
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 JOB MANAGER
 DESIGN SUPERVISOR

FED ROAD PROJ. NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.			
P.I.N.		B.I.N.		
NIAGARA GORGE CORRIDOR				
ROBERT MOSES PARKWAY REMOVAL PROJECT				
MAIN STREET TO FINDLAY DRIVE				
NIAGARA FALLS, N.Y.			NIAGARA COUNTY	



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NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION	
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Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO

Governor

ROSE HARVEY

Commissioner

January 22, 2016

Mr. Hans Anker
FHWA New York Division
Leo W. O'Brien Federal Building
Room 719, Clinton Ave and N. Pearl Street
Albany, NY 12207

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Anker:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We note that our Archeology Unit has requested a Phase IB archeological survey report. In this response, we are responding to potential impacts to above ground resources. We concur with your list of properties within the project's Area of Potential Affect. Of particular note is the Niagara Reservation which is a National Historic Landmark (NHL). NHL's are nationally significant properties designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

We have also determined the Michigan Central RR approach bridge over Whirlpool Avenue is not eligible for listing on the State or National Registers of Historic Places. Therefore, we have no concerns if removal of this structure is proposed.

At this time, we are unclear as the proposed impacts that removal and reconstruction of the Robert Moses Parkway between Main Street and Findlay Drive, the reconstruction of Whirlpool Street, the restoration of landscape/habitat on reclaimed lands along the Niagara Gorge rim or the incorporation of pedestrian/bicycle trail improvements may have upon the identified historic resources. The provided documents appear to conclude the identification of architectural historic resources within the APE. At this point, we request additional information regarding the proposed construction work so that we may evaluate the potential of this work to impact the

Division for Historic Preservation

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historic resources. At a minimum, it seems reasonable to expect construction protection plans be developed to protect nearby historic resources during the construction process.

We would appreciate the requested information be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2181.

Sincerely,



Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: A. Giarrizzo, C. Morzrall, F. Schieppati, K. Hess, K. Lorenz, L. Paonessa, P. Tronolone, T. DeSantis, T. Dohnohue



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 19, 2015

Mr. Thomas Donohue
Principal Project Manager
Parsons
40 LaRiviere Drive
Suite 350
Buffalo, NY 14202

Re: FHWA
Robert Moses Parkway North Segment Removal (PIN 5757.91.121)
Main Street to Findlay Drive
City of Niagara Falls, Niagara County, NY
15PR04311

Dear Mr. Donohue:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the Phase IA Cultural Resources Investigation Report, prepared by Panamerican Consultants and dated August 2015, in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, we concur with the Phase IB archaeological testing recommendations and look forward to receiving the results of the testing.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archeology Unit Program Coordinator
e-mail: nancy.herter@parks.ny.gov

via e-mail only

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