

Niagara Gorge Corridor

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

Design Report/ Environmental Assessment

Appendix O - Recreational Section 4(f) and 6(f)

- O.1 Section 4(f)**
- O.2 Section 6(f)**

PIN 5761.90

July 2016

In cooperation with:

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

O.1 Section 4(f)



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DEPARTMENT OF PLANNING ENVIRONMENTAL &
ECONOMIC DEVELOPMENT
Office of Planning

March 30, 2016

Andrew Giarrizzo, Senior Landscape Architect
NYS Office of Parks, Recreation, & Historic Preservation
DeVeaux Woods Drive East, DeVeaux Woods State Park
Niagara Falls, NY 14303

**RE: Robert Moses Parkway Removal Project – Main St. to Findlay Drive, Niagara Falls, NY
Anticipated Effects to DiFranco Park, Pursuant to Section 4(f) of the U.S. Department
of Transportation Act**

Dear Mr. Giarrizzo:

As an agency partner for the Robert Moses Parkway Removal Project (the "Project"), in accordance with the 2006 Memorandum of Understanding to jointly fund and facilitate this effort, the City of Niagara Falls has evaluated aspects of the Project as they relate to DiFranco Park, pursuant to Section 4(f) of the U.S. Department of Transportation Act ("Section 4(f)").

Located on Main Street at the current entrance to the Parkway, DiFranco Park was officially designated as a City Park in 1965. However, the Park is not currently open for public use and most of its facilities have been either previously-removed or are not actively maintained for use. Based upon our review of the preliminary engineering drawings and the Pre-Draft Design Report/Environmental Assessment, my office has determined that DiFranco Park would not be adversely impacted by the Project, either directly or indirectly. Conversely, it is understood that as part of the demolition phase for the removal of the Parkway, it is anticipated that betterments to the Park are being proposed, which would involve removal of all obsolete structures/pavement and returning the property to green space.

Therefore, the City of Niagara Falls has concluded that the Project will not adversely affect the activities, features or attributes that qualify DiFranco Park for protection under Section 4(f), and acknowledges the Federal Highway Administration's intent to make a *de minimis* impact determination for this property.

—If you require any further information, please do not hesitate to contact the undersigned at 716-286-4477, or via e-mail at DeSantis@nfez.org

Respectfully,

Thomas J. DeSantis, AICP
Acting Director, Planning Environmental & Economic Development
CITY OF NIAGARA FALLS, NEW YORK





**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

MARK W. THOMAS
Director

May 25, 2016

Thomas J. DeSantis, AICP
Department of Planning, Environmental & Economic Development
City of Niagara Falls
PO Box 69
Niagara Falls, NY 14302

Dear Mr. DeSantis,

Thank you for your letter of March 30 with comment on the status of DeFranco Park with respect to the Robert Moses Parkway Removal Project – Main St. to Findlay Drive.

State Parks concurs with the City of Niagara Falls' determination expressed in their letter dated March 30, 2016 that the Project will not adversely affect the activities, features or attributes that qualify DiFranco Park for protection under Section 4(f), and acknowledges the Federal Highway Administration's intent to make a de minimis impact determination for this property.

Thank you for your attention to this matter.

Yours truly,

Andrew C. Giarrizzo, RLA
Associate Landscape Architect



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

MARK W. THOMAS
Director

May 27, 2016

Craig Mozrall
Region 5, NYS Department of Transportation ("NYSDOT")
100 Seneca Street
Buffalo, NY 14203

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

Anticipated Effects to Robert Moses Parkway Trail Pursuant to Section 4(f) of the U.S. Department of Transportation Act

Dear Mr. Mozrall:

As NYSDOT is the established liaison to the Federal Highway Administration for the Robert Moses Parkway Removal Project (the "Project"), the NYS Office of Parks, Recreation, and Historic Preservation ("State Parks"), is hereby advising NYSDOT that we have evaluated aspects of the Project as they relate to Robert Moses Parkway Trail (the "Trail"), pursuant to Section 4(f) of the U.S. Department of Transportation Act ("Section 4(f)"). Within the Project Area, the Trail comprises the former southbound expressway lanes of the Robert Moses Parkway from Main Street to Findlay Drive. The trail continues north of the Project area to Devil's Hole State Park.

Based upon the preliminary engineering drawings and assessments included in the Design Report/Environmental Assessment, my office has determined that recreational access/value of the Trail would not be adversely impacted by the Project, either directly or indirectly. It is understood that while temporary removal of the Trail is part of the demolition phase for the removal of the entire Parkway, it would be fully replaced with a new comprehensive trail network. The benefits of this new network—through its habitat restoration, access, and increased recreational connectivity—would far outweigh the removal of the current southbound expressway lanes now used for the Trail.

Therefore, State Parks has concluded that the Project will not adversely affect the activities, features or attributes that qualify the Robert Moses Parkway Trail for protection under Section 4(f), and acknowledges the Federal Highway Administration's intent to make a *de minimis* impact determination for this property.

Feel free to contact me at 716.286.4477 if you have any questions on this matter.

Sincerely,



Andrew Giarrizzo
Associate Landscape Architect

0.2 Section 6(f)

Conference Call Summary

**PIN 5757.91.121 Robert Moses Parkway Removal: Main Street to Findlay Drive (the "Project")
Niagara Falls, New York**

Date: January 29, 2016, 9:30 AM

Subject: Potential Project issues regarding use changes or "conversions from recreation use" under Section 6(f) of the Land and Water Conservation Fund ("LWCF") Act at lands/facilities that have received prior funding under LWCF Act; otherwise known as "6(f) Conversion".

Participants:

Joseph Grimaldi, NYS Office of Parks, Recreation, and Historic Preservation ("State Parks"),
Grants Management Bureau

Andrew Giarrizzo, State Parks, Niagara Region A & E Unit

Craig Mozrall, NYS Department of Transportation ("NYSDOT") Region 5

Kim Lorentz, NYSDOT Region 5

Thomas DeSantis, City of Niagara Falls

Paul Tronolone, Empire State Development/USA Niagara Development Corporation

Thomas Donohue, Parsons

Ken Hess, Parsons

Jane Rice, Environmental Design & Research

Summary:

Based upon a review of federal funding for Niagara Region State Parks projects, Mr. Grimaldi stated that no lands/facilities within the RMP Removal Project Study Area have ever received funds under LWCF Act and thus there are no 6(f) Conversion Issues associated with the Project.

Discussed on the Call:

Mr. Grimaldi stated that he has reviewed State Parks' LWCF files and that there are no lands/facilities within the Project Study Area have ever received funds under LWCF Act. The nearest LWCF-funded facility is the Niagara Gorge Trail (Project No. 36-01210), originally planned as a contiguous trail system from the Niagara Falls State Park to Artpark along former railroad beds within the Niagara Gorge. A portion of this trail, generally below the Whirlpool Bridge Plaza, has been washed out several times from heavy rains and rock slides of loose shale in the area. While State Parks officials have attempted on multiple occasions to restore the trail, the access would typically be lost again after the next subsequent rain event.

In his review of the 6(f) implications for this Project and for emerging plans for the reconstruction/expansion of the Whirlpool Bridge customs plaza, Mr. Grimaldi stated he had previously expressed a possible concern that there might be a public perception of an indirect impact to trail access in light of the washed out section of the Gorge Trail. Specifically, Mr. Grimaldi stated that hikers now need to head up to from Gorge Trail to the Gorge rim to work around the washed-out section; this trail up and out of the Gorge deposits hikers to a trail head actually underneath the RMP flyover bridge above the Whirlpool Bridge plaza. Thus, Mr. Grimaldi asked whether removal of the flyover under the Project (and the Robert Moses Parkway Trail—the former SB lanes of the RMP used as a very wide trail—which now also runs on the flyover) could be perceived as an impact to trail access.

However, upon discussion with Project designers and local State Parks staff, it was clarified that there has never been any connection between the trailhead under the flyover and the Robert Moses Parkway Trail, thus this would not be an issue. In fact, the Project would ultimately result in an increase in connectivity and continuity of the various trail systems over what now exists and that the Project partners will continue to coordinate with the Niagara Falls Bridge Commission regarding maximizing trail access in and around the Whirlpool Bridge Plaza.

From: [Grimaldi, Joseph \(PARKS\)](#)
To: [Tronolone, Paul \(ESD\)](#)
Cc: [Lorenz, Kimberly A. \(DOT\)](#); [Mozrall, Craig s. \(DOT\)](#); [Donohue, Thomas](#); "[Thomas DeSantis \(desantis@nfez.org\)](#)"; [Giarrizzo, Andrew C \(PARKS\)](#); [Hess, Kenneth](#); [Jane Rice \(JRice@edrdpc.com\)](#)
Subject: RE: Robert Moses Park Removal: Main Street to Findlay Drive - Conference Summary of 6(f) Conversion Issues
Date: Friday, March 04, 2016 3:10:40 PM

The document is accurate – there has been no LWCF funding for the pedestrian sections of the Robert Moses Parkway. Any work on that trail does not violate Section 6(f)(3) of the LWCF Act and, therefore, would not trigger a conversion of use.

From: Tronolone, Paul (ESD)
Sent: Thursday, February 11, 2016 12:34 PM
To: Grimaldi, Joseph (PARKS)
Cc: Lorenz, Kimberly A. (DOT); Mozrall, Craig s. (DOT); 'Donohue, Thomas'; 'Thomas DeSantis (desantis@nfez.org)'; Giarrizzo, Andrew C (PARKS); Hess, Kenneth (Kenneth.Hess@parsons.com); Jane Rice (JRice@edrdpc.com)
Subject: Robert Moses Park Removal: Main Street to Findlay Drive - Conference Summary of 6(f) Conversion Issues

Hi Joe:

I apologize; I actually wrote this conference call summary back on MLK day and just realized I forgot to send it out.

Please review and confirm back via email that the attached summary is accurate regarding the lack of any potential "Conversion" issues in the above-referenced project, related to Section 6(f) of the Land and Water Conservation Fund Act.

Thank you. Paul.

Paul J. Tronolone, AICP
VP – Policy, Planning, & Project Development

Empire State Development
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