



CHAPTER 4 – SOCIAL, ECONOMIC & ENVIRONMENTAL CONSIDERATIONS

4.1. Introduction

This RMP Removal Project between Main Street and Findlay Drive (“the Project”) is primarily a highway modification project identified by NYSDOT Project Identification Number (PIN) 5761.90. The Project Study Area as defined in Section 1.2.1 of Chapter 1 is roughly defined by the following, although its limits may vary slightly depending on the specific study discipline or resource:

- an imaginary line approximately 1,000 feet north and parallel to Findlay Drive to the north;
- Main Street and Third Street to the east;
- Niagara Street to the south; and
- the Niagara Gorge rim to the west.

This chapter presents the existing social, economic, and environmental conditions of the Project Study Area, as well as the impacts associated with the No-Build Alternative as described in **Section 3.1.1.2** and the Build Alternative as defined in **Section 3.2.1.3**. This chapter’s content and organization of the individual assessments fully conforms to the requirements of the NYSDOT Project Development Manual (PDM), Environmental Procedures Manual, and FHWA guidance documents.

4.1.1. Environmental Classification and Lead Agencies

The proposed RMP Removal Project between Main Street and Findlay Drive is classified in accordance with the National Environmental Policy Act (NEPA), Section 23 CFR 771.115 and State Environmental Quality Review Act (SEQR), Section 6 NYCRR Part 617. This Project is classified as a NEPA Class III Action which requires preparation of an Environmental Assessment to determine the extent of the environmental impacts. In addition, the Project is being progressed as a SEQR Type I Action under 6 NYCRR Part 617. FHWA is the NEPA Lead Agency and State Parks is the SEQR Lead Agency.

The lead agencies must perform the functions that have been traditionally performed in preparing Design Approval Documents in accordance with 23 CFR Part 771. As stated, the lead agencies for the Project are:

- FHWA (Lead Federal agency)
- State Parks (Lead State agency)

A letter from NYSDEC, Division of Environmental Permits, Region 9 dated March 17, 2016 concurs that State Parks should act as the SEQR Lead Agency for this Project (see **Appendix N – Full SEQRA EAF Part 1**).



4.1.2. Cooperating, Participating, and Involved Agencies

“Cooperating agencies” and “participating agencies” are specifically related to the NEPA process, while “involved agencies” are related to the SEQR process. These agencies are generally responsible for identifying, as early as practicable, any issues of concern regarding the Project’s potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval. The roles and responsibilities of cooperating and participating agencies are similar, but cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process.

According to Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR 1508.5), a “cooperating agency” means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the lead agencies, also become a cooperating agency. CEQ (40 CFR 1501.6) also states that an agency may request that the lead agency designate it as a cooperating agency. By definition, there are no cooperating agencies for the proposed Project.

A “participating agency”, as defined by SAFETEA-LU, includes those local, regional, state or Federal agencies with a specific interest in the project. The standard for participating agency status is more encompassing than the standard for cooperating agency status described above. Therefore, cooperating agencies are, by definition, participating agencies, but not all participating agencies are cooperating agencies.

The following agencies have been identified as participating agencies pursuant to NEPA:

- New York State Department of Transportation (NYSDOT)
- City of Niagara Falls (the “City”)
- USA Niagara Development Corporation (USAN) and their parent agency, the New York State Urban Development Corporation d/b/a Empire State Development (ESD)
- New York Power Authority (NYPA)
- New York State Department of Environmental Conservation (NYSDEC)
- New York State Department of State (NYSDOS)
- Advisory Council on Historic Preservation (ACHP)
- New York State Historic Preservation Officer (NY SHPO)
- Niagara Falls Bridge Commission (NFBC)
- Niagara River Greenway Commission (NRGC)



- Federal Energy Regulatory Commission (FERC)
- Greater Buffalo Niagara Regional Traffic Council (GBNRTC)

An “involved agency” is defined under SEQR as an agency (including any local, county or state agency in New York) that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an involved agency, notwithstanding that it has not received an application for funding or approval at the time the SEQR process is commenced. The lead agency is also an involved agency. The following agencies have been identified as involved agencies pursuant to SEQR:

- State Parks (Lead State agency for SEQR), including the agency’s Division for Historic Preservation, which acts as the NY SHPO in accordance with Section 106 of the National Historic Preservation Act
- NYSDOT
- City of Niagara Falls (various agencies/departments)
- USAN/ESD
- NYPA
- NYSDEC
- NYSDOS
- NFBC
- NRGCC
- GBNRTC

The roles and responsibilities of the above agencies include, but are not limited to:

- Participating in the NEPA/SEQR process starting at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives studied, methodologies utilized, and the level of detail for the analysis of alternatives;
- Identifying, as early as practicable, any issues of concern regarding the Project’s potential environmental, cultural or socioeconomic impacts;
- Providing meaningful and timely input on unresolved issues; and
- Reviewing and providing comment on the Build Alternative and the Design Approval Document.

It should be mentioned that State Parks, the City, USAN and NYSDOT are all parties to a Memorandum of Understanding (MOU) entitled *Robert Moses Parkway Reconfiguration, Access, and Enhancements Transportation Projects and Funding Strategy* (effective May 3, 2006). This MOU entered into with regard to the improvement of downtown Niagara Falls transportation infrastructure was instrumental in

development of the proposed Project. In addition, while not a signatory to the MOU, NYPA has also acted as a Project partner given their land interests in the Project Area.

4.2. Social

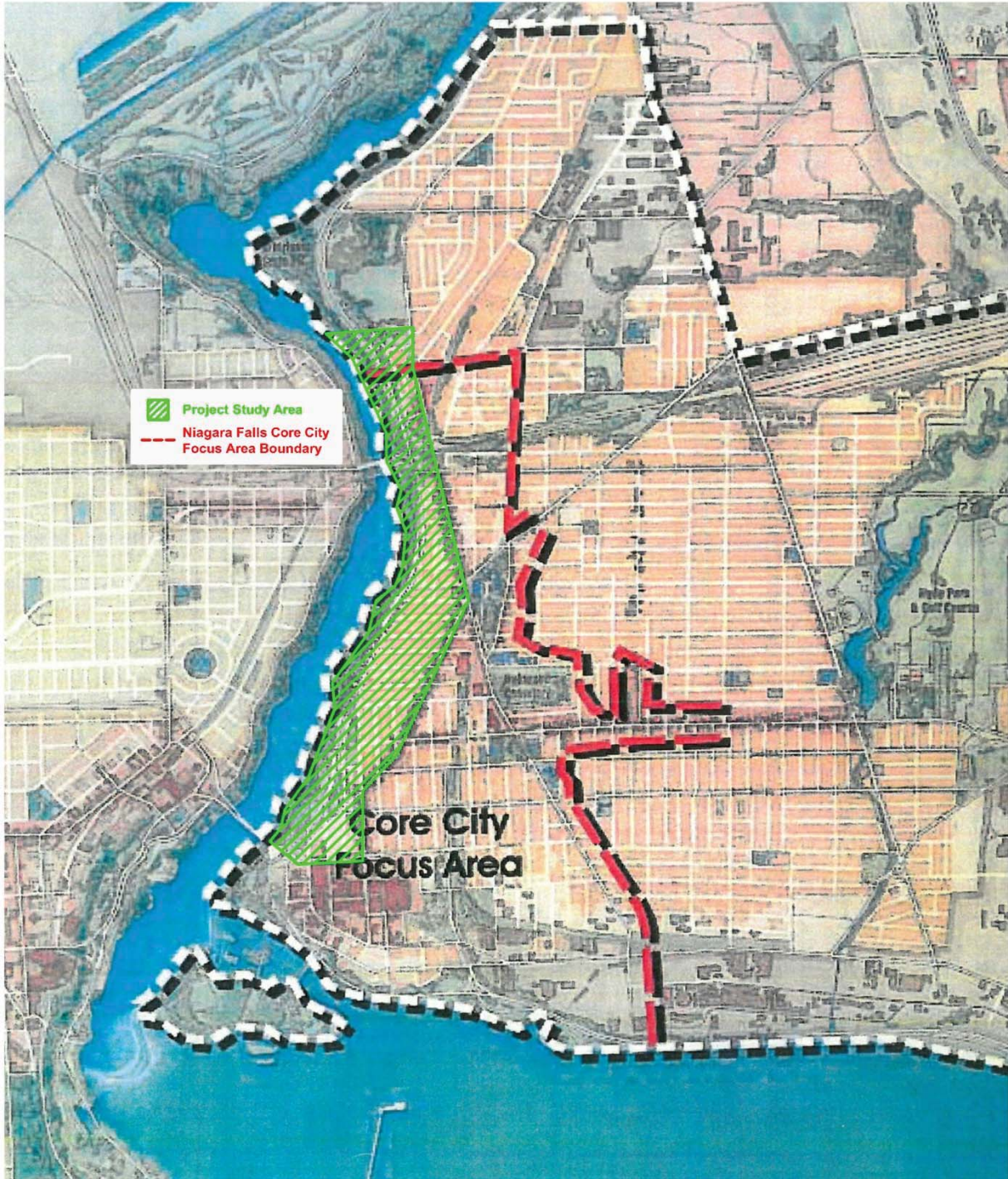
The purpose of this section is to discuss the social environment within the Project Study Area. This study area is essentially wholly contained within the City of Niagara Falls' Core City Focus Area as identified in its current Comprehensive Plan (2009). The one exception is the northern-most portion of the study area (i.e., the areas adjacent to Findlay Drive), which extend beyond the limits of the Core City Focus Area. The Core City has been targeted within the Comprehensive Plan because "it has the greatest potential with regard to tourism development, residential and commercial renewal and intensification, the provision and growth of regional services and amenities, including education, and the creation of a more rich and diverse cultural and public realm." The Core City is also identified as containing "unique assets not found within other parts of the city that must be strengthened and leveraged to bring about growth and renewal to the whole city." The limits of the Project Study Area, in relation to the limits of the Core City, are depicted on **Figure 4-1**. Further discussion of the *Comprehensive Plan for City of Niagara Falls, USA* was presented previously in **Section 2.2.1.1** and in **Section 4.2.1.2** below.

4.2.1. Land Use

Existing Conditions

The existing land uses within the Project Study Area were identified based on information provided in the *Comprehensive Plan for City of Niagara Falls, USA* (2009), supplemented by a field investigation. Based on the Existing Conditions and Primary Land Uses graphics in the Comprehensive Plan, the basic breakdown of such conditions and uses are broadly characterized as residential, residential – deteriorated/blighted fabric, discontinuous urban fabric/vacant, main street corridors (commercial), and open space.

Figure 4-1 – RMP Removal Project Study Area and
City of Niagara Falls Core City Focus Area

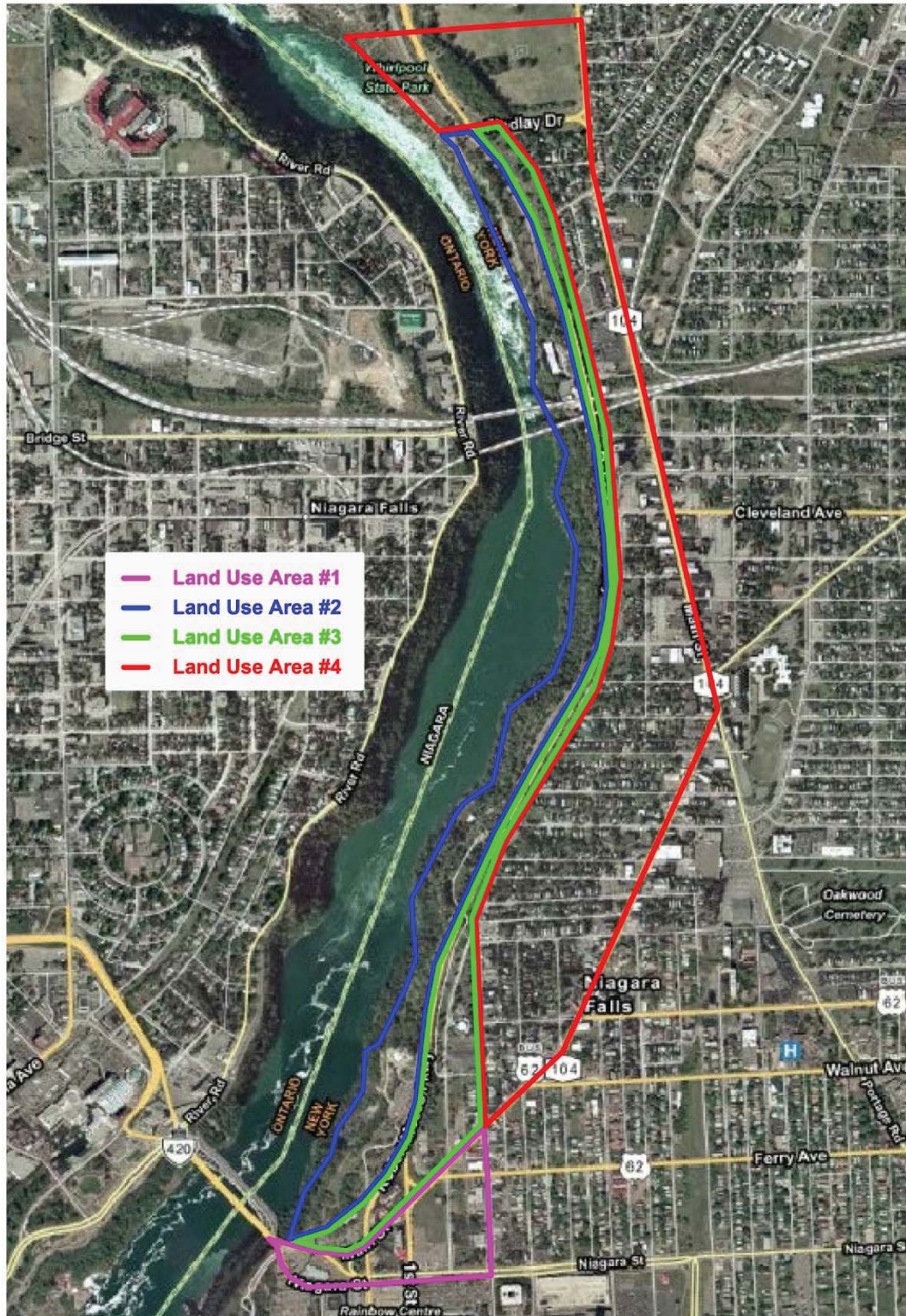




For purposes of assessing the RMP Removal Project between Main Street and Findlay Drive, existing land uses can be more finely characterized for four separate areas within the Project Study Area, including an area at the southern end bounded by Niagara Street, Main Street and Third Street, and three parallel south-to-north areas that run almost the entire length of the study area (see **Figure 4-2**):

- **Land Use Area #1 bounded by Niagara Street, Main Street and Third Street** – This relatively small, triangular-shaped area at the southern end of the study area is primarily commercial in nature, including commercial uses related to tourism, as well as some properties that are vacant. Specific commercial uses in this area include hotels, restaurants, liquor stores, souvenirs shops and gas stations. Parking associated with these various uses also comprises a substantial amount of land within this area. Along both sides of Third Street between Niagara Street and Main Street is a downtown type of retail / commercial area, although a number of the buildings appear to be vacant or underutilized.
- **Land Use Area #2 west of the Robert Moses Parkway** – Between the Niagara Gorge rim on the west and the Robert Moses Parkway on the east, the existing land uses are primarily characterized as either open space or recreational. The southern portion of this area, including the Niagara Gorge Discovery Center operated by State Parks, is part of Niagara Falls State Park, most of which is located south of the study area. North of the Discovery Center, most of the remainder of this area, to a point beyond Findlay Drive, is owned and maintained by NYPA and/or State Parks, and is dedicated to recreational use and open space. Only two locations are exceptions to the recreational / open space uses along this stretch. The first such location is at the extreme southern end of the study area near Niagara Street which contains parking and other facilities associated with the Rainbow Bridge crossing into Canada. The second location is immediately north of the Whirlpool Bridge which contains the NEXUS Enrollment Center for Customs and Immigration and State Parks' Whirlpool Regional Maintenance Center.
- **Land Use Area #3 between Robert Moses Parkway and Third Street/Whirlpool Street** – This narrow strip of land extends from Main Street near the south end to Findlay Drive in the north. The south end of this strip contains hotels, motels, restaurants, souvenir shops, and gas stations, as well as some currently vacant land (including the City's former DiFranco Park) and a few scattered homes. A portion of the vacant open land in this area is being redeveloped as a new State Parks police station. Directly north of that area between Third Street and the currently closed-off portion of Whirlpool Street is the Aquarium of Niagara. North of the Aquarium all the way to Findlay Drive near the north end of the study area, the land becomes very narrow between the RMP and Whirlpool Street, and is primarily open space or undeveloped. In fact, for some distance in this area, the two roads are directly adjacent to each other with essentially no land between them.

Figure 4-2 – Land Use Sub-Areas within the Project Study Area





- **Land Use Area #4 between Third Street/Whirlpool Street and Main Street** – This relatively wider strip of land extending from the point where Main Street crosses Third Street in the south to Findlay Drive in the north consists largely of residential and commercial properties, with the bulk of the commercial properties spread along portions of Third Street/Whirlpool Street and Main Street. The commercial development along both sides of Main Street includes a few blocks of professional-type businesses, though the majority of this development is of a downtown corridor nature, with many vacant or underutilized buildings. There are also some public buildings along Main Street, including City Hall and other City offices, a post office, a library and a police station. In addition to residential uses, the east side of Whirlpool Street contains a Niagara County courthouse and some vacant or underutilized properties, including two abandoned buildings that previously housed a night club and a nursing home. The majority of the cross streets connecting Third Street / Whirlpool Street and Main Street is residential, especially from the southern end of this area to Cleveland Avenue and between Spring Street and Findlay Drive at the northern portion of this area. Along the railroad line in the vicinity of Whirlpool Bridge, a new train station and multimodal transportation center is currently being constructed. Immediately north of Findlay Drive at the northern end of the proposed Project is DeVeaux Woods State Park, which is dedicated for recreational use.

Impacts and Mitigation

No-Build Alternative

The properties at the extreme southern end of the Project Study Area, especially within the triangular-shaped area between Niagara Street, Main Street and Third Street (Area #1 on **Figure 4-2**), will likely continue to contain tourism-related uses due to its location close to the Falls and the City's center of tourism. Vacant and underutilized properties within this area may or may not be developed for similar uses in the future, depending on effectiveness of plans and/or actions taken by the City to promote redevelopment, regardless of any change to the RMP within the Project Study Area.

North of this triangle and west of Third and Whirlpool Streets all the way to Findlay Drive at the northern end of the Project Study Area, the recreational uses bordering both sides of the RMP (Areas #2 and #3) will continue to exist. Similarly, the lack of direct access that currently exists between the adjacent neighborhoods and the recreational properties along the RMP would also continue to be an issue, thereby resulting in a less efficient usage of these properties than could otherwise exist with the proposed Project improvements in place.

Given the number of vacant and underutilized properties that currently exist throughout the Project Study Area between Third Street / Whirlpool Street and Main Street (Area #4), the potential for further vacancies and abandoned properties could continue. Failure to institute infrastructure improvements would contribute to the continuing decline in the character of this section of the City of Niagara Falls.”



Build Alternative

Removal of the RMP within the Project Study Area is expected to provide a true gateway feature with direct visual/physical access to the Gorge for the triangle of land between Niagara Street, Main Street and Third Street (Area #1). This is a major premise of the City's Comprehensive Plan policies.

Removal of the RMP would open up the recreational lands along the Niagara Gorge rim (Areas #2 and #3), creating additional parkland and establishing continuous direct access from adjacent neighborhoods as a result. The land currently occupied by the RMP, including both the existing two-lane roadway and the previous parallel two-lane roadway currently functioning as the Robert Moses Parkway Trail, would be converted to a total of approximately 20.1 acres of landscaped green space to add to the existing recreational areas occupying NYPA and State Park lands. The development of a formal and more appropriately scaled trail system within the recreational lands would also enhance pedestrian and bicycle usage within these properties, and would facilitate access within the recreational lands. The removal of the RMP and associated appurtenances would also eliminate a major obstacle to direct accessibility from the adjacent neighborhoods, thereby improving overall interaction between the various land uses within the Project Study Area.

The proposed improvements along Third Street and Whirlpool Street (Area #4), would provide new and continuous access to a nearly 2-mile stretch of globally recognized open space along and within the Niagara Gorge. The improvements, including a wider grassed area between the sidewalk and the pavement, new trees and landscaping on both sides of the road, and a smoother roadway surface, would create a pleasant and more inviting image along those roadways. These improvements would extend along the entire length of these roadways between the intersection of Third Street and Main Street in the south to the intersection of Whirlpool Street and Findlay Drive in the north. As a result of these improvements, there may be some impetus to attract redevelopment along these roadways, as well as within the Project Study Area in general. In this manner, some of the vacant and underutilized areas that exist in parts of the Project Study Area could potentially be improved at some point in the future.

4.2.1.1. Demographics and Affected Population

Existing Conditions

The City of Niagara Falls' total population declined from 55,593 in 2000 to 50,193 in 2010, a loss of almost 10 percent. In fact, the city has been experiencing a steady population decline since its peak population of 102,394 was reached in 1960, a total loss of slightly more than 50 percent in 50 years. Based on the most recent population estimates available from the U.S. Census, the city has continued its overall population decline since 2010, falling to 49,219 in 2014. Like the city as a whole, many individual neighborhoods within the city have experienced loss of population and deterioration during recent decades as well.

The population decline has actually occurred at a somewhat higher rate in the areas proximate to the proposed Project than in the city as a whole, at least during the 2000 to 2010 period. In this regard, the



three Census Tracts (201, 205 and 211) in which the proposed Project and the Project Study Area are located have declined from a population total of 8,609 in 2000 to 7,484 in 2010, a loss of approximately 13 percent. At an even finer level, the Census Blocks comprising the Project Study Area as defined in **Section 4.1** have declined from a total population of 2,074 in 2000 to 1,726 in 2010, a loss of almost 17 percent.

Impacts and Mitigation

No-Build Alternative

Based on the trend of recent decades, there is no reason to anticipate that population within the city or the Project Study Area would level off or reverse direction in the near future, barring the implementation of effective plans or actions by the City to curtail or halt population loss.

Build Alternative

The continuing trend of population loss at a city level would likely not be altered as a result of the removal of the RMP within the Project Study Area. However, there is a potential that the proposed Project, including the reconstruction of Third Street and Whirlpool Street, could help to make the adjacent neighborhoods more attractive as a place to live, thereby enticing some residents to remain in the area. This potential is due to the better accessibility to, from and within the recreational lands along the Niagara Gorge rim, as well as the overall visual and functional improvements along Whirlpool Street. This change could result in a beneficial change of image that affects the overall community, similar to the effects created by the recent construction of the Robert Moses Parkway – South Segment Project.

4.2.1.2. Comprehensive Plans and Zoning

Existing Conditions

In the current *Comprehensive Plan for City of Niagara Falls, USA* adopted in 2009, almost the entire Project Study Area as defined in **Section 4.1** is located within the identified Core City Focus Area. This area is specifically targeted in the Comprehensive Plan to recommend general strategies, renewal programs, actions and projects that focus on strengthening it because “it has the greatest potential with regard to tourism development, residential and commercial renewal and intensification, the provision and growth of regional services and amenities, including education, and the creation of a more rich and diverse cultural and public realm.” The Plan also identifies the Core City as containing “unique assets not found within other parts of the city that must be strengthened and leveraged to bring about growth and renewal to the whole city.”

The Core City Focus Area, as identified in the Plan, is broader than the RMP Removal Project Study Area. However, the study area comprises an important portion of the City’s focus area, given its location along the Niagara Gorge which forms its western boundary. The only portion of the RMP Removal Project Study Area that extends outside of the Core City Focus Area is the area immediately adjacent to Findlay Drive at the northern Project terminus.



Of the 16 Core City Strategies identified in the Comprehensive Plan, those that could be potentially affected by the RMP Removal Project were listed previously in **Section 2.2.1.1**. Further detail on five of these strategies that are most relevant to the proposed Project and its study area is presented below:

The first of the Comprehensive Plan's Core City Strategies is reconnecting the City with its waterfront, as well as the Niagara River and its Gorge. The Plan clearly presents the fact that the RMP essentially occupies the entire length of the city's interface with its riverfront, and that it presents a barrier due to its physical presence and its absence of local connections between the city and the riverfront. The strategy presented in the Plan in this context is to reconfigure and redesign the RMP to "open waterfront districts for reconnection into the urban fabric of the city and create a calm, narrower, more pedestrian friendly and humanly scaled "riverfront drive"."

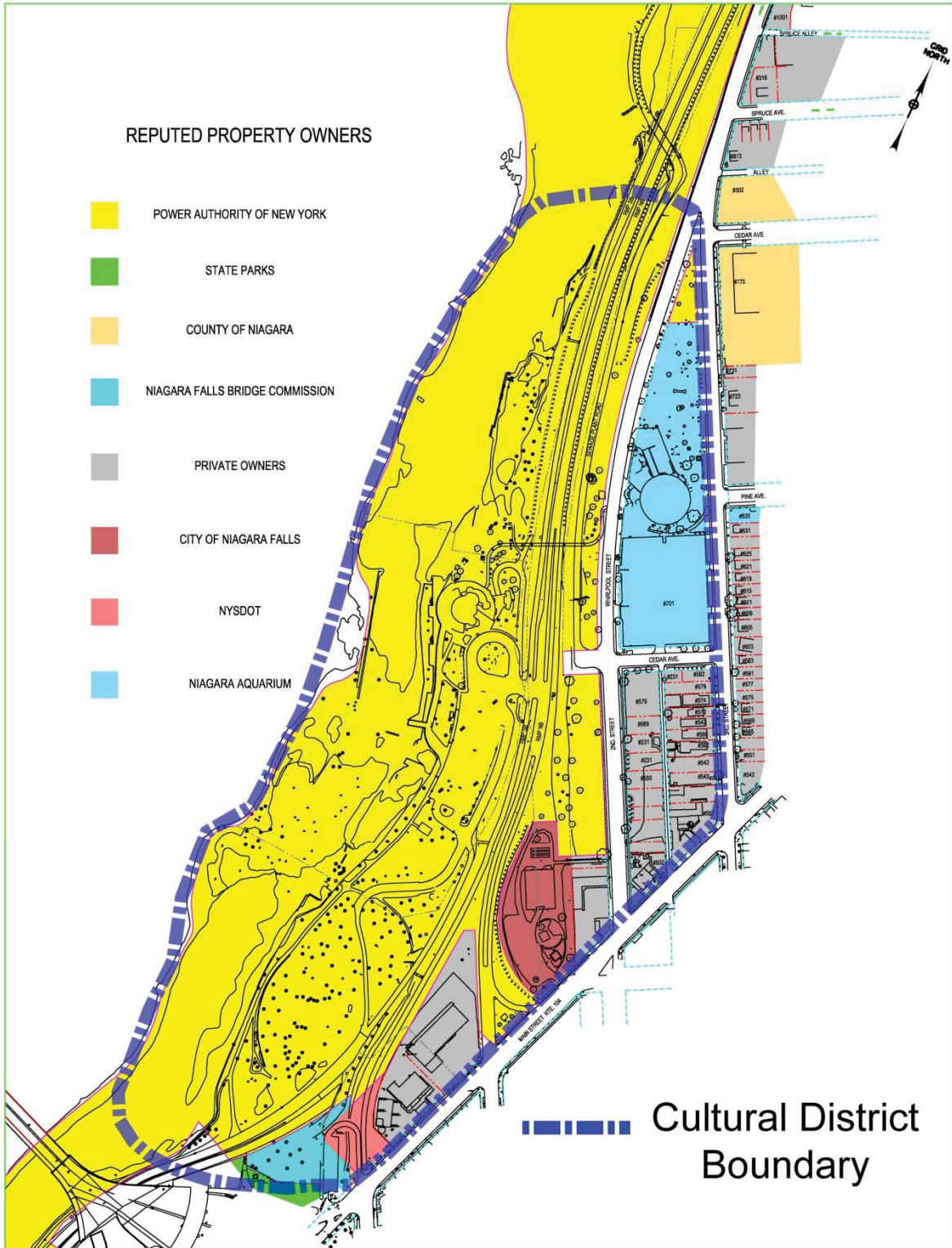
Another Core City Strategy is creating a Cultural District in the area containing a portion of the RMP, the Aquarium of Niagara, the Niagara Gorge Discovery Center, and underutilized properties along Main and Third Streets, including the City's former DiFranco Park (see **Figure 4-3**). This district is envisioned as a destination containing a range of high-quality, family-oriented educational and cultural attractions that would strengthen tourism within the Core City and complement State Park lands along the Gorge. The strategy also suggests that other tourism-related developments and landscape improvements could be implemented within the cultural district.

Another Core City Strategy is preserving the heritage of the Core City, including the [Wright Park] Park Place District in the area bounded by Main Street, Third Street and Pine Avenue. This area is identified to contain a number of architecturally important buildings on large lots with mature trees and comprises relatively intact heritage fabric and resources. Because of its location near the waterfront, the Plan indicates that it would benefit from the expansion of open space and creation of new connections to the waterfront. The Plan also supports designating a portion of this district as a unique Heritage District.

Another Core City Strategy relates to the Customs House and North-Main Loft Precinct extending along Main Street from Lockport Road to Findlay Crescent, and from the western side of the RMP to the eastern side of Main Street. This precinct is noted as an area that has been struggling in recent years, but holds potential for renewal due to its authentic and historic buildings, opportunities for commercial and residential infill, and its location. Key attractions within the precinct include the Old Customs House which is being renovated as part of a new train station and multimodal transportation center, as well as the Whirlpool Bridge crossing the Niagara River to Canada. This area is recommended for development as a primary mixed-use main street, with continued residential loft conversions and adaptive reuse of existing heritage buildings as retail and service uses.

The remaining Core City Strategy that is most relevant to the RMP Removal Project relates to improvements along the Third Street Precinct extending from Niagara Street to Pine Avenue. The Comprehensive Plan indicates that Third Street has experienced substantial decline as a result of changing economic and demographic conditions. Although the urban fabric remains largely intact, the majority of the buildings require significant upgrading.

Figure 4-3 – Cultural District Boundary





With regard to zoning classifications within the study area, further details are provided in **Section 2.2.1.1** in the discussion of the City of Niagara Falls Zoning Ordinance and in **Figure 2-2**.

Impacts and Mitigation

No-Build Alternative

If the proposed Project were not to be undertaken, the first of the five Comprehensive Plan Core City Strategies as described above (i.e., reconnecting the City with its waterfront), could not be achieved within the Project Study Area. Without reconfiguring or removing the RMP and other impedances that exist, no improvements in accessibility between the local neighborhoods and the Niagara Gorge rim would occur. In addition, the ability to achieve the second of the Core City Strategies (i.e., creating a Cultural District) could not be realized as long as the RMP remains in place, occupying land that could otherwise be visually and functionally integrated into the Cultural District. Also, without the streetscape improvements proposed along Third Street between Main Street and Pine Avenue as part of this Project, the last of the five Core City Strategies listed (i.e., improvements along the Third Street Precinct) would likely not be achieved, at least for that portion of the district.

In terms of zoning, it is unlikely that any of the zoning classifications that exist within the Project Study Area would be changed or otherwise affected if the proposed Project were not to be constructed or implemented.

Build Alternative

The most obvious Core City Strategy that would be achieved as a result of the proposed Project is that of reconnecting the City with its waterfront, at least within the Project Study Area. In fact, this strategy could only be achieved as a direct result of the Project. The potential for achieving the Core City Strategy of creating a Cultural District is also very closely connected and largely dependent on the proposed Project, given the removal of the existing RMP, the existing multi-use paved Robert Moses Parkway Trail and the existing closed portion of Whirlpool Street between Walnut Avenue and Spruce Avenue, in the midst of such a district. The Project would better integrate the existing features within the district (i.e., the Discovery Center and the Aquarium), provide more available land that could be functionally used as part of the district, and improve visual and functional conditions along Third and Whirlpool Streets, thereby making adjacent areas more attractive for uses that could contribute to the viability of the district. However, it should be noted that the land use recommendations of a municipal comprehensive plan do not apply to land areas in which a local government does not have direct jurisdiction (refer to the property ownerships within the Cultural District as shown on **Figure 4-3**, which indicates that most of the property within the district is, in fact, not locally owned or regulated). Nevertheless, the Comprehensive Plan recommendations regarding the Cultural District and other areas of the Project Study Area are recognized in terms of a broad vision, but not as literal steps itemized at the Plan's original adoption in 2009.

Regarding the last of the Core City Strategies presented above (i.e., improvements along the Third Street Precinct), the proposed Project directly addresses and fulfills the City's intent, at least for the portion between Main Street and Pine Avenue. The streetscape improvements that would result as part of the



Third Street reconstruction could potentially attract new development and/or provide the impetus to upgrade existing development along the street. In the case of the other two Core City Strategies mentioned above (i.e., preserving the heritage of the Core City [including Wright Park] and improving the Customs House and North-Main Loft Precinct), the proximity of the proposed Project to these areas could augment their overall attractiveness and indirectly benefit the City's ability to achieve both strategies.

In terms of zoning, the specific districts along Whirlpool Street were created in anticipation of this Project (refer to **Section 2.2.1.1**).

4.2.2. Neighborhoods and Community Cohesion

A number of factors affect the level of cohesion and character of neighborhoods. The presence of public facilities and service providers are positive factors that contribute to a sense of community. The vitality of local businesses and employment opportunities exert a strong influence on community cohesion. The City of Niagara Falls has a number of attractive, stable, well-built neighborhoods, including in the general vicinity of the proposed Project, but as stated previously, these neighborhoods have continued to lose residents in recent decades. Further discussion about the neighborhoods in proximity to the proposed Project is provided below.

4.2.2.1. Community Cohesion

Existing Conditions

In the Project Study Area as defined in **Section 4.1**, there are two major pockets of residential development, as well as one smaller and self-contained pocket. The largest area of residential development begins near the southern end of the study area where Third Street intersects with Main Street. Continuing north, this neighborhood occupies much of the land between Third Street and Main Street, and then between Whirlpool Street and Main Street up to Cleveland Avenue. Although the buildings fronting directly onto Main Street and portions of Third and Whirlpool Streets are primarily commercial or mixed use, along the cross streets connecting Third and Whirlpool Streets to Main Street, the residential development is mostly continuous. A sizable extension of this neighborhood also exists on the east side of Main Street, to a point as far north as the intersection of Portage Avenue with Main Street. This neighborhood primarily consists of single-family and two-family homes.

The second major area of residential development is near the northern end of the Project Study Area between Spring Street and Findlay Drive. This three-block area is almost solid residential development between Whirlpool Street and Main Street, and is where most of the homes that front directly onto Whirlpool Street and Main Street in the study area are located. This neighborhood of mostly single-family homes appears to be an extension of a much larger neighborhood located to the east of Main Street. For the homes fronting on Whirlpool Street, its surroundings include a band of open space extending from the other side of the street to the existing RMP. The northern-most homes close to Findlay Drive also have a



narrow band of open space affiliated with that roadway's right-of-way along their rear or side yards, as well as the partially wooded DeVeaux Woods State Park across the street.

The third and much smaller pocket of residential development is located on the single block between Niagara Avenue and Ontario Avenue, which is north of Cleveland Avenue and the largest pocket of residential development described above. This is a low-rent, high-rise apartment complex serving primarily seniors and physically challenged and disabled individuals. This complex is situated close to Whirlpool Street but faces toward Main Street at a point where Main Street and Whirlpool Street are closest together. Immediately to the north is vacant, undeveloped land while the rear of several commercial buildings is to the south. There is also extensive parking associated with the complex on the property. Further details on this neighborhood are provided in **Section 4.2.3.1** below.

It should be noted that although these three neighborhoods are adjacent to the downtown areas along Third Street and Main Street, they generally do not appear to be within close walking distance to food stores, pharmacies or other types of retail establishments, at least not within or directly adjacent to the Project Study Area. The presence of these types of establishments is often an indication of the cohesiveness of a community. In addition, the lack of direct access to open space and park facilities in these neighborhoods is an indicator that the community as a whole is less cohesive than it could be. Nevertheless, the neighborhoods do appear to possess other qualities and characteristics that would indicate some level of cohesiveness.

Impacts and Mitigation

No-Build Alternative

In general, if the proposed Project were not constructed, the neighborhoods within and adjacent to the Project Study Area would be expected to continue to function in a similar manner as they do currently or have in the recent past. However, if residents within the Project Study Area continue to move out of the city as they have been doing in recent decades, the likelihood of home abandonment and/or rental residency could increase. Based on feedback received at a neighborhood meeting held with Whirlpool Street and other residents near the Findlay Drive intersection on July 15, 2015, a relatively high percentage of the homes in the area already house rental populations.

Although the recreational lands along the RMP and the Niagara Gorge rim within the Project Study Area is available for recreational use by local populations, accessibility to the recreational lands from those neighborhoods would continue to be difficult along much of its length. Due to the difficulties and lack of direct access in this regard, the opportunities for local populations to take full advantage of this unique, close-to-home resource is greatly lessened from what it could be. The RMP, its right-of-way fencing, safety walls along portions of Whirlpool Street, areas of thick vegetation growth, grade changes and other obstructions would continue to restrict pedestrian and/or bicycle traffic between the neighborhoods and the recreational lands along the Niagara Gorge rim.



Build Alternative

Construction of the proposed Project, including removal of the RMP and reconstruction of Third Street and Whirlpool Street, is not likely to significantly curtail home abandonment or transition of the area to a higher renter-occupied neighborhood. However, by offering increased opportunities to enjoy the benefits of having a desirable recreational property and associated facilities nearby, and by providing attractive streetscape improvements along a portion of Third Street and the full length of Whirlpool Street could certainly enhance residents' overall quality of life and give them new reasons to remain settled within these neighborhoods. In these regards, the proposed Project would provide benefits to the neighborhoods as a whole within the Project Study Area and could actually improve their overall sense of cohesiveness.

For those residences that directly front on Third Street between Main Street and Pine Avenue near the south end and on Whirlpool Street between Spring Street and Findlay Drive near the north end, improvements are proposed as part of the reconstruction design of those streets in order to minimize any perceived effect that may result from an increase in traffic volume. In both areas, designated parking lanes are proposed along the east side of the street to ensure that parking would continue to be available for the residents of those homes. In fact, the on-street parking along Third Avenue is proposed to continue northward along Whirlpool Street where homes actually front on the cross streets but are close to Whirlpool Street. Both areas would be provided with grass buffers (known as verge areas) between the sidewalks and the parking lanes, and in the case of the neighborhood along Whirlpool Street at the north end, these verge areas would be substantially wider than they are at present, since there is sufficient room available at that location to design them in this manner.

Although there could be concerns about the increase of traffic along Third and Whirlpool Streets as a result of diversion from the RMP, the increase would not result in significant impacts to the neighborhoods, including those residences directly fronting on Third and Whirlpool Streets (refer to **Section 3.3.1.7.(1)**).

These traffic levels would not result in back-ups or unacceptable delays along either Third Street or Whirlpool Street under the Build Alternative. Alternatively, the proposed on-street parking and curbing bump-outs, along with proper signage, would tend to calm traffic along this route so as to ensure that the speed limit can be maintained. Based on these low traffic levels using Third Street and Whirlpool Street under the Build Alternative and the proposed traffic calming techniques to be employed, the neighborhoods immediately adjacent to these streets will not be negatively impacted from a cohesiveness perspective. In fact, as mentioned above, cohesiveness of the neighborhoods as a whole within the Project Study Area is expected to improve from the proposed Project.



4.2.2.2. Home and Business Relocations

Existing Conditions

There are no residences directly adjacent to the RMP in the Project Study Area. The only private business that directly abuts the RMP in the Project Study Area is a hotel located on Main Street at its southern terminus.

The RMP was constructed on and/or adjacent to public properties owned by a variety of agencies and jurisdictions including State Parks, NYPA, NYSDOT, NFBC, the County of Niagara or the City of Niagara Falls. The property ownerships by jurisdiction, as well as those properties that are in private ownership along the RMP, are depicted in **Figures 4-4a through 4-4c**.

Located adjacent to Third and Whirlpool Streets, both of which are proposed to be reconstructed within the Project Study Area, are numerous residential properties along most of their lengths, as well as a few commercial properties. Although the residences along Third Street near the south end of the Project Study Area and along Whirlpool Street near Findlay Drive at the north end directly front onto these streets, the residences along many of the areas in between actually front on the cross streets that intersect with Whirlpool Street.

Impacts and Mitigation

No-Build Alternative

No residences or businesses would be relocated if the Project is not constructed, and no private properties would be acquired.

Build Alternative

No private properties, either in their entirety or in part, would be acquired via purchase, lease or easement, and no residences or businesses would require relocation. All construction related to the proposed Project, including removal of the RMP, reconstruction of Third Street and Whirlpool Street, and improvements to the recreational lands on both sides of the RMP would be fully contained within public properties owned and/or operated by State Parks, NYPA, NYSDOT, the Niagara Falls Bridge Commission, the County of Niagara or the City of Niagara Falls. Any conveyance of property required to accommodate the Project construction would be performed via agreement between those agencies, as appropriate.

Figure 4-4a – Property Ownerships along the Robert Moses Parkway - South

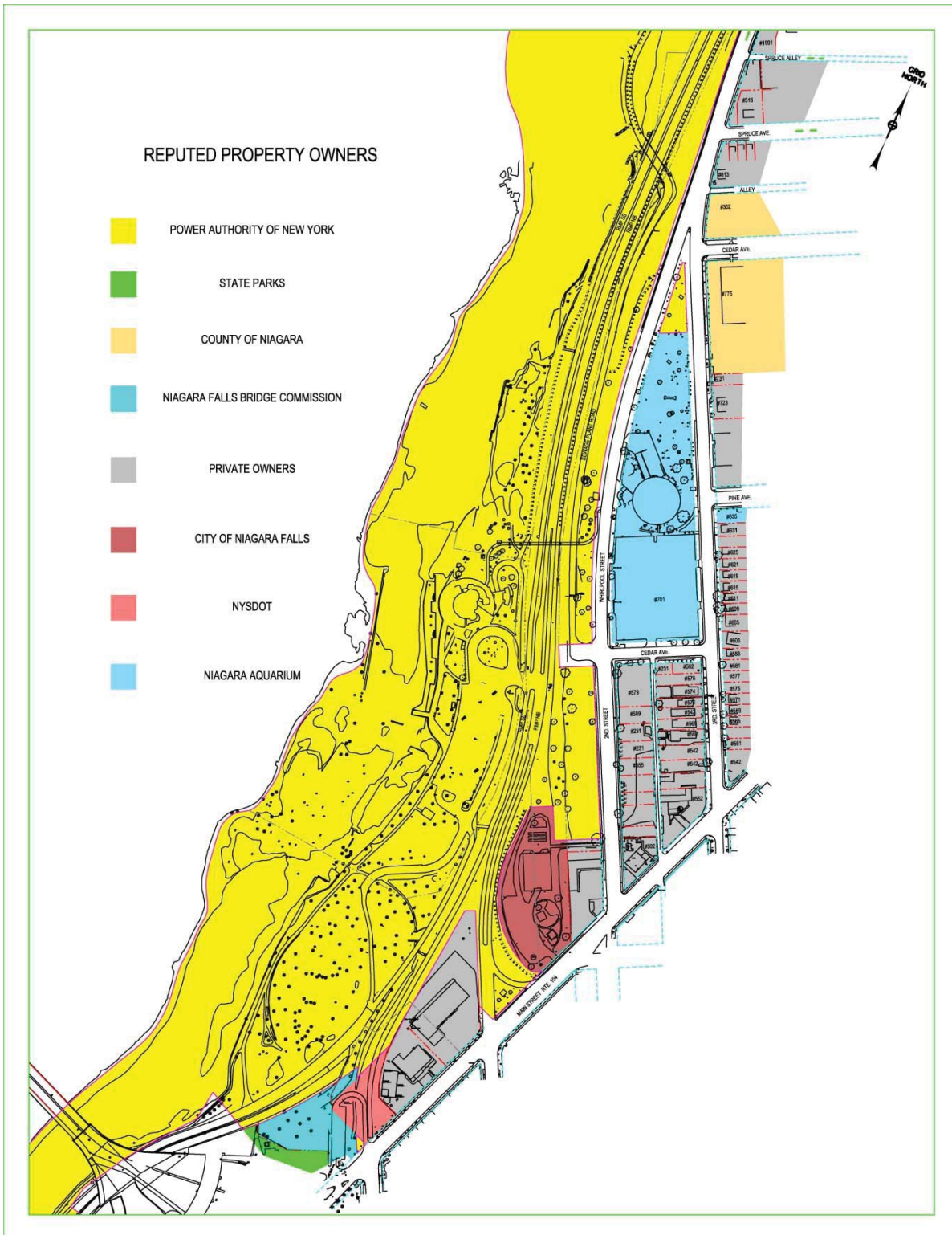


Figure 4-4b – Property Ownerships along the Robert Moses Parkway - Central

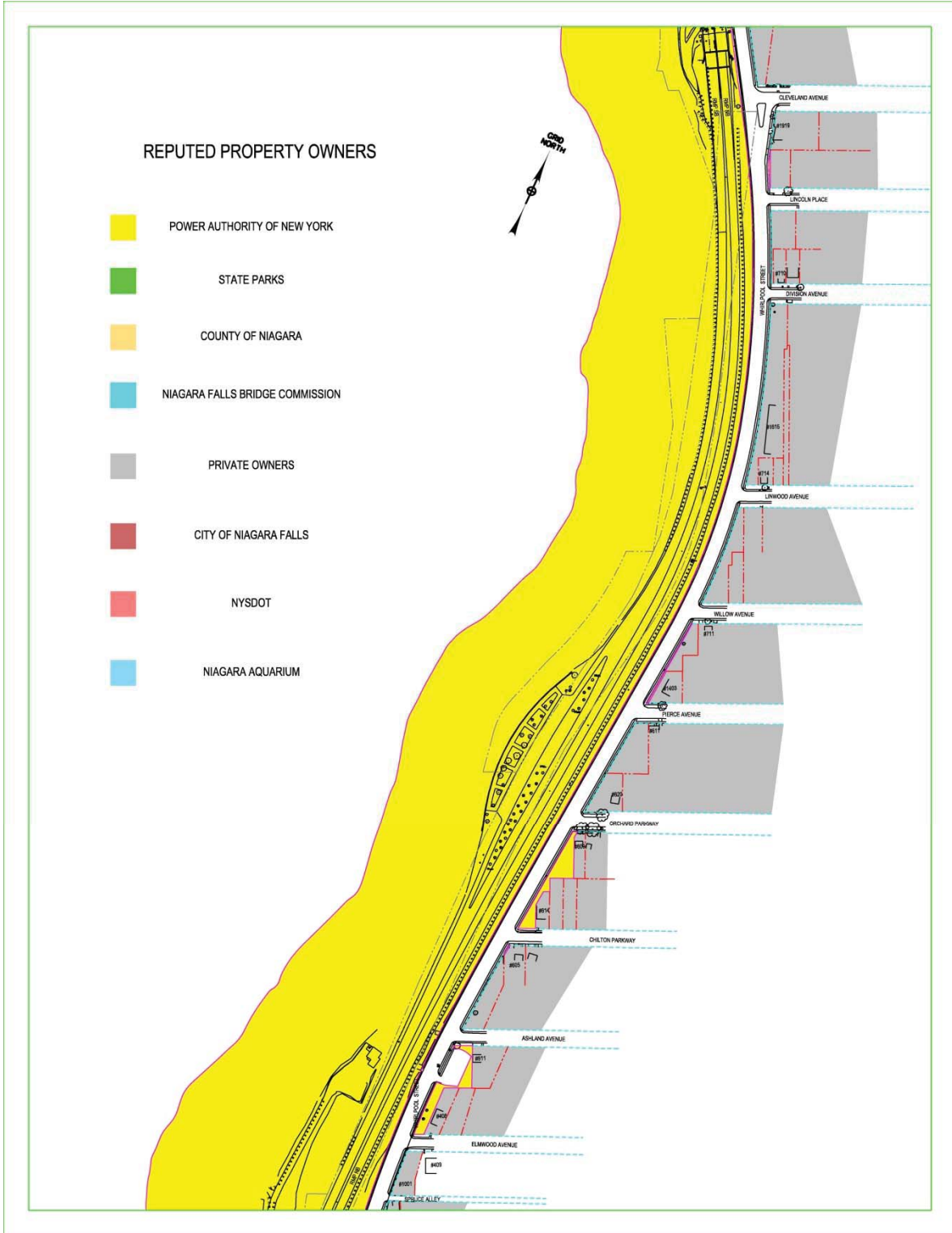
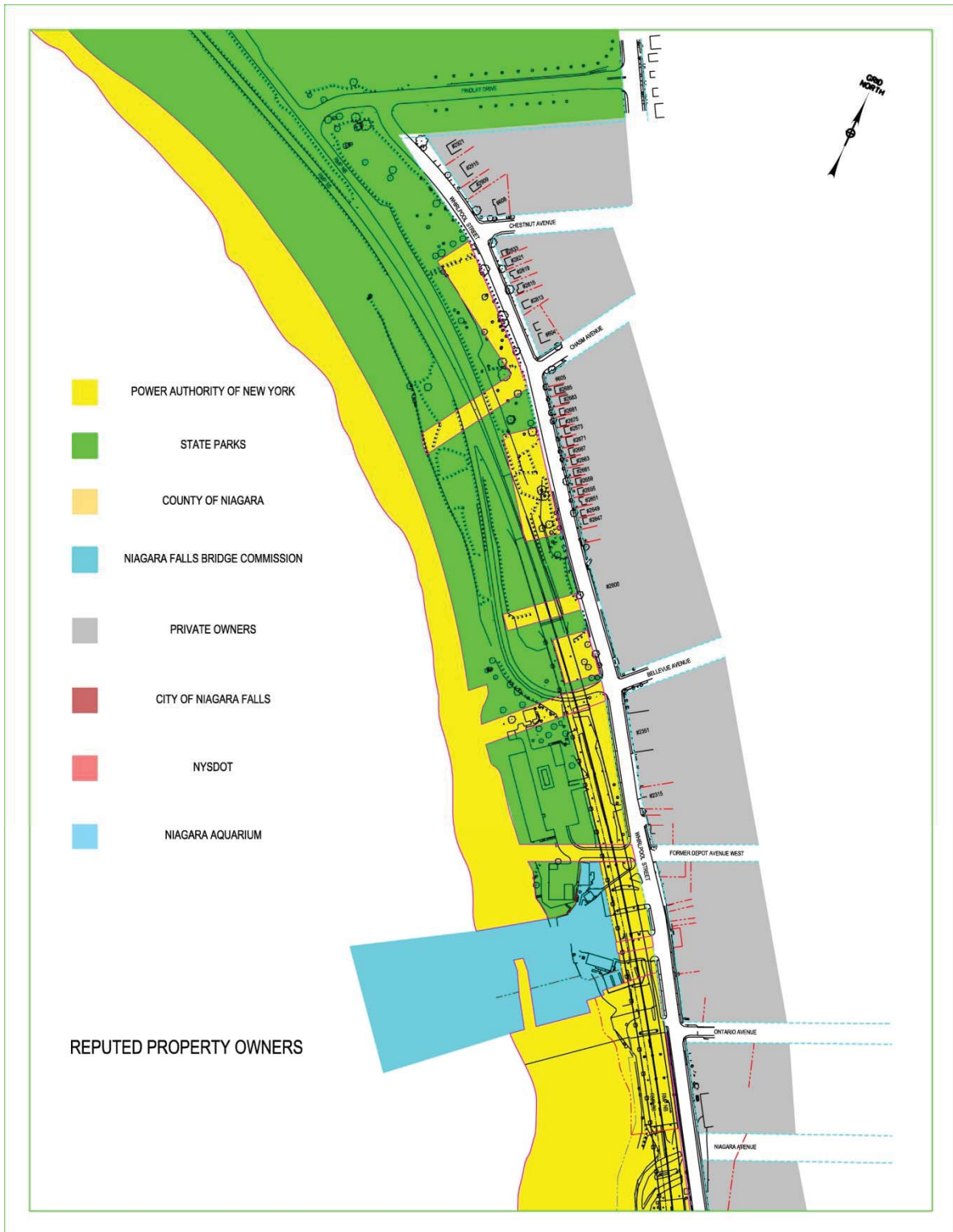


Figure 4-4c – Property Ownerships along the Robert Moses Parkway – North



4.2.3. Social Groups Benefited or Harmed

4.2.3.1. Elderly and/or Disabled Persons or Groups

Existing Conditions

Elderly population (i.e., 65 years old and above) accounts for 15.5% of the total population within the City of Niagara Falls, according to the 2010 U.S. Census. The three Census Tracts that include the Project Study Area within their boundaries (i.e., 201, 205 and 211) exhibit a very similar elderly composition, accounting for 15.7% of the total population of those tracts combined. When assessing the elderly composition at an even finer level, the result is the same (i.e., 15.5% of total population) for the Census Blocks that comprise the Project Study Area as defined in **Section 4.1**.

Within the Project Study Area, the Henry E. Wrobel Towers provide 250 low-rent, one bedroom units for elderly residents, as well as physically challenged and disabled individuals. This complex is one of two such facilities constructed and operated by the Niagara Falls Housing Authority, and has been serving this population group since 1974. The high-rise complex consists of 13 stories and is physically bounded by Whirlpool Street on the west, Ontario Avenue on the north, Main Street on the east and Niagara Avenue on the south. Its address is 800 Niagara Avenue, with access from Main Street. The back of the building is adjacent to and faces toward Whirlpool Street.

Impacts and Mitigation

No-Build Alternative

If the proposed Project were not constructed, any elderly or disabled populations living in the Project Study Area or beyond would generally continue to have the same level of services available to them that exist today. There would be no change in that regard.

Build Alternative

If the proposed Project is constructed, any elderly or disabled populations living in the Project Study Area or beyond would generally continue to have the same level of services available to them that exist today. However, the removal of the RMP and other access impediments to and from, as well as within the recreational lands that run along the Niagara Gorge rim would facilitate the ability of such populations to access the recreational lands and enjoy their recreational benefits. This is especially true at the Wrobel Towers where the RMP is presently elevated on viaduct and fencing runs along much of Whirlpool Street below. With the proposed removal of the RMP, the streetscape improvements to Whirlpool Street and the access trails within the recreational lands, the residents of Wrobel Towers would have increased opportunity to access the Gorge rim in comparison to what they have today.

In addition, the removal of the RMP's elevated viaduct at Wrobel Towers would substantially improve the view from the windows of many of the high-rise apartment units.



4.2.3.2. Transit Dependent, Pedestrians and Bicyclists

Existing Conditions

There is no specific information that is known to exist about transit-dependent populations and/or pedestrian and bicycle use within the Project Study Area. However, dependence on these modes as a form of transportation often increases in areas having low income populations. **Section 4.2.3.3** below provides further information about low income and minority populations within the study area.

There are several bus transit routes within or proximate to the study area that are available to serve transit dependent populations as further described in **Section 2.3.2.3**. Although there are no public transit providers operating services along the northern section of the RMP, several local privately-operated tour providers do use the RMP to access attractions in and beyond the proposed Project limits including, but not limited to: several state parks along the lower Niagara River, the historic Village of Lewiston, and Old Fort Niagara in Youngstown. The operations of these private bus carriers are dependent on the season and the specific destination included in a tour package.

Sidewalks generally are available to serve pedestrians within residential neighborhoods, including along Main Street, Third Street and Whirlpool Street, as well as along local roadways that intersect with these roads. There are also a few bicycle facilities, both on-street and off-street, that serve the Project Study Area, including the Robert Moses Parkway Trail along the abandoned southbound lanes of the RMP, which also serves pedestrian traffic.. Further details about existing pedestrian and bicycle facilities in and near the study area are provided in **Sections 2.3.2.1** and **2.3.2.2**, respectively.

Impacts and Mitigation

No-Build Alternative

If the proposed Project were not constructed, the same transit services and routes that exist today would likely still exist. The same bicycle and pedestrian facilities, including the Robert Moses Parkway Trail, would also continue to exist and be accessed from only the three existing access points within the Project Study Area (i.e., via Main Street / Rainbow Boulevard at the south end of the Project; a pedestrian bridge at the Aquarium of Niagara; and the converted RMP off-ramp below the RMP viaduct near the Whirlpool Bridge). An additional point of access, however, is located north of the Project Study Area at the at-grade pedestrian crosswalk between Whirlpool and DeVeaux Woods State Parks.

Build Alternative

If the proposed Project is constructed, the same transit services and routes that exist today would likely still exist. This is especially true since commercial and/or public bus services, other than tour buses, do not currently use the RMP. It is anticipated that the tour buses would generally use the adjacent reconstructed Whirlpool Street once the RMP is removed within the Project Study Area.

In terms of bicycle and pedestrian facilities, the proposed Project includes the development and construction of an improved connectivity system within the Gorge rim recreational lands, including a new



13'-wide multi-use trail system along the entire length of the recreational lands within the Project Study Area. The one exception is in the vicinity of the Whirlpool Bridge, where the adjacent lands are currently used for customs services and park maintenance, and are potentially proposed to accommodate future bridge plaza improvements. At that location, bicyclists and pedestrians would be directed to use the newly-reconstructed Whirlpool Street and/or its sidewalk for a short distance before reconnecting with the new multi-use trail within the recreational lands. Along the entire length of the multi-use trail, there would be various connecting points provided between the trail and Whirlpool Street. This connectivity between the new multi-use trail system and the adjacent neighborhood would enhance the experience of the pedestrian and bicyclists which were previously cut off from this access.

Along the east side of reconstructed Whirlpool Street, new sidewalks would be constructed along its entire length within the Project Study Area such that existing pedestrian movements along the street would not be interrupted and would provide them access to the trail system at those connecting points noted above.

4.2.3.3. Low Income, Minority and Ethnic Groups (Environmental Justice)

Existing Conditions

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority and low-income populations. The Presidential Memorandum that accompanied the Executive Order recognizes the importance of procedures under NEPA to identify and address environmental justice concerns. The memorandum states that each federal agency shall analyze the environmental effects, including human health, economic and social effects, of federal actions, including effects on minority and low-income communities.

Subsequent orders, including the *Final DOT Environmental Justice Order* (Order 5610.2(a)) and *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Order 6640.23A) provide further directives to promote the principles of environmental justice in all NYSDOT/FHWA programs, policies and activities.

The first step in conducting an Environmental Justice (EJ) assessment is to identify “populations of concern” within the vicinity of the proposed Project or zone of influence. The EJ Study Area incorporates the Project Study Area established for assessing other social impacts related to the proposed Project, as defined in **Section 4.1**. However, it has been expanded beyond the limits of the Project Study Area in order to ensure that the minor traffic diversions along Main Street / Lewiston Road are fully considered in terms of potential effect on EJ populations. In this regard, the eastern boundary line has been extended to include the entirety of each Census Block Group as used by the U.S. Census that is contained within the Project Study Area and touches on or includes Main Street / Lewiston Road. Since several of the Block Groups extend eastward beyond the limits of the Project Study Area at Main Street, the eastern boundary



of the EJ Study Area follows the eastern limits of those Block Groups. At the northern end of the Project, a separate Block Group that touches on Main Street / Lewiston Road but is located entirely to the east of it has also been included in the EJ Study Area. **Figure 4-5** depicts the EJ Study Area as it relates to the several Block Groups and other U.S. Census study levels.

The EJ Study Area allows an assessment of existing racial and ethnic populations, as well as poverty characteristics to be performed in an effort to identify the potential for disproportionate impacts to minority and/or low income populations living in relative proximity to the Project. In this regard, the assessment of racial and ethnic composition within the EJ Study Area has been performed down to an individual Census Block level, which is the smallest and most specific level available from the 2010 U.S. Census.

Racial and ethnic distributions were also collected and have been presented for entire Census Tracts as well. Each Census Tract contains its own set of Census Blocks and Block Groups. The EJ Study Area is entirely contained within Census Tracts 201, 205 and 211, but because these three tracts actually extend well beyond the limits of the EJ Study Area, the total population within these tracts is also greater than that for that study area. The relevant Census Tracts and their relationship to the EJ Study Area are also depicted on **Figure 4-5**.

Figure 4-5 – Environmental Justice Study Area and US Census Designations

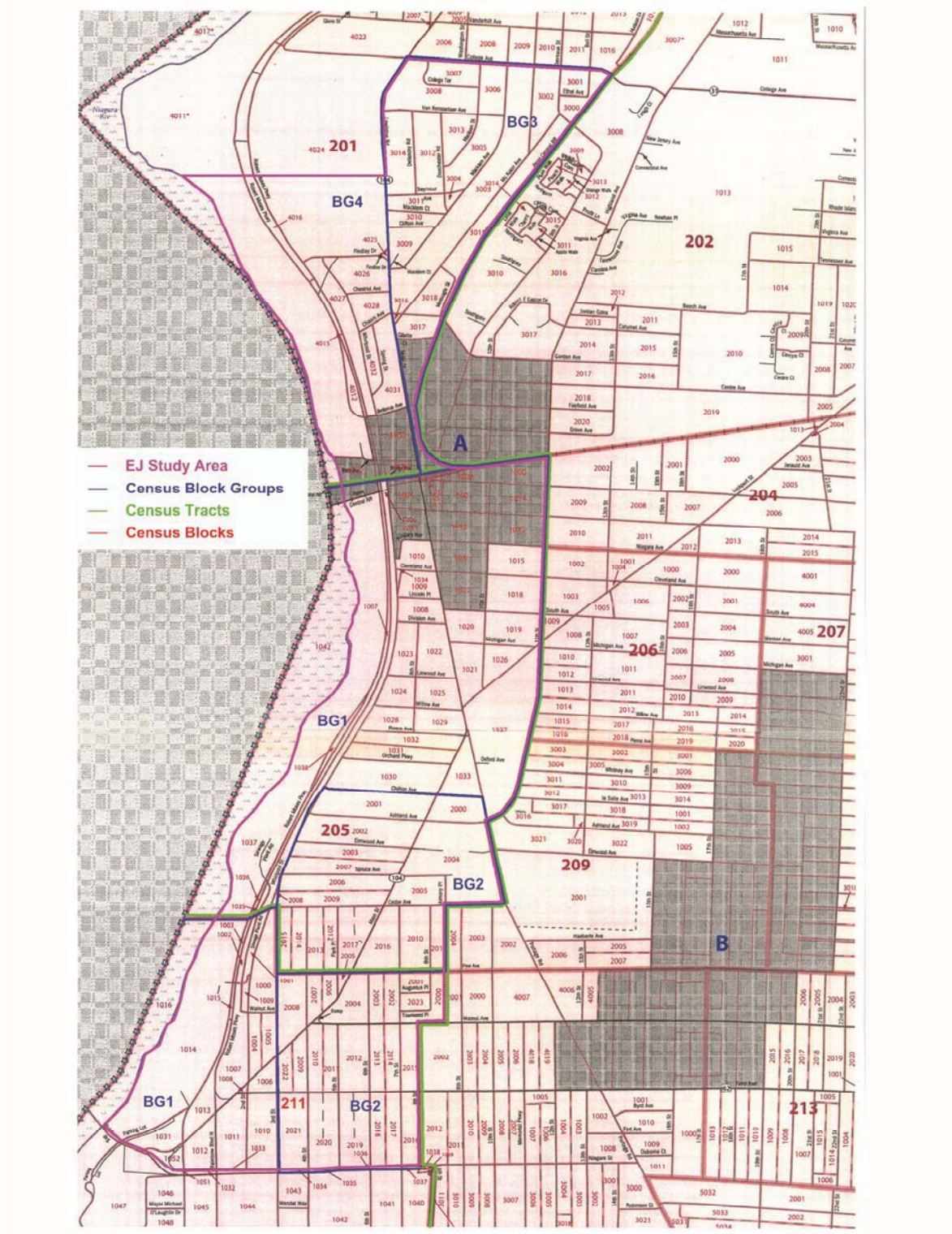




Table 4-1 provides a distribution of racial and ethnic characteristics for the EJ Study Area, as well as for the three relevant Census Tracts individually and combined. For this analysis, racial and ethnic compositions at the City of Niagara Falls and County of Niagara levels have also been determined for purposes of comparison. Specific racial groups of concern for an EJ analysis include Black/African American, American Indian/Alaskan Native, Asian and Native Hawaiian/Other Pacific Islander, while the one ethnic group of concern is Hispanic/Latino.

Table 4-1 – Race and Ethnicity Data for the Project Study Area

| | Niagara County | | City of Niagara Falls | | Census Tracts 201, 205 & 211* | | EJ Study Area | |
|--|----------------|-------|-----------------------|-------|-------------------------------|-------|---------------|-------|
| | Total | % | Total | % | Total | % | Total | % |
| Total Population | 216,469 | 100.0 | 50,193 | 100.0 | 7,484 | 100.0 | 4,730 | 100.0 |
| One Race | 211,802 | 97.8 | 48,242 | 96.1 | 7,216 | 96.4 | 4,513 | 95.4 |
| White | 191,673 | 88.6 | 35,394 | 70.5 | 5,306 | 70.9 | 2,851 | 60.3 |
| Black or African American | 14,851 | 6.9 | 10,835 | 21.6 | 1,543 | 20.6 | 1,389 | 29.4 |
| American Indian and Alaska Native | 2,285 | 1.1 | 977 | 2.0 | 188 | 2.5 | 148 | 3.1 |
| Asian | 1,823 | 0.8 | 609 | 1.2 | 139 | 1.9 | 93 | 2.0 |
| Native Hawaiian and Other Pacific Islander | 62 | 0.0 | 15 | 0.0 | 6 | 0.0 | 6 | 0.1 |
| Some Other Race | 1,108 | 0.5 | 412 | 0.8 | 34 | 0.5 | 26 | 0.5 |
| Two or More Races | 4,667 | 2.2 | 1,951 | 3.9 | 268 | 3.6 | 217 | 4.6 |
| Hispanic or Latino | 4,694 | 2.2 | 1,508 | 3.0 | 239 | 3.2 | 184 | 3.9 |

Source: 2010 U.S. Census.

*Includes Census Tracts 201, 205 and 211 in their entirety, including portions that extend beyond the boundaries of the EJ Study Area.

Note: Shaded columns indicate percentages while unshaded columns indicate absolute numbers.

As shown in **Table 4-1**, the 2010 U.S. Census identified that 60.3% of the population within the EJ Study Area is White, which is somewhat lower than the White population of the three Census Tracts that contain the study area within their boundaries (70.9%) and the comparable City of Niagara Falls as a whole (70.5%). It is also substantially lower than the White population of the entire County of Niagara (88.6%). The next largest racial groups in the study area include Black/African Americans (29.4%) while all other races combined (including American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, Some Other Race and Two or More Races) total 10.3%. The study area percentage of Black/African Americans is notably higher than that within the three Census Tracts combined (20.6%) and the City of Niagara Falls (21.6%), and substantially higher than for the County of Niagara (6.9%). For all other races



combined, the study area's 10.3% is somewhat higher than the 8.5% for the three Census Tracts combined, the 7.9% for the City of Niagara Falls and the 4.6% for the County of Niagara.

In terms of the ethnic Hispanic/Latino population, which includes multiple races, approximately 3.9% of the EJ Study Area population is classified as that group. This percentage is not significantly different from that of the three Census Tracts combined (3.2%), the City of Niagara Falls (3.0%) or the County of Niagara (2.2%). These percentages are also presented in **Table 4-1**.

Executive Order 12898 requires Federal Actions to evaluate any disproportionately high or adverse environmental and human health effects on minority and low-income populations. For the purposes of this EJ analysis, a "minority community" is considered to be any geographic area where: (1) the minority population of the affected area is greater than 50%, or (2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate geographic area of analysis. The 2010 U.S. Census data for the following geographic areas were used to analyze effects of the proposed Project with respect to minority populations:

- County of Niagara;
- City of Niagara Falls;
- Census Tracts 201, 205 and 211 individually and combined; and
- All individual Census Blocks comprising the EJ Study Area that actually contain a residential population (see **Figure 4-5** for locations of all Census Blocks, both with and without residential populations, included in the study area.

Table 4-2 shows the racial and ethnic compositions of the individual affected Census Blocks in the EJ Study Area. To provide regional context, the same indicators are presented for the City of Niagara Falls and the County of Niagara. As indicated, none of the three Census Tracts as a whole exhibit a non-white population in excess of 50%, although two of them (205 and 211) have non-white populations of 44.4% and 46.9%, respectively. In terms of the individual Census Blocks contained within the Project Study Area, the percentage of non-white population is variable, with fewer than half of the Census Blocks exceeding 50%. Most of the Census Blocks that do exhibit greater than 50% non-white populations are situated to the east of Main Street (see **Figure 4-6**). In combination, all of the Census Blocks comprising the EJ Study Area exhibit a non-white population of 39.7%. In comparison, the non-white population for the City of Niagara Falls and the County of Niagara comprises 29.5% and 11.4%, respectively.



Table 4-2 – Minority Population in the Project Study Area

| Geographic Unit | Total Population | White* | | Total Non-White Population** | | Hispanic or Latino | |
|-----------------------------------|------------------|---------|-------|------------------------------|-------|--------------------|------|
| | Total | Total | % | Total | % | Total | % |
| Niagara County | 216,469 | 191,673 | 88.6 | 24,796 | 11.4 | 4,694 | 2.2 |
| City of Niagara Falls | 50,193 | 35,394 | 70.5 | 14,799 | 29.5 | 1,508 | 3.0 |
| Census Tract 201 (entire) | 3,619 | 3,197 | 88.3 | 422 | 11.7 | 67 | 1.8 |
| Census Tract 201 (EJ Study Area)) | 1,309 | 1,070 | 81.7 | 239 | 18.3 | 37 | 2.8 |
| Block 4024 | 29 | 29 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 4026 | 45 | 37 | 82.2 | 8 | 17.8 | 0 | 0.0 |
| Block 4028 | 42 | 37 | 88.1 | 5 | 11.9 | 0 | 0.0 |
| Block 4031 | 27 | 20 | 74.1 | 7 | 25.9 | 0 | 0.0 |
| Block 4032 | 23 | 19 | 82.6 | 4 | 17.4 | 0 | 0.0 |
| Block 3000 | 17 | 14 | 82.4 | 3 | 17.6 | 0 | 0.0 |
| Block 3001 | 12 | 10 | 83.3 | 2 | 16.7 | 0 | 0.0 |
| Block 3002 | 74 | 61 | 82.4 | 13 | 17.6 | 6 | 8.1 |
| Block 3003 | 372 | 284 | 76.3 | 88 | 23.7 | 21 | 5.6 |
| Block 3005 | 65 | 51 | 78.5 | 14 | 21.5 | 0 | 0.0 |
| Block 3006 | 52 | 52 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 3007 | 6 | 6 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 3008 | 55 | 50 | 90.9 | 5 | 9.1 | 0 | 0.0 |
| Block 3009 | 50 | 44 | 88.0 | 6 | 12.0 | 4 | 8.0 |
| Block 3010 | 34 | 33 | 97.1 | 1 | 2.9 | 0 | 0.0 |
| Block 3011 | 17 | 17 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 3012 | 71 | 71 | 100.0 | 0 | 0.0 | 1 | 0.0 |
| Block 3013 | 38 | 38 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 3014 | 55 | 41 | 74.5 | 14 | 25.5 | 1 | 7.8 |
| Block 3015 | 131 | 99 | 75.6 | 32 | 24.4 | 0 | 0.0 |
| Block 3017 | 27 | 11 | 40.7 | 16 | 59.3 | 4 | 14.8 |
| Block 3018 | 67 | 46 | 68.7 | 21 | 31.3 | 0 | 0.0 |
| Census Tract 205 (entire) | 2,274 | 1,264 | 55.6 | 1,010 | 44.4 | 93 | 4.1 |
| Census Tract 205 (EJ Study Area) | 2,272 | 1,262 | 55.6 | 1,010 | 44.4 | 93 | 4.1 |
| Block 1001 | 24 | 5 | 20.8 | 19 | 79.2 | 3 | 12.5 |
| Block 1002 | 12 | 0 | 0.0 | 12 | 100.0 | 0 | 0.0 |
| Block 1008 | 22 | 13 | 59.1 | 9 | 40.9 | 0 | 0.0 |
| Block 1009 | 28 | 15 | 53.6 | 13 | 46.4 | 0 | 0.0 |
| Block 1011 | 261 | 138 | 52.9 | 123 | 47.1 | 5 | 1.9 |
| Block 1012 | 134 | 28 | 20.9 | 106 | 79.1 | 7 | 5.2 |
| Block 1013 | 16 | 5 | 31.2 | 11 | 68.8 | 1 | 6.2 |
| Block 1014 | 6 | 2 | 33.3 | 4 | 66.7 | 0 | 0.0 |



| Geographic Unit | Total Population | White* | | Total Non-White Population** | | Hispanic or Latino | |
|---|------------------|------------|-------------|------------------------------|-------------|--------------------|------------|
| | Total | Total | % | Total | % | Total | % |
| Block 1015 | 25 | 13 | 52.0 | 12 | 48.0 | 0 | 0.0 |
| Block 1016 | 15 | 2 | 13.3 | 13 | 86.7 | 2 | 15.4 |
| Block 1018 | 30 | 13 | 43.3 | 17 | 56.7 | 2 | 6.7 |
| Block 1019 | 7 | 3 | 6.4 | 55 | 93.6 | 3 | 6.4 |
| Block 1020 | 10 | 1 | 10.0 | 9 | 90.0 | 0 | 0.0 |
| Block 1021 | 6 | 0 | 0.0 | 6 | 100.0 | 0 | 0.0 |
| Block 1022 | 20 | 7 | 35.0 | 13 | 65.0 | 0 | 0.0 |
| Block 1023 | 54 | 16 | 29.6 | 38 | 70.4 | 2 | 3.7 |
| Block 1024 | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 1025 | 22 | 7 | 31.8 | 15 | 68.2 | 0 | 0.0 |
| Block 1028 | 59 | 44 | 74.6 | 15 | 25.4 | 7 | 11.9 |
| Block 1029 | 52 | 12 | 23.1 | 40 | 76.9 | 3 | 5.8 |
| Block 1030 | 139 | 92 | 66.2 | 47 | 33.8 | 12 | 8.6 |
| Block 1031 | 54 | 48 | 88.9 | 6 | 11.1 | 0 | 0.0 |
| Block 1032 | 49 | 28 | 57.1 | 21 | 42.9 | 3 | 6.1 |
| Block 1033 | 26 | 16 | 61.5 | 10 | 38.5 | 0 | 0.0 |
| Block 2000 | 47 | 30 | 63.8 | 17 | 36.2 | 0 | 0.0 |
| Block 2001 | 121 | 88 | 72.7 | 33 | 27.3 | 6 | 5.0 |
| Block 2002 | 117 | 79 | 67.5 | 38 | 32.5 | 8 | 6.8 |
| Block 2003 | 60 | 26 | 43.3 | 34 | 56.7 | 0 | 0.0 |
| Block 2004 | 207 | 168 | 81.2 | 39 | 18.8 | 4 | 1.9 |
| Block 2005 | 79 | 35 | 44.3 | 44 | 55.7 | 6 | 7.6 |
| Block 2006 | 86 | 50 | 58.1 | 36 | 41.9 | 4 | 4.6 |
| Block 2007 | 48 | 31 | 64.6 | 17 | 35.4 | 7 | 14.6 |
| Block 2009 | 71 | 58 | 81.7 | 13 | 18.3 | 1 | 1.4 |
| Block 2010 | 88 | 30 | 34.1 | 58 | 65.9 | 2 | 2.3 |
| Block 2011 | 34 | 9 | 26.5 | 25 | 73.5 | 2 | 5.9 |
| Block 2012 | 31 | 28 | 90.3 | 3 | 9.7 | 1 | 3.2 |
| Block 2013 | 37 | 33 | 89.2 | 4 | 10.8 | 1 | 2.7 |
| Block 2014 | 29 | 25 | 86.2 | 4 | 13.8 | 0 | 0.0 |
| Block 2015 | 10 | 3 | 30.0 | 7 | 70.0 | 1 | 10.0 |
| Block 2016 | 24 | 21 | 87.5 | 3 | 12.5 | 0 | 0.0 |
| Block 2017 | 15 | 13 | 86.7 | 2 | 13.3 | 0 | 0.0 |
| Census Tract 211 (entire) | 1,591 | 845 | 53.1 | 746 | 46.9 | 79 | 5.0 |
| Census Tract 211 (EJ Study Area) | 1,149 | 517 | 45.0 | 632 | 55.0 | 54 | 4.7 |
| Block 1005 | 22 | 15 | 68.2 | 7 | 31.8 | 0 | 0.0 |
| Block 1010 | 9 | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Block 2000 | 28 | 11 | 39.3 | 17 | 60.7 | 5 | 17.9 |
| Block 2001 | 19 | 14 | 73.7 | 5 | 26.3 | 0 | 0.0 |
| Block 2002 | 49 | 13 | 26.5 | 36 | 73.5 | 5 | 10.2 |



| Geographic Unit | Total Population | White* | | Total Non-White Population** | | Hispanic or Latino | |
|-----------------------------|------------------|--------------|-------------|------------------------------|-------------|--------------------|------------|
| | Total | Total | % | Total | % | Total | % |
| Block 2003 | 35 | 12 | 34.3 | 23 | 65.7 | 2 | 5.7 |
| Block 2004 | 6 | 4 | 66.7 | 2 | 33.3 | 0 | 0.0 |
| Block 2007 | 30 | 21 | 70.0 | 9 | 30.0 | 2 | 6.7 |
| Block 2008 | 107 | 62 | 57.9 | 45 | 42.1 | 7 | 6.5 |
| Block 2009 | 43 | 11 | 25.6 | 32 | 74.4 | 0 | 0.0 |
| Block 2010 | 54 | 19 | 35.2 | 35 | 64.8 | 5 | 9.3 |
| Block 2011 | 38 | 30 | 78.9 | 8 | 21.1 | 0 | 0.0 |
| Block 2012 | 81 | 30 | 37.0 | 51 | 63.0 | 2 | 2.5 |
| Block 2014 | 75 | 14 | 18.7 | 61 | 81.3 | 2 | 2.7 |
| Block 2015 | 69 | 29 | 42.0 | 40 | 58.0 | 4 | 5.8 |
| Block 2016 | 56 | 24 | 42.9 | 32 | 57.1 | 2 | 3.6 |
| Block 2017 | 38 | 9 | 23.7 | 29 | 76.3 | 2 | 5.3 |
| Block 2018 | 46 | 16 | 34.8 | 30 | 65.2 | 0 | 0.0 |
| Block 2019 | 120 | 59 | 49.2 | 61 | 50.8 | 12 | 10.0 |
| Block 2020 | 100 | 58 | 58.0 | 42 | 42.0 | 3 | 3.0 |
| Block 2021 | 71 | 23 | 32.4 | 48 | 67.6 | 1 | 1.4 |
| Block 2022 | 19 | 18 | 94.7 | 1 | 5.3 | 0 | 0.0 |
| Block 2023 | 34 | 16 | 47.1 | 18 | 52.9 | 0 | 0.0 |
| EJ Study Area Totals | 4,730 | 2,851 | 60.3 | 1,879 | 39.7 | 184 | 3.9 |

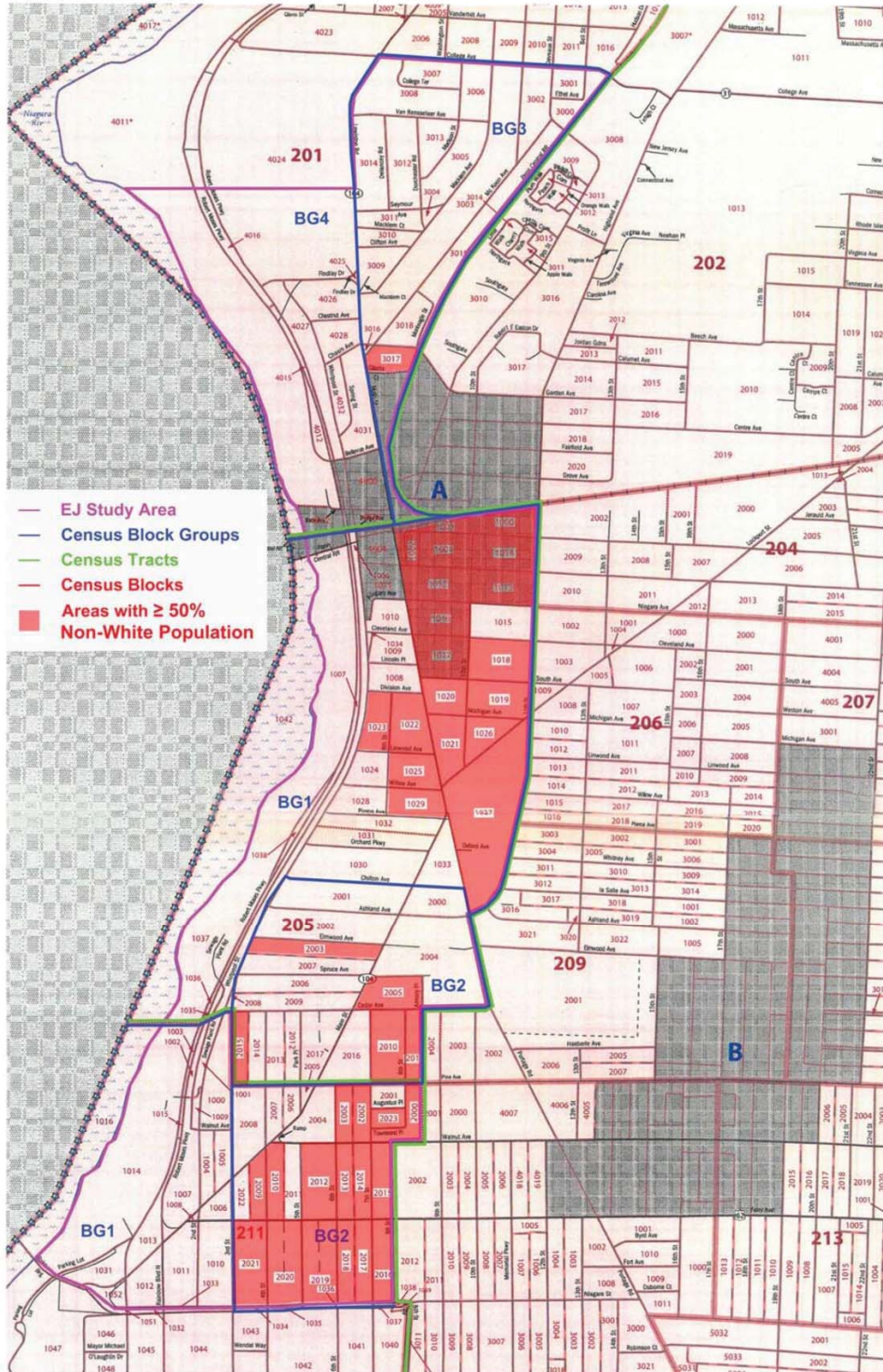
Source: 2010 U.S. Census / CensusViewer.

* Reported as one race

** Includes Black or African American; Asian; American Indian or Alaskan Native; Native Hawaiian or Other Pacific Islander; Some Other Race Alone; and Two or More Races.

Note: Shaded columns indicate percentages while unshaded columns indicate absolute numbers.

Figure 4-6 – Environmental Justice Census Blocks With 50% or Greater Non-White Populations





In terms of the ethnic Hispanic/Latino population in the EJ Study Area, none of the geographic areas studied exhibit greater than 5.0% of such population, with the exception of some of the individual Census Blocks. The highest percentage of Hispanic/Latino population is found in the overall Census Tract 211 (5.0%), followed by Census Tract 205 (4.1%) and the overall EJ Study Area (3.9%). Even at an individual Census Block level, none exhibit Hispanic/Latino populations that exceed 50% of total population and, in fact, none are above 20%. In comparison, the Hispanic/Latino population for the City of Niagara Falls and the County of Niagara comprises 3.0% and 2.2%, respectively.

Similar to the criteria for minority communities, a “low-income community” is considered to be any geographic area where: (1) the percentage of the population of the affected area living below the poverty level is greater than 50%, or (2) the percentage of the population of the affected area living below the poverty level is meaningfully greater than that percentage in the general population or other appropriate geographic area of analysis. Once again, the local population is compared to both the City of Niagara Falls and the County of Niagara in this regard.

Whereas Census Block data were available for the assessment of minority populations, the smallest geographical area available for assessing low-income populations is at a Block Group level, which consists of clusters of Census Blocks. Six of the Block Groups depicted in **Figure 4-5** (i.e., Census Tract 201 – Block Groups 3 and 4; Census Tract 205 – Block Groups 1 and 2; and Census Tract 211 – Block Groups 1 and 2) encompass all of the Census Blocks within the EJ Study Area.

The primary measure of low-income population for an EJ analysis is the Percentage of Individuals Below the Poverty Level. As shown in **Table 4-3**, of the three Census Tracts that contain portions of the EJ Study Area within their boundaries, Census Tract 205 as a whole exhibits the highest percentage of its population living below the poverty level at 38.9%, followed by Census Tracts 211 and 201 at 27.1% and 21.6%, respectively. The total of all three Census Tracts combined shows 28.2% of its population living below the poverty level.

At a Block Group level, the six Block Groups that comprise the EJ Study Area vary from a high of 42.5% of its population living below the poverty level (Census Tract 205, Block Group 1) to a low of 12.4% (Census Tract 201, Block Group 3). The total of all six Block Groups combined shows that 33.0% of the population in the area corresponding with the EJ Study Area boundaries is living below the poverty level. This percentage is 4.8 percentage points higher than the combined total of the three Census Tracts in their entirety (28.2%).

When compared against the entire City of Niagara Falls, which exhibits 24.9% of its population living below the poverty level, the area consisting of the three Census Tracts combined is 3.3 percentage points higher (28.2%), while the EJ Study Area (33.0%) is 8.1 percentage points higher. When comparing the EJ Study Area to the County of Niagara as a whole (13.7% of its population living below the poverty level), the difference increases to 19.3 percentage points.



Table 4-3 – Population Below Poverty Levels

| Geographic Unit | Population for Whom Poverty is Determined | Income in the Past 12 Months Below Poverty Level (Individuals) | Percent of Population Below Poverty Level (%) |
|---|---|--|---|
| County of Niagara | 211,232 | 28,926 | 13.7 |
| City of Niagara Falls | 49,526 | 12,336 | 24.9 |
| Census Tract 201 (entire) | 3,555 | 766 | 21.6 |
| Census Tract 201 (Block Group 3)* | 1,060 | 132 | 12.4 |
| Census Tract 201 (Block Group 4)* | 952 | 358 | 37.6 |
| Census Tract 205 (entire) | 2,326 | 904 | 38.9 |
| Census Tract 205 (Block Group 1)* | 1,183 | 503 | 42.5 |
| Census Tract 205 (Block Group 2)* | 1,143 | 401 | 35.1 |
| Census Tract 211 (entire) | 1,249 | 339 | 27.1 |
| Census Tract 211 (Block Group 1)* | 307 | 61 | 19.9 |
| Census Tract 211 (Block Group 2)* | 942 | 278 | 29.5 |
| Census Tracts 201, 205 and 211 (total) | 7,130 | 2,009 | 28.2 |
| Project Study Area (total of Above Six Block Groups) | 10,114 | 3,334 | 33.0 |

Source: U.S. Census Bureau, 2009 – 2013 5-Year American Community Survey.

*Block Group is included within the EJ Study Area.

NOTE: Shaded column indicates percentages while unshaded columns indicate absolute numbers.

Summary of Existing Conditions

In summary, neither the EJ Study Area nor the broader areas in the vicinity of the study area (i.e., the entire Census Tracts 201, 205 and 211) exhibit minority or low-income populations that exceed 50% of their total populations, although almost 40% of the individual Census Blocks do have non-white populations that exceed 50% of their respective total populations as identified in **Table 4-2** and depicted in **Figure 4-6**. No Census Blocks or Block Groups within the EJ Study Area exceed 50% of their respective populations in terms of either the Hispanic/Latino ethnic group or low income status.

Given the higher percentage of non-white and Hispanic/Latino populations within the EJ Study Area, as well as the higher percentage of its populations living below the poverty level in comparison to both the City of Niagara Falls and the County of Niagara, this Project must be assessed in terms of environmental justice considerations.



Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not result in any changes to human health or environmental effects that may already exist for minority and low-income populations within the EJ Study Area. There would be no change or improvement in the non-continuous direct access that currently exists between these populations and recreational opportunities along the Niagara Gorge rim. There would also be no change in the functional or visual conditions along Third and Whirlpool Streets that would be experienced by those minority and low-income populations living near or adjacent to these roadways. There would also be no potential for any changes in the number of traffic vehicles using either of these two roadways, or any other roadways within the EJ Study Area, except the normal growth in traffic that may occur over time. Any changes of any type that may occur within this study area would be totally unrelated to continuation of the RMP or any aspect of not constructing the proposed Project, and no disproportionately high or adverse effects on minorities or low-income populations would be experienced.

Build Alternative

Project-related impacts to the EJ populations in the EJ Study Area are not anticipated to be significant. The number of vehicles diverting from the RMP to Third and Whirlpool Streets is not anticipated to create major safety problems for, or be particularly disruptive to EJ populations living along those streets or within the EJ Study Area. This is even a truer statement for those EJ populations living along or beyond Main Street, where the diverted traffic would be barely noticeable in general. The relatively minor extent of the traffic diversions along these roadways is presented in **Section 3.3.1.5**. As a result, the impact related to noise and air quality in these neighborhoods would also be negligible.

The Build Alternative would not affect the racial, ethnic or low-income distributions of any of the adjacent or nearby neighborhoods, and would not result in a disproportionately high or adverse impact to EJ populations living in these neighborhoods. In fact, such populations could actually benefit from the proposed Project, given the enhanced and continuous direct access to, from and through the Niagara Gorge rim recreational lands that would be provided. The residents of the EJ Study Area living closest to the existing RMP would likely notice the greatest benefit in this regard due to their proximity to the recreational lands and the improvements to those lands that are proposed as part of the Project.

EJ Public Outreach

Consistent with NYSDOT's commitment to Title VI of the Civil Rights Act of 1964 and Executive Order 12898 regarding EJ, extensive efforts were made to provide minority and low-income communities with meaningful access to public information and involve the public in the development of a reasonable alternative for moving forward through the NEPA process. Information has been shared with and has been solicited from EJ communities regarding the Project. Efforts in these regards are detailed below, while a detailed discussion of all public involvement activities that have occurred regarding the proposed Project is provided in **Section 1.7.3**.



An initial public information meeting on the Project, also referred to as an open house, was held at the Conference and Events Center Niagara Falls at 101 Old Falls Street, Niagara Falls, NY on Thursday, February 19, 2015. The meeting ran from 3:00 PM to 8:00 PM, with a presentation on details of the Project at both 4:00 PM and 6:00 PM. Before and after each presentation, the public was provided with an opportunity to review the latest designs, ask questions informally and provide input to Project designers and agency representatives. Attendance during the five-hour open house totaled 87 people.

The meeting was advertised via a newspaper announcement / article in the *Niagara Gazette* on February 8, 2015. In addition, a meeting announcement in postcard format was mailed out to all residents of the Project Study Area and all names and addresses on the Project mailing list. A total of approximately 1,300 postcards were mailed out.

A special Whirlpool Street neighborhood meeting was held at the DeVeaux Theater in DeVeaux Woods State Park on Wednesday, July 15, 2015. The purpose of the meeting was to provide information and exchange ideas regarding design options for improvements along Whirlpool Street near its intersection with Findlay Drive. The meeting started at 6:30 PM with a formal presentation starting at 7:00 PM. Attendance during the meeting totaled 17 people from the neighborhood. Members of the neighborhood had been invited to the meeting via post cards that were hand delivered by the City of Niagara Falls Planning Department staff to approximately 50 residences along the four blocks of Whirlpool Street between Bellevue Avenue and Findlay Drive.

A second public information meeting on the Project was held at the Conference and Events Center Niagara Falls at 101 Old Falls Street, Niagara Falls, NY on Tuesday, September 15, 2015. The meeting ran from 4:00 PM to 8:00 PM, with a presentation on details of the Project and the ongoing environmental studies for the Project at 6:00 PM. A question and answer session followed the presentation. Before and after the formal presentation and question-and-answer session, the public was provided with the opportunity to review the latest designs, ask questions informally and provide input to Project designers and agency representatives. Attendance during the four-hour public meeting totaled 75 people.

A special effort was made to reach out to the EJ communities in inviting them to attend the September 15 public information meeting. In addition to the announcements in a local newspaper and the invitational postcards mailed out to residents of the EJ Study Area and all names and addresses on the Project mailing list, the Project Team worked with the Niagara Falls Housing Authority to ensure distribution of copies of flyers and posters to specific locations within the EJ Study Area and the City where such populations reside or otherwise interact. Community centers, apartment buildings and public buildings where copies of the flyers and posters were provided for further distribution to local populations living at or visiting these locations include the following:

- Niagara Falls Housing Authority (744 Tenth Street, Niagara Falls, NY)
- Wrobel Towers (800 Niagara Avenue, Niagara Falls, NY)
- Packard Court (4200 Pine Avenue, Niagara Falls, NY)



- Jordon Gardens (2910 Highland Avenue, Niagara Falls, NY)
- Mount St. Mary’s Neighborhood Health Center (3001 Ninth Street, Suite 1, Niagara Falls, NY)
- Beloved Community (1710 Calumet Avenue, Niagara Falls, NY)
- Community Missions (1818 Main Street, Niagara Falls, NY)
- Family and Children’s Services of Niagara (1522 Main Street)
- Niagara County Family Court (775 Third Street, Niagara Falls, NY)
- U.S. Post Office (615 Main Street #1, Niagara Falls, NY)
- Niagara Falls City Hall – Town Clerk’s Office (745 Main Street, Niagara Falls, NY)
- Carolyn’s House YMCA – Niagara (542 Sixth Street, Niagara Falls, NY)

Copies of the flyers and posters were also provided for distribution at two local libraries:

- Earl W. Brydges Branch (1425 Main Street, Niagara Falls, NY)
- LaSalle Branch (8728 Buffalo Avenue, Niagara Falls, NY)

4.2.4. School Districts, Recreational Areas, and Places of Worship

4.2.4.1. School Districts and Schools

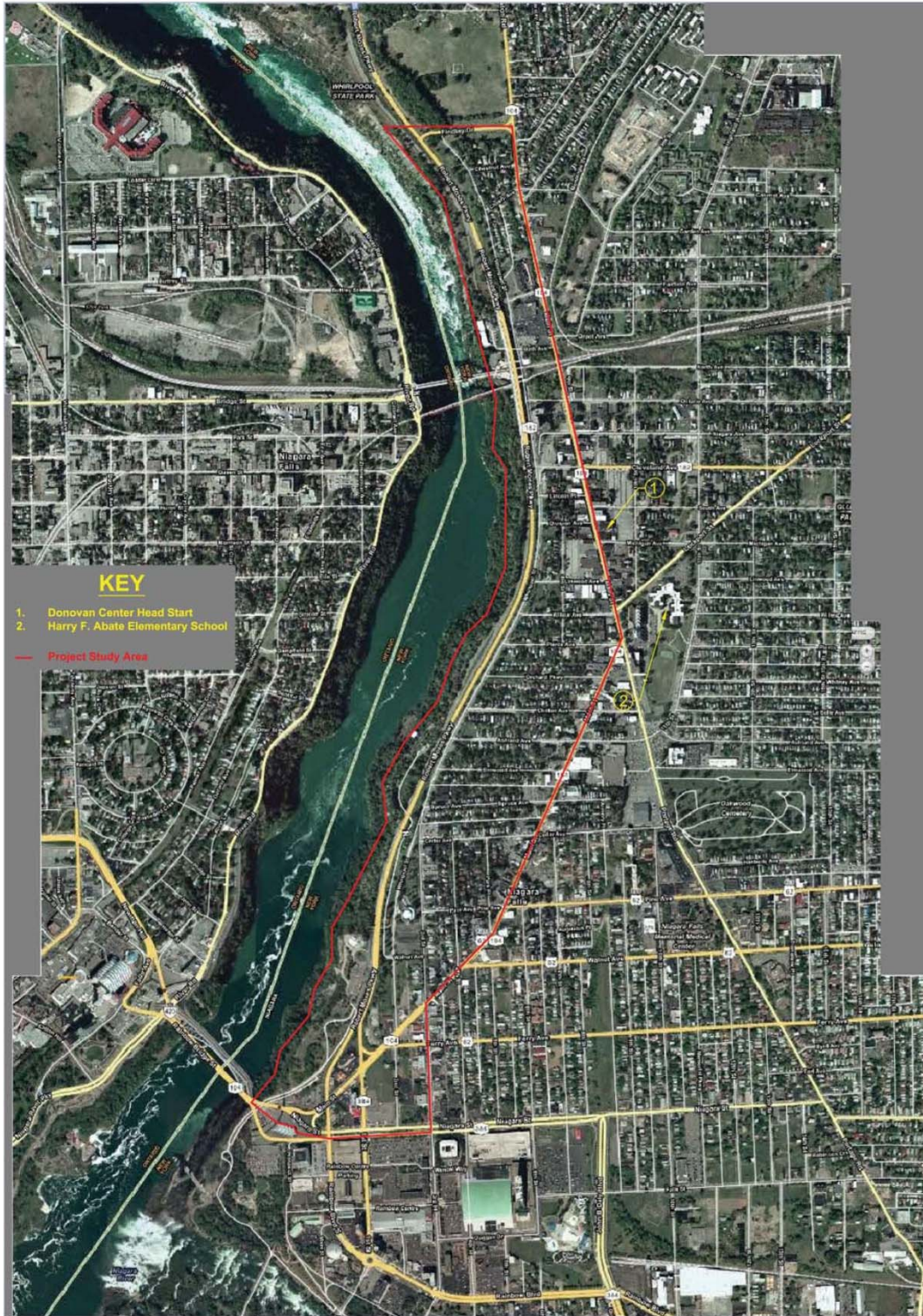
Existing Conditions

The proposed Project is included within the City of Niagara Falls School District, which currently serves 7,100 students in 11 schools throughout the city. Eight elementary schools, two preparatory schools, and the Niagara Falls High School provide instruction from Pre-Kindergarten to Grade 12. It also operates a Community Education Center that serves the community with adult learning programs. Although there are no schools actually located within the Project Study Area as defined at the beginning of **Section 4.1**, there are two schools located in close proximity to the study area as listed in **Table 4-4** and as shown on **Figure 4-7**.

Table 4-4 – Schools in Proximity to the Project Study Area

| No. | Name | Address |
|-----|---------------------------------|---|
| 1 | Harry F Abate Elementary School | 1625 Lockport Street, Niagara Falls, NY |
| 2 | Donovan Center Head Start | 1631 Main Street, Niagara Falls, NY |

Figure 4-7 – Schools In or Near the Project Study Area



Of these two schools, the only one that is actually part of the public school district is the Harry F. Abate Elementary School, located on Lockport Street immediately east of Main Street and abutting the study area. The school serves grades Pre-K through 5. There are no other public schools located in the immediate vicinity of the study area.

Donovan Center, located on the east side of Main Street near its intersection with Michigan Avenue, is a privately-operated preschool facility that is part of the Niagara County Head Start, Inc. system. The school offers instructional programs in reading and math for 3 – 4 year old children, and has a capacity of 20 children. This facility also abuts the study area as defined in **Section 4.1**.

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not affect the two schools noted above.

Build Alternative

The potential concern related to the proposed Project in terms of schools is the additional traffic that may be generated along Main Street where children may need to cross in order to get to and from school. **Table 4-5** below presents the increase in peak hour Build traffic along Main Street in the design year of 2040. This increase is due to the traffic that would otherwise have used the RMP that would divert to Main Street.

**Table 4-5 – Net Increase in Traffic Volumes near
Project Study Area Schools**

| School | Traffic Location | Year | AM | | PM | |
|---|--|------|----|----|----|----|
| | | | NB | SB | NB | SB |
| Abate Elementary School | Main Street (Portage Road to Lockport Road) | 2040 | 12 | 14 | 44 | 18 |
| Abate Elementary School & Donovan Center Head Start | Main Street (Lockport Road to Ontario Avenue) | 2040 | 12 | 14 | 44 | 18 |

These increases are considered to be very minor. This is especially true given that the higher increase is during the PM peak hour which does not coincide with dismissal time for school and given that the two closest intersection crossings to those schools are both signal controlled.

Because of the substantial distance between the proposed roadway improvements and the locations of the two closest schools, there is also not expected to be any construction-related impact during any phase of the proposed construction.



4.2.4.2. Places of Worship

Existing Conditions

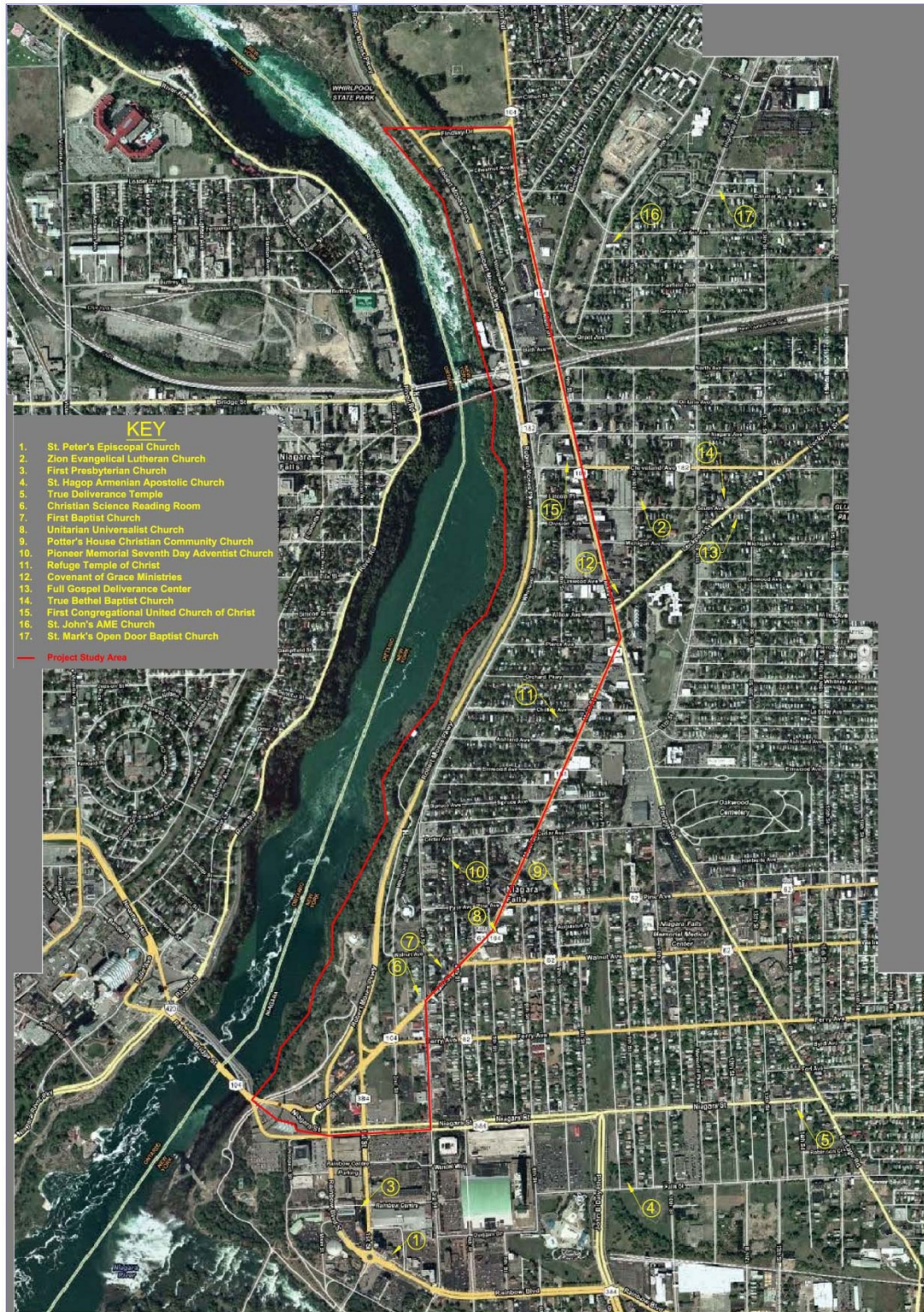
There are 17 Places of Worship identified within or in general proximity to the Project Study Area as delineated on Figure 4-8 and as listed in Table 4-6 below. This is not necessarily a comprehensive list, and may include places of worship that are not currently operating. Of these, only seven are actually located within the boundaries of the study area as defined at the beginning of Section 4.1, or directly abut the study area. Those located within or directly abutting the study area are denoted in the table with an asterisk. All others are further removed from the study area.

Table 4-6 – Places of Worship

Table with 3 columns: ID, Name, Address. Lists 17 places of worship in Niagara Falls, NY, including St. Peter's Episcopal Church, Zion Evangelical Lutheran Church, etc.

Note: Asterisk (*) indicates that the place of worship is within or directly adjacent to the Project Study Area.

Figure 4-8 – Places of Worship in or near Project Study Area





Impacts and Mitigation

No-Build Alternative

No change in usage or other impact at any of the above-listed places of worship is anticipated to occur if the proposed Project were not to be constructed. If a change should occur at any given location, it would be for reasons unrelated to the Project not being constructed.

Build Alternative

The four places of worship that are located closest to the construction improvements associated with the proposed Project are:

- the Christian Science Reading Room on Third Street at the intersection with Main Street;
- the First Baptist Church on Main Street near the intersection with Third Street;
- the Pioneer Memorial Seventh Day Adventist Church on Cedar Avenue, approximately one block from Whirlpool Street; and
- the First Congregational United Church of Christ on Cleveland Avenue, approximately midway between Whirlpool Street and Main Street at their closest point together.

In general, it is not anticipated that construction activities associated with the proposed Project would be disruptive to services or other activities in these places of worship, given that their schedules are generally on weekends and evenings while most of the construction activity would likely occur on weekdays during the day. However, as part of the management efforts associated with implementing the Build Alternative, measures will be made to coordinate and communicate with such facilities as part of the construction phase.

To the extent that local populations walk to services at any of the identified places of worship, the increase in traffic on Main Street due to proposed removal of the RMP is projected to be negligible, as discussed in **Section 3.3.1.5**. Therefore, such traffic increases should be barely noticeable to the walking public and should not create any safety issues for those crossing Main Street to attend services or other activities at these places.

4.2.4.3. Community Facilities and Services

Existing Conditions

Niagara Falls City Hall is located at 745 Main Street in the southeast quadrant of its intersection with Cedar Avenue. Given its location on the east side of Main Street, it is immediately adjacent to the Project Study Area as defined in **Section 4.1**. A few blocks north of City Hall, a former library building houses the City's Department of Community Development. This building is on the west side of Main Street between Elmwood Avenue and Ashland Avenue.



The Niagara Falls Police Department is located at 1925 Main Street between its intersections with Cleveland Avenue and South Avenue. Similar to City Hall, this location is on the east side of Main Street and is immediately adjacent to the Project Study Area. The department employs 155 sworn officers and 30 civilian workers and handles approximately 65,000 service calls each year.

Separate from the Niagara Falls Police Department is the New York State Parks Police Department, which is currently based on Goat Island in Niagara Falls State Park. A new police station is currently being built on property fronting the existing RMP at a location immediately north of the former DiFranco Municipal Park and immediately east of the Niagara Gorge Discovery Center. This new site, which is part of existing NYPA property, is within the boundaries of the Project Study Area. The new facility will be approximately three times the size of the existing station.

The Niagara Falls Fire Department employs 135 firefighters and consists of five stations spread throughout the city, with the main building located at 3115 Walnut Avenue near Hyde Park Boulevard. This station is more than 1.5 miles from the Project Study Area. The closest station to the Project Study Area is Station No. 3, located at 3401 Dorchester Road. This station is less than one-half mile from Findlay Drive and the northern portion of the study area. There are no fire stations physically located within the boundaries of the Project Study Area.

The Niagara Falls Public Library is located in the Earl W. Brydges Building at 1425 Main Street, immediately east of the Project Study Area between Lockport Street and Pierce Street. It is adjacent to the Harry F. Abate Elementary School, which fronts on Lockport Street. Founded in 1814, this city's main library relocated to its present location in the Earl W. Brydges Building in 1974.

The County of Niagara operates a portion of its court-related matters, especially Family Court, in the Angelo A. DelSignore Civic Building located at 775 Third Street near Cedar Avenue.

One final community facility within the Project Study Area that is worth noting is the Niagara Falls Water Board (NFWB) sewage pumping station (also known as the Gorge pumping station). This facility is located to the west of the RMP below the Niagara Gorge rim, and is accessed via a separate road that connects from the western terminus of Walnut Avenue and then travels parallel to and between the RMP and Whirlpool Street before crossing under the RMP to the plant.

It should be noted that parks and recreation areas as community facilities are discussed in **Section 4.12**.

Impacts and Mitigation

No-Build Alternative

All community facilities and services within or adjacent to the Project Study Area would continue to operate as they do at present in the No-Build condition. One difference is that the new State Parks Police Station is being constructed on the RMP opposite the Niagara Gorge Discovery Center. This facility would have direct access to both Whirlpool Street and the RMP.



Build Alternative

Construction of the proposed Project is not anticipated to have any significant impact on any community facilities and services within or adjacent to the Project Study Area. However, during actual construction of the Project, and particularly the reconstruction of the southern portion of Whirlpool Street, there may be some temporary disruptions to the County Court activities at the DeSignore Civic Building in terms of dust, noise and access. Project team members and/or their contractors would coordinate closely with the County Court on scheduling of construction activities and would ensure that access to the facility is maintained in some fashion throughout the construction period. Efforts to control construction-related dust and noise would be implemented as well, employing appropriate best management practices as discussed in **Sections 4.4.15 and 4.4.17**, respectively.

The other community facility that could potentially be disrupted during Project construction is the new State Parks Police Station fronting on the RMP opposite the Niagara Gorge Discovery Center, which is being constructed. By the time construction begins on the RMP Removal Project, including the reconstruction of Whirlpool Street and Walnut Street, the police station is likely to be completed. However, coordination with the State Parks Police has been ongoing so that the new facility can be seamlessly accommodated by the proposed Project. Even though the new police station is initially being designed to have direct access to the RMP and Whirlpool Street, the driveway to the RMP would be modified to connect to the new Park Road once the RMP is actually removed. As part of the Build alternative, the access at Whirlpool Street would continue to exist. As is the case with the County Court building, Project team members and/or their contractors would coordinate closely with the State Parks Police on scheduling of construction activities and would ensure that access to the facility is maintained at all times throughout the construction period. Best management practices to control construction-related dust and noise would also be implemented.

There would be no other direct impacts of any type to other community facilities within or adjacent to the Project Study Area. For those City of Niagara Falls facilities located along Main Street (i.e., City Hall, Public Library, Police Station and Department of Community Development), the level of traffic increase along the roadway as a result of diverted traffic from the RMP would not be of a magnitude that any related impacts are likely to occur.

The removal of the RMP would also not have any direct impact on emergency response services within the Project Study Area, as emergency vehicles do not routinely use the RMP as a primary travel route, except for responding to emergencies in the parks along the Gorge rim. To the extent that emergency vehicles use Whirlpool Street at present, the proposed improvements along that roadway would actually facilitate emergency response.

In terms of the NFWB sewage pumping station, a portion of its current access road is proposed to be relocated, via a new access driveway connecting to Third Street. This new connection would connect to the existing portion of the access road that traverses below the Niagara Gorge rim to the pumping station. All access would be maintained to the pumping station during the construction period.



4.3. Economic

4.3.1. Regional and Local Economies

Existing Conditions

Niagara County, including the City of Niagara Falls, is part of the Buffalo-Cheektowaga-Niagara Falls, New York, Metropolitan Statistical Area (MSA) as designated by the U.S. Census Bureau. This MSA is the second largest economic region in New York State. Economic indicators for the MSA are based on the 2009-2013 American Community Survey 5-Year Estimates, which reflects the most current data available at the time of this writing. According to this source, the MSA has a total population, aged 16 years and older, of 923,881, of which 584,362 (63%) are in the labor force. Of the total civilian labor force of 583,665, approximately 8.6% is unemployed. The educational services and health care and social assistance sector is the largest single employment sector in the region, employing an estimated 148,297 workers, or approximately 27.8% of the employed labor force. Other large employment sectors in the region include the retail trade sector, which employs 63,001 workers, or 11.8% of the employed labor force, and the manufacturing sector, which employs 59,850 workers, or 11.2% of the employed labor force. Several notches down is the construction sector, which accounts for only 23,889 workers, or 4.5% of the employed work force.

Median household income for the MSA is estimated to be \$50,210 and the per capita income is \$27,600. Approximately 14.4% of the total population of the MSA exhibit incomes that fall below the poverty level, while 10.7% of all families in the MSA have incomes that fall below the poverty level.

The economic indicators for the County of Niagara are similar to those of the MSA as a whole. The 61.7% of the county's total population aged 16 years and older that are in the labor force compares closely with the MSA's 63.0%, although the county's 5.3% of the total civilian labor force that is unemployed is notably less than the 8.6% for the MSA. Similar to the MSA, the educational services and health care and social assistance sector is the largest single employment sector in the county and represents 24.4% of the employed labor force. The other large employment sectors in the county are also the manufacturing and retail trade sectors, accounting for 13.9% and 13.0% of the employed work force, respectively. The construction sector at the county level is slightly higher than at the MSA level, accounting for 5.8% of the employed work force. The median household income of \$47,955 for the county is actually lower than that at the MSA level, as is the per capita income of \$25,991. Similarly, the 13.7% of the total county population that exhibits incomes below the poverty level and the 10.0% of all families in the county that have incomes falling below the poverty level are both only slightly lower than the corresponding MSA percentages.

In the City of Niagara Falls, 57.6% of its total population aged 16 years and older that is in the labor force is lower than the corresponding percentages at both the MSA and county levels, although its 6.5% of the total civilian labor force that is unemployed is higher than that at the county level. The same employment sectors that comprise the highest percentage of employed labor force at both the MSA and county levels



are among the highest at the city level as well, although the arts, entertainment and recreation, and accommodation and food services sector also joins the others at the third-highest position (14.3% of the employed work force) behind the education services and health care and social assistance sector (25.3%) and the retail sector (14.8%). The city's median household income of \$32,326 is substantially lower than the median household incomes of both the MSA (\$50,210) and the county (\$47,955). A similar pattern exists in terms of the city's per capita income of \$20,549 in comparison to the per capita incomes of both the MSA (\$27,600) and the county (\$25,991). In terms of total population living below the poverty level (24.9%) and families living below the poverty level (19.7%), the city's percentages for both indicators are substantially higher than those for both the MSA and the county.

Impacts and Mitigation

No-Build Alternative

The potential for improving the entire land use setting of Main Street and Third Street would not occur under the No-Build Alternative. The potential changes as outlined in the Niagara Falls Comprehensive Plan could not be realized.

The Project would not be built; therefore, no additional construction expenditures would be made in the region and no additional employment or income would be generated in the regional economy.

There would not be any potential for businesses along Third Street and Main Street to benefit from construction workers making purchases of any kind during the construction period. In the long term, any potential for incidental sales related to traffic diversions along those roadways would also not exist. Therefore, incidental sales associated with local traffic and other traffic regularly using these commercial streets would remain unchanged.

Build Alternative

The Project has the potential to have some level of short-term, positive economic effects on the local and regional economies if local workers and construction materials are used to remove the RMP and to reconstruct Third Street and Whirlpool Street, along with other improvements. It has not yet been determined the extent of local construction workers or purchase of local construction materials that would be required during construction. However, it is anticipated that any local expenditures for the Project would have a positive effect on the local and regional construction industries and on local construction employment for the duration of the Project's construction period. An estimate of the number of jobs created, based on the estimated construction cost, is presented at the end in this section.

In addition to the direct expenditures and employment effects, the Project would have the potential to generate additional indirect economic benefits from the increased economic activity. A portion of the wages paid to construction workers would be expected to be spent locally, by workers who are recruited from the Buffalo-Cheektowaga-Niagara Falls MSA labor force. Furthermore, increased revenues resulting from the purchases of goods and services and letting of construction contracts would inject funds into the greater regional economy.



As the overall demand for goods and services in the region increases during construction, merchants could potentially respond by increasing employment at their operations and/or purchasing more goods and services from their providers. These providers may then, in turn, increase employment in their establishments and/or spend a portion of their income in the region, thus “multiplying” the positive economic effects of the original increase in construction spending many times. These “multiplier” effects would continue on until all of the original funds have left the region’s economy through either taxes, savings, or through purchases from outside the region. Since construction expenditures are one-time in nature, the positive economic effects would be short-term in nature and would end not long after construction is completed.

Positive effects on local businesses and the business districts within the Project Study Area during the short term could result from construction workers spending for such services as gasoline, meals, or even lodging. It is during this construction period when the benefits to the local businesses could be most noticeable.

In the long term, positive effects on the local economy and revitalization of the surrounding neighborhood as a result of the RMP removal and the construction of the Niagara Falls Intermodal Railway Station was explored and documented in a report titled *Imagining the Future of a Niagara Falls Neighborhood: Niagara Falls, NY* prepared as part of the *One Region Forward* process, which is a regional initiative being undertaken by GBNRTC to promote more sustainable forms of development in Erie and Niagara counties. Research, analysis, and planning for that report were conducted by the University at Buffalo Regional Institute, of the State University at Buffalo, School of Architecture and Planning.

The planning contained in that report focused on the opportunities of opening recreational access to the Niagara Gorge near the Main Street business district, through the revitalization of this mixed-use district by rehabilitating/reusing buildings along Main Street, infilling lots along Whirlpool Street, and increasing pedestrian activity and foot traffic between the Intermodal Station, Main Street, the Niagara Gorge Rim Trail and green space.

Although the RMP Removal Project does not include any of the following adjoining elements, the three-phase scenario discussed in the *One Region Forward* report suggests that realization of Niagara Gorge access in the vicinity of North Main Street could help facilitate a redevelopment that could include a total of 30 individual development projects that could transform nearly 24 acres of land in total. These potential developments could be diverse, creating new public open spaces, constructing innovative infill projects, adaptively reusing abandoned buildings and rehabilitating structures of unique architectural significance. To complement the increase in livability, the scenario also included two new parks totaling 2.1 acres.

In terms of direct and indirect effects of the public investment under the Build Alternative, according to the FHWA website below, the most recent official estimate of the impacts of infrastructure investment on employment was generated by Council of Economic Advisers (CEA) within the Executive Office of the President. The CEA estimated that every \$1 billion in Federal highway and transit investment funded by the American Jobs Act would support 13,000 jobs for one year.



<http://www.whitehouse.gov/blog/2011/09/09/american-jobs-act-state-state>

This figure is also cited in briefing materials for the Administration's reauthorization proposal, the GROW AMERICA Act:

http://www.dot.gov/sites/dot.gov/files/docs/Workforce_DOT_Reuth_FINAL_2014.pdf

and the Department of Transportation's 2014 TIGER Notice of Funding Availability (NOFA).

<https://www.federalregister.gov/articles/2014/03/03/2014-04627/notice-of-funding-availability-for-the-department-of-transportations-national-infrastructure#footnote-3>

The total jobs number includes the number of direct, indirect and induced jobs:

- A direct job is the job created by the actual government expenditure and the wages are paid for from the funds for the project.
- An indirect job is the job created by the expenditures the suppliers make to produce the materials used for the project. The cost of this would be included in the cost of the materials.
- An induced job is the job created elsewhere in the economy as increases in income from the direct government spending lead to additional increases in spending by workers and firms.

In analyses developed for the America Recovery and Reinvestment Act of 2009, the CEA had estimated that 64 percent of the job-years represent direct and indirect effects while 36 percent of the job-years are the induced effects:

<http://www.whitehouse.gov/administration/eop/cea/estimate-of-job-creation/>

It is important to note that the employment impact of infrastructure investment does not remain constant over time. Any increase in construction materials prices and wages over time will tend to reduce the number of jobs supported by each \$1 billion invested. Other factors such as changes in worker productivity and consumer's typical rate of savings will also affect the average number of jobs supported:

<http://www.fhwa.dot.gov/policy/otps/pubs/impacts/>

Based on the above studies and the estimated construction cost of \$35 million (\$0.035 billion), the estimated number of jobs would be 429.

4.3.2. Business Districts

Existing Conditions

The existing business districts within the City of Niagara Falls that are within or adjacent to the Project Study Area include the Main Street Business District, the Niagara Street Business District and the Third Street Business District. As discussed in the *Comprehensive Plan for City of Niagara Falls, USA* (2009), one of the original portage routes that eventually formed the backbone of the city was Main Street, while Niagara Street became the most direct route between the city and Canada. Third Street later evolved as another important corridor focused on restaurant and entertainment uses.



The Comprehensive Plan notes that these existing commercial corridors are struggling, but that they also “contain some of the healthiest urban fabric and best heritage structures in the Core City and represent the places that the local citizenry frequent on a daily basis to conduct business, shop, meet friends and family, and socialize and enjoy civic life.” The Comprehensive Plan also notes that “Niagara Falls’ commercial nodes and corridors are assets that must be built upon, to improve the overall economic performance and quality of life found within the City” and that “Linking existing commercial corridors firmly to tourism development and elevating the role of these corridors as primary linkages between local attractions and major tourism destinations, would enable these corridors to play a key role in the renewal of the city.” As a result, the Comprehensive Plan presented various strategies and initiatives to further promote these commercial corridors as primary linkages between tourist-oriented areas of the city.

Section 4.2.1.2 of this document summarized strategies for several areas within or adjacent to the Project Study Area that were identified in the Comprehensive Plan that could potentially benefit from the proposed removal of the RMP between Main Street and Findlay Drive. The Comprehensive Plan also presented additional strategies specifically related to recommended commercial corridor improvements such as streetscape improvement programs, unique retail and niche marketing campaigns, and other economic and development programs.

It should be noted that based on a field inspection conducted along the several commercial corridors within the Project Study Area, it was observed that a high rate of business vacancies exist. In many cases, it was difficult to differentiate which businesses are closed and which are still operating. In such situations, local business operators and/or shoppers were requested to provide whatever information they could in this regard. In general, it appeared that at least 30 – 40 percent of the businesses and commercial buildings were vacant.

Impacts and Mitigation

No-Build Alternative

The commercial nodes and corridors within the Project Study Area are likely to continue their struggle to function as viable areas of economic importance to the city without the proposed Project. The City of Niagara Falls and the various business associations within the city are anticipated to continue their efforts to develop and implement strategies to promote economic growth within the city.

Build Alternative

The proposed Project is not anticipated to have any direct construction impacts on the business districts as a whole along Main Street, Niagara Street or Third Street. In the case of Main Street and Niagara Street, they are generally sufficiently removed from the construction activity so as not to be directly impacted. In the case of Third Street, the majority of its business district is south of its intersection with Main Street, which is immediately beyond the limits of the proposed reconstruction of Third Street.

As indicated in earlier discussions, the potential for long term positive effects on the local business districts as a result of the combination of the Project and the adjacent Niagara Falls Intermodal Railway Station was explored and documented in a report titled *Imagining the Future of a Niagara Falls*



Neighborhood: Niagara Falls, NY prepared by One Region Forward. That planning effort discussed a three-phase scenario resulting in a total of 30 individual development projects which could transform nearly 24 acres of land in total. These potential developments could be diverse, creating new public open spaces, constructing innovative infill projects, adaptively reusing abandoned buildings and rehabilitating structures of unique architectural significance.

4.3.3. Specific Businesses Impacts

Existing Conditions

The major businesses identified within the Project Study Area are presented in **Table 4-7** below. This list, which was compiled via a walking inspection of the business districts and main corridors, is not necessarily an all-inclusive list, and may include some businesses that have been permanently closed. However, it is the intent that this list focus on only those businesses that appeared to have been actively operating as of mid-July 2015.

Table 4-7 – Identified Businesses in the Project Study Area

| Name | Type |
|---------------------------|---------------------------|
| Third Street | |
| Zaika Indian Cuisine | Restaurant |
| Art Cafe | Café / Craft Shop |
| Third Street Tap Room | Restaurant/Tavern |
| Falk & Falk | Attorney at Law |
| Richard G. Berger | Attorney at Law |
| Third Street Liquors | Liquor Store |
| Donatello's | Pizzeria/Restaurant |
| Wine on Third | Restaurant |
| Pizza Bistro | Pizzeria/Restaurant |
| Niagara Coins | Coin Shop |
| Passport Inn | Motel |
| Indian Palace | Restaurant |
| P's & Q's | Antique Shop |
| Niagara Dental Associates | Medical/Dental |
| Frank A. Pallone | Medical/Dental |
| Aquarium of Niagara | Entertainment/Educational |

| Name | Type |
|--------------------------------|--------------------------|
| Main Street | |
| Viola, Cummings & Lindsay | Attorneys at Law |
| 800 Main Street | Professional |
| First Niagara Bank | Bank/Financial |
| Advance Chiropractic | Medical/Dental |
| Niagara's Choice Credit Union | Bank/Financial |
| 817 Main Street | Medical/Dental |
| Advanced Care Physical Therapy | Health Products/Services |
| Massage Center of Niagara | Health Products/Services |
| Chu's Dining | Restaurant |
| CSI International | Supplier |
| Steven's Insurance Agency | Insurance |
| Main Automotive | Automotive Services |
| Insurance Solutions | Insurance |
| Cataract Safe & Lock Co. | Locksmith |
| Beeton's Cyclery | Bicycle Shop |
| Harris & Leuer Florist | Flower Shop |



| Name | Type |
|-----------------------------------|--------------------------|
| First Street | |
| Days Inn | Hotel |
| Denny's | Restaurant |
| Smokin' Joe's Liquors | Liquor Store |
| Adventure Park | Entertainment |
| Main Street | |
| Howard Johnson's* | Hotel* |
| Three Sisters Trading Post* | Souvenirs* |
| Helicopter Tours* | Helicopter Tours* |
| Misty Dog Grill | Restaurant |
| Star Gas | Gas Station |
| Rodeway Inn | Motel |
| Sunoco | Gas Station |
| Park Place Market | Farmer's Market |
| Williamson Funeral Home | Funeral Home |
| Citgo | Gas Station |
| Nick's Automotive Service | Automotive Services |
| M&T Bank | Bank/Financial |
| Medical Dental Arts | Medical/Dental |
| Oral Surgery | Medical/Dental |
| McIntyre Surveying/Engineering | Professional |
| 727 Main Street | Professional |
| 723 Main Street | Professional |
| Respicair, PC | Health Products/Services |

| Name | Type |
|-----------------------------------|----------------------------|
| Capitol Cleaners | Laundromat/Dry Cleaning |
| Hanci Home Care | Health Products/Services |
| Complete Senior Care | Health Products/Services |
| Dream Home Realty of Niagara | Real Estate |
| The Why Coffee Shop | Restaurant/Cafe |
| Leisha's Unisex Salon | Beauty Products/Services |
| Rainbow Property Management | Real Estate |
| Living Wellness of Niagara | Health Products/Services |
| Burger King | Fast Food Restaurant |
| Maytag Laundromat | Laundromat/Dry Cleaning |
| Family Dollar | Miscellaneous Retail |
| Rapids Theatre | Concert/Event Venue |
| The Book Corner | Book Store |
| Sass Salon | Beauty Products/Services |
| Shauntae's Fashion | Clothing |
| B&B Cigar Store | Variety/Convenience Store |
| Main Street Café & Coffee Shop | Restaurant/Cafe |
| Bridgeway Mart | Variety/Convenience Store |
| Bill's Auto | Automotive Services |
| DeVeaux Mini Mart | Miscellaneous Retail |
| Steve's Automotive | Automotive Services |
| Whirlpool Street | |
| SGS Can-Am Mailboxes | Shipping/Delivery Services |

Note: These three businesses comprise a single complex.

The majority of the businesses listed in the table are located along the business districts of Niagara Street, Main Street and Third Street, with only one business (SGS Can-Am Mailboxes) identified along Whirlpool Street. Three of the businesses along Main Street (Howard Johnson's Hotel and the associated gift shop and helicopter tour operation) also abut the southern terminus of the RMP in the Project Study Area. Although a number of the businesses at the south end of the Project Study Area on First Street between Niagara and Main Streets, and on Main Street between the RMP and Third Street, as well as the Aquarium are certainly tourist-oriented, most of the others within the Project Study Area are likely to cater more to local populations.



Impacts and Mitigation

No-Build Alternative

It is likely that the specific businesses listed above would change over time, given the design year of 2040 that is being used to define the No-Build condition. However, it can be assumed that the types of establishments that may exist in the future could be similar to those that currently exist.

Build Alternative

No direct impacts to any businesses in terms of relocations or property acquisitions would occur as a result of the proposed Project. However, the several tourist businesses on Main Street near the existing RMP entrance ramp may experience some construction-related disturbances while the RMP on-ramp is being removed and the intersection and frontage along Main Street is being redesigned. Such impacts may include dust, construction noise and operations of construction vehicles. Of those businesses located on Main Street between the RMP and Third Street (i.e., Howard Johnson's Hotel, Three Sisters Trading Post and Helicopter Tours), the hotel would be the most sensitive to such construction-related impacts. Project team members and/or their contractors would coordinate closely with all of these businesses in terms of scheduling of construction activities and would ensure that access is maintained throughout the construction period. Efforts to control construction-related dust and noise would be implemented as well, employing appropriate best management practices as discussed in **Sections 4.4.15** and **4.4.17**, respectively.

The Aquarium of Niagara is also situated very close to the proposed Project activities. The reconstruction of Third Street and Walnut Street, the relocation of the existing Service Drive to the NFWB sewage pumping station, the removal of both the RMP and the currently closed portion of Whirlpool Street, as well as the removal of the pedestrian bridge over the RMP would likely result in some sort of construction activities in close proximity to that facility for the entire duration of construction. As with the businesses discussed above, Project team members and/or their contractors would coordinate closely with Aquarium operators in terms of scheduling of construction activities. Accessibility to these sites would be maintained throughout the construction period. Efforts to control construction-related dust and noise would be implemented as well, employing appropriate best management practices as discussed in **Sections 4.4.15** and **4.4.17**, respectively.



4.4. Environment

4.4.1. Wetlands

4.4.1.1. State Freshwater Wetlands

Existing Conditions

There are no NYSDEC regulated freshwater wetlands or regulated adjacent areas (100 ft) within the Project corridor, as per the published NYSDEC Freshwater Wetland Maps for the Lewiston and Niagara Falls USGS quadrangle maps and as further confirmed. A site visit was performed on June 4th, 2015 to verify the non-existence of such wetlands in the Project corridor.

Impacts and Mitigation

Due to the non-existence of state-regulated freshwater wetlands in the Project corridor, there would be no impacts to such wetlands with either the No-Build or Build alternative.

4.4.1.2. Federal Jurisdiction Wetlands

Existing Conditions

Digital National Wetland Inventory (NWI) mapping was reviewed on the U.S. Fish & Wildlife Service's (USFWS) Wetlands Mapper website. The NWI mapping depicts the Niagara River Gorge and the New York Power Authority Channel as a riverine habitat (R3UBH and R2UBXHx, respectively), which are both outside of the Project Study Area. The Project would not impact these wetlands.

A detailed walkover of the entire corridor was performed on June 4th, 2015 in accordance with the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual and all updates to identify field indicators common of habitat reflective of wetlands. This included type of vegetative species, evidence of hydraulic conditions conducive to the ponding of water and/or establishment of a shallow water table, and by extension, soil conditions reflective of hydric conditions. No physical areas were identified along the reviewed corridor that would warrant a detailed field assessment or subsequent field delineation.

Impacts and Mitigation

Due to the non-existence of Federal jurisdiction wetlands in the Project corridor, there would be no impacts to such wetlands with either the No-Build or Build alternative.



4.4.2. Surface Waterbodies and Watercourses

Existing Conditions

The Niagara River is the only surface water body in the vicinity of the Project Study Area. The Project Study Area is located east of the Lower Niagara River Gorge, on the escarpment nearly 300 feet above the Niagara River. The river is regulated by the USACE as a water of the U.S. and by NYSDEC as a water of the State. NYSDEC classifies streams in New York State based on stream flow, water quality, uses of the water, and the character of surrounding land uses. In order of descending water quality, the classifications are: Class AA, A-Special, A, B, C and D.

The Niagara River is a Class A-Special (A-S) stream, due to its position as an International Boundary Water and its use as a source of drinking water. Due to its classification, the Niagara River is also regulated under 6 NYCRR Part 608 Protection of Streams.

In addition, based upon a review of the Environmental Resource Mapper on the NYSDEC website, and as verified by a site visit, there are no other surface waterbodies in the Project Study Area regulated as waters of the State under 6 NYCRR Part 701.

Impacts and Mitigation

No-Build Alternative

No impacts to the Niagara River due to dredging, filling or relocation would result under the No-Build condition. However, as noted in **Section 4.4.8**, any existing shortcomings in the stormwater management system would remain. Untreated wastewater would continue to be discharged directly to the Niagara River during heavy flow conditions.

Build Alternative

No construction work is proposed to be conducted within 100 feet of the bed or banks of the Niagara River and no impacts are anticipated; therefore, no stream-related approvals or permits are required for the proposed Project.

4.4.3. Wild, Scenic, and Recreational Rivers

Existing Conditions

There are no NYSDEC Designated, Study or Inventory State Wild, Scenic or Recreational Rivers within or adjacent to the Project Study Area. The Niagara River is not listed on the Federal or State Inventories of Wild, Scenic, and Recreational Rivers. No further review is required.

Impacts and Mitigation

Neither the No-Build nor the Build alternative for the proposed Project would result in any impacts to Wild, Scenic or Recreational Rivers.

4.4.4. Navigable Waters

Existing Conditions

The Niagara River, which is adjacent to the Project Study Area, is a navigable water regulated by the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act. The Ordinary High Water Mark (OHWM) is the jurisdictional benchmark used by the USACE for administering its regulatory program. The OHWM along the Niagara River is well below the Gorge rim. Similarly, there is no need for a Section 9 permit from the U.S. Coast Guard (USCG) since there is not proposed to be any new bridging across navigable waters.

Impacts and Mitigation

Neither the No-Build nor the Build alternative for the proposed Project would require any work to be performed in the river below the OHWM, and therefore, a Section 10 permit is not required. A Section 9 Bridge Permit would also be unnecessary under either scenario.

4.4.5. Floodplains

Existing Conditions

Based on online National Flood Hazard Mapping provided by the Federal Emergency Management Agency (FEMA), the closest floodplain and flood hazard zone to the Project Study Area is the Niagara River, which runs outside and adjacent to the west side of the study area. This floodplain and flood hazard zone is entirely contained within the Niagara Gorge and does not encroach into the study area. No other floodplains or flood hazard zones are located within or in close proximity to the boundaries of the Project Study Area.

Impacts and Mitigation

Due to the fact that there are no floodplains or flood hazard areas within the Project Study Area, no flooding impacts or related issues are expected to occur due to either the No-Build or Build alternative of the Proposed Project.

4.4.6. Coastal Resources

4.4.6.1. Coastal Management Program

Existing Conditions

The proposed Project is a SEQR Type I Action and within a State Coastal Zone Management area. The Project limits are within 300 meters (1,000 feet) of the shores of the Niagara River, which is part of the state's coastal zone.



The Niagara River and its adjacent jurisdictional lands are governed by New York State's Coastal Management Program (CMP), administered by the New York State Department of State (NYS DOS). The CMP complies with the federal Coastal Zone Management Act of 1972, as amended. The CMP process requires a formal State Consistency Review for any projects proposed within the state's coastal zone, demonstrating that the Project is consistent with the State's coastal policies. The State Consistency Review includes completion of a Federal Aid Notification (FAN) letter, a State Coastal Assessment Form (CAF), and a Federal Consistency Assessment Form (FCAF) for submittal to, and approval by NYSDOS.

The City of Niagara Falls does not have a Draft or Approved Local Waterfront Revitalization Program (LWRP) at this time. Therefore, official coordination with the City regarding compliance with a LWRP is not required.

No-Build Alternative

No State Consistency Review would be required under the No-Build scenario.

Build Alternative

Implementation of the Build Alternative would be subject to a State Consistency Review in accordance with NYSDOS procedures. As required by the CMP, a FAN letter and completed CAF and FCAF were submitted to NYSDOS (see **Appendix M.1 – Coastal Zone Consistency Determination**). The Project would exceed the CAF threshold of disturbing more than 5 acres of land in the coastal area, but not along a shoreline or involving land under water). Aspects of the Project also triggered selected FCAF thresholds for more detailed assessment (e.g. the existence of State Parks and historic resources in the Project Area).

Nevertheless, the assessments in both the CAF and the FCAF identified no significant adverse effects to resources in the coastal zone. In fact, by removing roughly two miles of the existing RMP, the Project would improve pedestrian/trail access to the water's edge and along the Gorge rim, and would expand public recreation opportunities in the designated Coastal Area by adding 20.1 acres to the contiguous parkland / green space that currently exists west of the RMP. NYSDOS responded with a letter on April 20, 2016 acknowledging that the Project meets the criteria for general consistency concurrence, and stating that it had no objection to the potential use of FHWA funds for this activity (see **Appendix M.1**).

4.4.6.2. Niagara River Greenway Plan

Existing Conditions

The Niagara River Greenway, established by legislation adopted in 2004 and administered by the State-sponsored Niagara River Greenway Commission, is a plan for the ultimate realization of a continuous linear system of park and conservation areas linked by a network of multi-use trails along the Niagara River between Lake Ontario and Lake Erie. The Greenway boundary follows municipal lines and encompasses the municipalities of Porter, Youngstown, Lewiston (Town and Village), Niagara, Niagara Falls, Wheatfield, North Tonawanda, Grand Island, Tonawanda (City and Town), Kenmore, and Buffalo.



The Project Study Area encompassing the two-mile corridor from Main Street to Findlay Drive along the Niagara Gorge and Lower Niagara River is an integral part of the Greenway area, which fully extends from the headwaters of the Niagara River at Lake Erie to its outflow into Lake Ontario.

The vision of the Greenway Plan is to promote an ecologically-sustainable and accessible area of conservation value that provides connections to related corridors and resources across the region. The Greenway is a means to establish a clear sense of “place” and identity that reflects the traditional spirit and heritage of the area. As part of the development of the Greenway, a Greenway trail system (known as the “Shoreline Trail”) is being established, either by re-designating existing waterfront trail components or through new trail extensions being progressively developed within the Greenway area.

Early coordination was made with the Niagara River Greenway Commission during an Agency Meeting held on October 21, 2010. As a result, one of the Project objectives includes a requirement that it meet the Greenway vision to celebrate and interpret our unique natural, cultural, recreational, scenic, and heritage resources in the Project Study Area and provide access to, and connections between these important resources while giving rise to economic opportunities for the region.

No-Build Alternative

The No-Build Alternative would not advance or contribute to achieving any of the Niagara River Greenway goals or objectives.

Build Alternative

The Build Alternative would have an overall positive effect on the Project Study Area in the context of the overall goals and objectives of the Niagara River Greenway Plan. The removal of two miles of the RMP, together with proposed improvements between Main Street and Findlay Drive, would help to facilitate access along and to the many resources along this segment of the Niagara Gorge and Lower Niagara River. Facilitating the establishment of a single, well-designed, and properly-scaled at-grade road and associated trail/open space connections among parks, destinations, and sites on the Gorge rim between Main Street and Findlay Drive (i.e., as an extension of the emerging “Shoreline Trail” system) would represent the largest individual step in the region to date toward the realization of a planned Niagara River Greenway.

A Niagara River Greenway Commission Consultation / Review Form was completed to assess the Project’s consistency with the Niagara River Greenway Plan, and is included in **Appendix M.2 –Niagara River Greenway Consistency**. As demonstrated in this review, the Build Alternative would be fully consistent with the vision set forth in the Niagara River Greenway Plan. Specifically, the Project is within a portion of the Greenway focus area, being directly next to the Niagara River and would result in clear and measureable benefits by both actually realizing two miles of greenway created through the removal of the RMP’s expressway components, and this effort’s associated environmental benefits of reducing highway stormwater runoff, reducing heat sink effects, and restoring the Niagara Gorge rim with native vegetative species. In turn, the Project would extend the legacy of Frederick Law Olmsted in its treatment of the Niagara Gorge Corridor and would reconnect the Niagara Gorge to adjacent City of Niagara Falls



neighborhoods, providing direct near-term quality-of-life improvements by opening access to recreational resources, as well as longer-term prospects for revitalization by leveraging the redefinition of Gorge/City interface to facilitate neighborhood reinvestment.

4.4.7. Aquifers, Wells, and Reservoirs

4.4.7.1. Aquifers

Existing Conditions

NYSDEC aquifer Geographic Information System (GIS) data files have been reviewed and it has been determined that the proposed Project is not located in an identified Primary Water Supply or Principal Aquifer Area. No further investigation for NYSDEC designated aquifers is required.

A review of the U.S. Environmental Protection Agency (EPA)-designated Sole Source Aquifer Areas Federal Register Notices, Maps, and Fact Sheets indicates that the proposed Project is not located in a Sole Source Aquifer Project Review Area. No federal review and/or approvals are required pursuant to Section 1424(e) of the Safe Drinking Water Act.

Impacts and Mitigation

Due to the fact that no important aquifers exist in the Project Study Area, neither the No-Build nor the Build alternative would result in any impacts to groundwater resources.

4.4.7.2. Drinking Water Supply Wells (Public and Private Wells) and Reservoirs

Existing Conditions

There are no known municipal drinking water wells, wellhead influence zones, or reservoirs within or near the Project Study Area according to the NYS Atlas of Community Water System Sources, dated 1982, issued by the NYS Department of Health.

Impacts and Mitigation

Neither the No-Build nor the Build alternative for the proposed Project would result in any impacts to known drinking water resources.

4.4.8. Stormwater Management

Existing Conditions

The current stormwater management system along Third Street and Whirlpool Street consists of drainage inlets connected to stormwater lines that then drain into a combined sewer system. These combined sewer lines ultimately flow into a combined sewer tunnel buried deeply (up to 100 feet) beneath Whirlpool Street. The normal flow of this tunnel is carried to the NFWB pumping station located at the bottom of the Gorge across from Ashland Avenue. The pumping station pumps the water to the NFWB wastewater



treatment plant on Buffalo Avenue, where it is processed and then discharged to the Niagara River. Heavy flows that exceed the capacity of the first-flush system (i.e., when stormwater is combined with wastewater, referred to as “combined sewer overflow”) are discharged directly to the Niagara River via five outfalls located along the Niagara River between Main Street and Findlay Drive.

The stormwater collection system for the existing RMP between Main Street and Findlay Drive consists of inlets connected to stormwater lines that then drain directly into the five outfalls located along the Niagara River noted above.

Environmental Considerations

Pollutants

Highways and other paved areas that vehicles use on a regular basis are a source of metal pollution. This pollution can have substantial effects on the local watershed and water resources. Potential impact on surface water quality associated with the Project would be the result of stormwater runoff and associated pollutants. Pollutants generated by the Project could include deicing salts, particulates, nutrients, heavy metals, and hydrocarbons, including polynuclear aromatic hydrocarbons (PAH's). Sources of the pollutants include road surface material, vehicle exhaust and degradation, lubrication system losses, roadway maintenance activities, and by-products of combustion. Of these pollutants, deicing salts are considered a primary pollutant due to the potential quantity of salts applied to the roadway during snow removal operations.

Erosion and Sedimentation

During Project-related construction and post-construction periods, erosion, runoff, and sedimentation must be controlled to prevent adverse effects on topography, water quality and quantity, storm drainage systems/pathways, and existing or potential vegetation. Erosion and sedimentation effects associated with transportation infrastructure are caused primarily during construction, when soil is stripped of protective vegetation. Soil erosion can come about when open excavations, disturbed areas, and soil stockpiles are exposed to wind, the vertical force of rain, and stormwater runoff. Sedimentation occurs when water velocities decrease and suspended particles settle out, collecting in storm sewers and drainage ways.

Impacts and Mitigation

No-Build Alternative

Stormwater along with any collected pollutants along Third Street, Whirlpool Street and the RMP would continue to be collected by the existing closed stormwater collection systems. The stormwater collected along Third and Whirlpool Streets would continue to be conveyed via the combined sewer system to the NFWB pumping station where it is then pumped to the NFWB wastewater treatment plant to be processed and then discharged to the Niagara River.

Under the No-Build Alternative, any existing shortcomings in the stormwater management system would remain. Untreated combined sewer overflow would continue to be discharged directly to the Niagara River during heavy flow conditions, such as storm events.

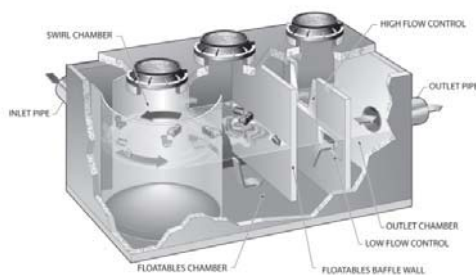
The No-Build Alternative does not involve construction activities or changes in the existing drainage patterns; thus, there would be no erosion or sedimentation effects on water resources in the Project vicinity.

Build Alternative

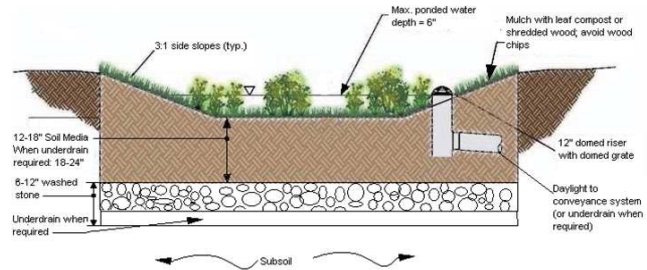
Most of the existing stormwater collection system along the RMP would be removed and the area regraded between Main Street and Findlay Drive. Stormwater runoff from the multi-use paths proposed to be constructed within the existing parks and recreation areas along the RMP, including those areas of newly landscaped / restored green space where the RMP pavement is currently located, would drain off directly onto the grassed / vegetated surfaces.

All of the new / reconstructed paved areas for roadways (e.g., along Third Street and Whirlpool Street, and along new access roads serving the NFWB pumping station and the Niagara Gorge Discovery Center) would be designed to collect and transport stormwater in a new closed stormwater system, separate from the existing combined sewer system. The stormwater would then be treated via Vortech chambers, or via green infrastructure elements to treat the water before it is outlet into the Niagara River at one or more of the five existing outfalls located along the Niagara River between Main Street and Findlay Drive. Examples of green infrastructure elements to be considered during final design include:

- *Stormwater Treatment Chambers* – Treatment chambers such as Vortech are hydrodynamic separators that combine swirl concentration and flow controls into a treatment unit that traps and retains trash, debris, sediment, and hydrocarbons from stormwater runoff.



- *Rain Gardens* – Rain gardens (also known as bioretention or bioinfiltration cells) are shallow, vegetated basins that collect and absorb runoff from rooftops, sidewalks, and streets. Rain gardens mimic natural hydrology by infiltrating and evapotranspiring runoff. Rain gardens are versatile features that can be installed in almost any unpaved space. This is an example of green infrastructure as described by the EPA.
- *Bioswales* – Bioswales are vegetated, mulched, or xeriscaped channels that provide treatment and retention as they move stormwater from one place to another. Vegetated swales slowly infiltrate and filter stormwater flows. As linear features, vegetated swales are particularly suitable along streets and parking lots. This is another example of green infrastructure as described by the EPA.



- *Permeable Pavements* – Permeable pavements are paved surfaces that infiltrate, treat, and/or store rainwater where it falls. Permeable pavements may be constructed from pervious concrete, porous asphalt, permeable interlocking pavers, and several other materials. These pavements are particularly cost effective where land values are high and where flooding or icing is a problem. This is another example of green infrastructure as described by the EPA.



All of the above green infrastructure elements are designed to reduce the amount of stormwater that ultimately needs to be discharged into the Niagara River through improved infiltration into the existing ground. These Best Management Practices (BMPs) for handling stormwater will be considered during final design and will be in accordance with the NYSDEC Stormwater Management Design Manual, January 2015. Where possible, due to the higher elevation of Whirlpool Street compared to the new park areas to the west, pavement will be designed to direct stormwater as sheet flow directly off the roadway onto the new landscaped / restored parkland area.



Pollutants

The Project would have no adverse stormwater-related effects on the Project Area. The removal of the RMP and the reconstruction of Third Street and Whirlpool Street result in an overall reduction in the existing impervious pavement area. It is these impervious pavement areas where de-icing chemicals are applied seasonally that are of primary concern from a surface pollutant perspective. Based on the large Niagara River watershed of approximately 265,000 square miles and the fact that the Build Alternative would reduce the amount of impervious surface in comparison to the existing condition, a “Toler Analysis” quantifying the effects of deicing salts and a “FHWA Pollutant Loadings and Impacts from Highway Stormwater Runoff Analysis” was not required and was not performed for the Project. Guidance on when a Toler Analysis is required is included in the NYSDOT Environmental Procedures Manual, Chapter 4.5, Attachment 4.5.A, dated October 1995.

Although these contaminants have the potential to adversely affect the quality of surface water in the vicinity of the Project, these effects are minimized or removed by the proposed design of the new stormwater collection, conveyance and filtration systems. These collection and green infrastructure systems incorporate a combination of grit, sediment, and oil separator devices to control initial runoff, or water quality treatment volume, thus preventing the potentially most polluted runoff from discharging directly into nearby surface waters.

Erosion and Sedimentation

The proposed Project will cause soil disturbance to more than one acre of land; therefore, the Project will require a NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002). This General Permit requires that the Project be designed and constructed to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to commencement of the Project. Since the City of Niagara Falls is designated as a Municipal Separate Storm Sewer System (MS4) community, the SWPPP may also require review and approval by the City as well.

Soil disturbance includes grading existing vegetated areas, as well as the removal of existing pavement that exposes soil or disturbs the bottom 6 inches of sub-base material. A SPDES permit with a full Storm Water Pollution Prevention Plan (SWPPP) and MS4 Acceptance Authorization will be required, which consists of:

- Erosion and sediment control plan;
- Water quality volume control;
- Water quantity volume control; and
- Green infrastructure practices.

Additionally, permanent stormwater quality practices will be required. This permit will be applied for during final design phases of the project prior to construction.



During construction, the surface water quality will be protected and impacts to resources will be minimized by implementing appropriate erosion and sediment control measures, stormwater management practices, and BMPs. These controls and practices will include, but are not limited to:

- Temporary soil erosion and sediment control measures including silt fencing, silt curtains, inlet protection, placement of check dams where appropriate, and covering all exposed soils with mulch and re-seeding as quickly as possible;
- Permanent soil erosion and sediment control where feasible, through the use of vegetated rain gardens, vegetated swales, pervious pavements and native vegetative cover;
- Staging all construction vehicles as far away as practical from the river and top of the Gorge;
- The careful refueling of construction equipment and staging of fuels in a manner consistent with all relevant regulations; and
- All excess (staged) materials shall be surrounded by silt fencing, stabilized or promptly removed to prevent sediment transport.

4.4.9. General Ecology and Wildlife Resources

This section describes the existing terrestrial and aquatic ecological characteristics of the Project Study Area. Information presented herein is based upon literature and database reviews, agency consultation and reconnaissance-level field surveys.

Existing sources of information consulted include the following:

- New York Natural Heritage Program (NYNHP) database and conservation guides;
- New York State Department of State Significant Coastal Fish and Wildlife Habitat data;
- New York State Breeding Bird Atlas data;
- Audubon Christmas Bird Count data;
- New York State Reptile and Amphibian Atlas data;
- National Wetland Inventory (NWI) and NYSDEC Freshwater Wetland Maps;
- Historic and current aerial photography;
- Audubon Important Bird Area (IBA) data;
- NatureServe Explorer data;
- NYPA documents;
- Patricia Eckel's Niagara Gorge studies; and
- 2010 Ecological Inventory of the Niagara River Gorge and Rim.

4.4.9.1. Terrestrial Ecology

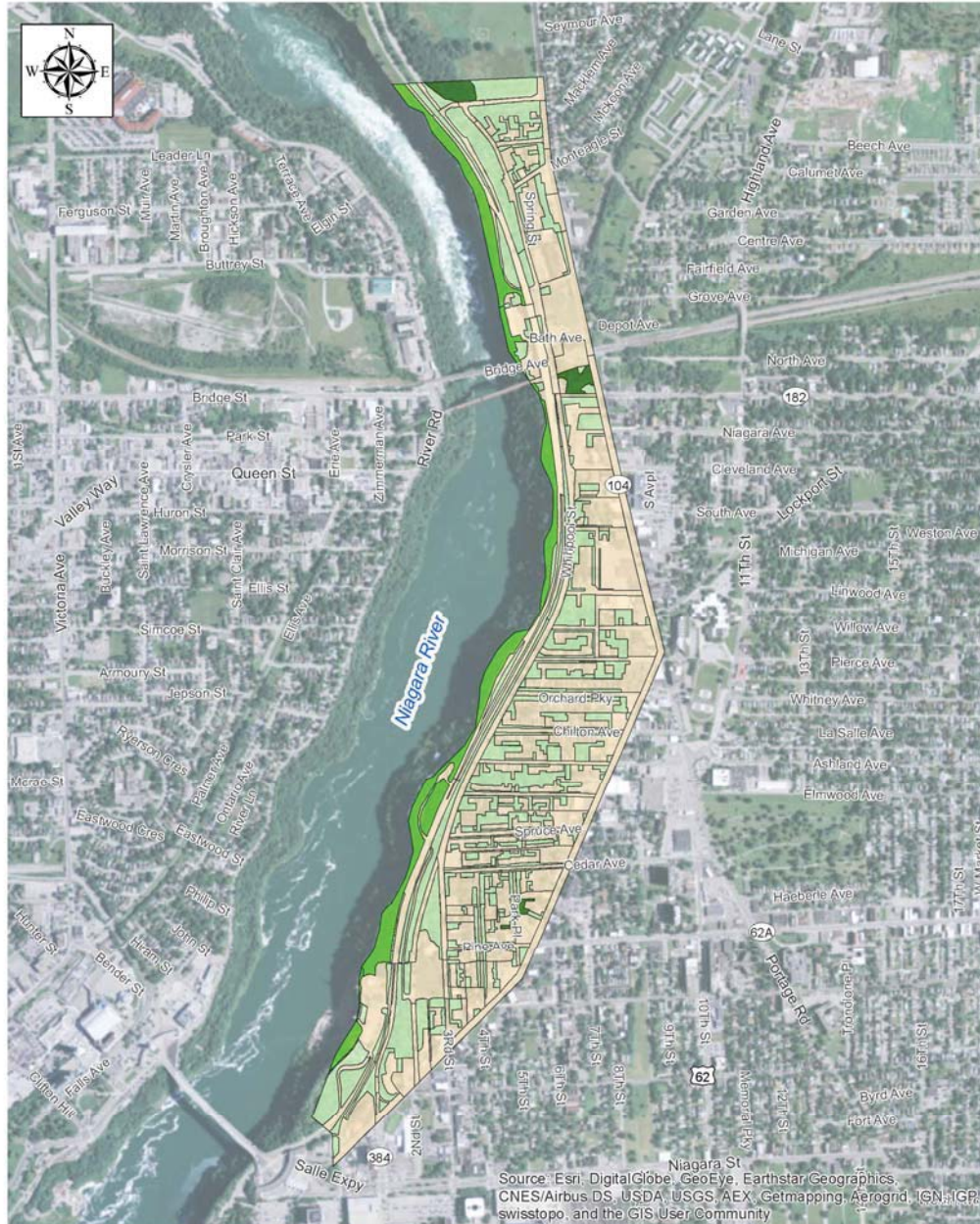
Existing Conditions

Vegetative Communities

A reconnaissance-level field survey of the Project Study Area was conducted by Environmental Design and Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) botanist Sara Stebbins on November 10, 2014. Plant species were determined through visual observation, collection, and identification using field guides and dichotomous keys (Newcomb, 1977; Gleason & Cronquist, 1991; Flora of North America, 1993+; Holmgren, 1998). A list of plant species observed within the Project Study Area is included in **Appendix F.2 - List of Plant Species Observed Within the Project Study Area**.

Vegetative communities within the Project Study Area were mapped based on review of existing data sources (Evans et al., 2001; ASA & E/PRO, 2005; TRC & Riveredge, 2008; EDR, 2010), interpretation of aerial photography, and field verification. Community boundaries were then digitized using a GIS database. Ecological communities within the Project Study Area include disturbed/developed, mowed lawn/ornamental plantings, successional forest, and mixed northern hardwoods. All of these communities found within the Project Study Area are common to New York State. The locations of the various communities within the Project Study Area are indicated on **Figure 4-9**, while representative photographs are presented below. Each ecological community within the Project Study Area is described below:

Figure 4-9 – Ecological Communities in Project Study Area



Ecological Communities within Project Area

Niagara Falls, NY

**Ecological communities bounded
by Findlay Drive (north), Main Street (east),
Niagara Street (south), and the Niagara Gorge rim (west)**
September 2015

Notes: 1. Projection: NAD_1983_UTM_Zone_17N
2. This is a color graphic. Reproduction in grayscale may misrepresent the data.

0 0.125 0.25 0.5 Miles

- Ecological Communities
- Disturbed/Developed
 - Mowed Lawn/Ornamental Planting
 - Northern Hardwoods
 - Successional Forest





- ***Disturbed/Developed*** – This community consists of a combination of several "cultural" communities as defined in the *Ecological Communities of New York State* (Edinger et al., 2014), including paved road/path and urban structure exterior. Disturbed/developed lands occur throughout the Project Study Area, and are characterized by the presence of buildings, parking lots, roadways, sidewalks, and staircases. Vegetation in these areas is generally either lacking or highly managed (i.e., landscape plantings seeded along roadsides for erosion control). Volunteer vegetation at the edges of these areas is generally sparse, and comprised of early successional, often non-native, herbaceous species such as bull thistle, dandelion, curly dock, mullein, yellow rocket, and orchard grass.



Photo 1 – Representative Disturbed/Developed Community

- ***Mowed Lawn/Ornamental Plantings*** – This community also consists of a combination of several “cultural” communities as defined in the Ecological Communities of New York State (Edinger et al., 2014), including mowed lawn, mowed lawn with trees, mowed roadside/pathway, and flower/herb garden. Mowed lawn and ornamental plantings occur throughout the Project Study Area. Ornamental species planted along roadsides and in parks include honeysuckles, hawthorns, barberries, lilac, privet, honey locust, horse chestnut, red pine, and Scots pine. Lawns typically include bluegrass, dandelion, clovers, and hawkweeds. This community also includes areas along the RMP that have recently been designated as “natural regeneration areas.” Although such areas are not currently being mowed, active landscaping (in the form of planting non-native shrub species) continues in these areas, and signs indicate that the non-mowing management techniques are “being tested.” Should mowing be permanently abandoned, these areas would transition to successional old fields (and then to successional shrubland, and eventually to successional forests).



Photo 2 – Representative Mowed Lawn/Ornamental Plantings

-
- **Successional Forest** – This community is common on sites that have been cleared and are re-growing, typically adjacent to trails or other disturbed/developed areas. Trees are mostly immature and of relatively low height. Co-dominant trees in these areas consist of black locust, Norway maple, bird cherry, box elder, aspens, ashes, and staghorn sumac. Shrub growth is often thick, and dominated by honeysuckles, buckthorn, privet, and chokecherry. Vines are abundant, with common species including Virginia creeper, poison ivy, and wild grape. Common herbaceous species include orchard grass, zigzag goldenrod, cleavers, deadly nightshade, weed orchid, and Canada thistle.

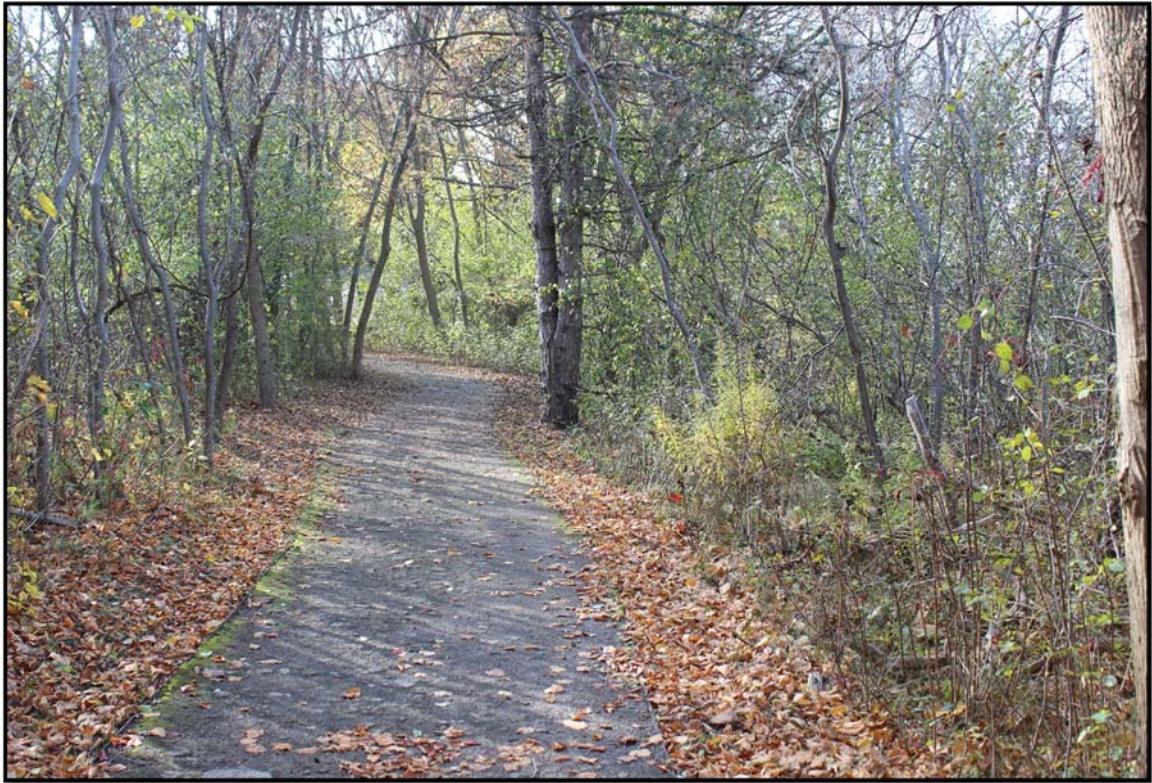


Photo 3 - Representative Successional Forest

- Mixed Northern Hardwoods** – This community is limited within the Project Study Area, with only one small patch located immediately north of the intersection of the RMP with Findlay Drive. Dominant or co-dominant tree species include white oak, red oak, sugar maple, and Norway maple. The understory is variable, ranging from open to dense, and includes saplings of overstory trees, along with shrub species such as spicebush, witch hazel, alternate-leaved dogwood, chokecherry, honeysuckle, buckthorn, red elderberry, and maple-leave viburnum. Herbaceous vegetation is similarly variable, sparse in places and very thick in others, and includes native species such as jack-in-the-pulpit, false Solomon’s seal, Virginia waterleaf, zigzag goldenrod, and enchanter’s nightshade, along with adventives such as garlic mustard, weed orchid, cleavers, and nipplewort.



Photo 4 - Mixed Northern Hardwoods

Correspondence received from the New York Natural Heritage Program (NYNHP) (see **Appendix F.1 - NYNHP Correspondence**), indicates the presence of two significant natural communities in the vicinity of the Project Study Area: i.e., calcareous talus slope woodland and calcareous cliff community. Both of these plant communities occur within the Niagara River Gorge, outside of the Project Study Area.



Wildlife Habitat

A basic principle of wildlife ecology is that the distribution and abundance of any wildlife species is directly dependent upon the quality and quantity of available habitat. Habitat is defined as the sum total of environmental factors (including food, cover, and water) that a given species of animal needs to survive and reproduce in a given area (Trefethen, 1964). Each habitat type has particular elements that make it valuable to different species of wildlife.

The abundant mowed lawn/ornamental plantings and disturbed/developed areas within the Project Study Area provide some degree of generally low quality wildlife habitat. Mowed lawn and patches of un-mowed vegetation within these areas are used for foraging by certain birds and mammals (e.g., European starling, eastern cottontail rabbit, meadow vole, woodchuck, etc.), while man-made debris and other material can provide cover for small mammals, snakes, and salamanders. In addition, some bird species have adapted to ever-increasing human disturbances and are able to forage in the non-vegetated portions of developed areas (i.e., for trash). These birds include American crow, various gulls, house sparrow, and European starling. However, the overall habitat value of these areas is relatively low due to high levels of human activity and a lack of adequate food, cover, and water. These areas typically receive regular use by only a limited number of wildlife species.

Areas with thick shrubs, such as the successional forests found along the western edge of most of the Project Study Area, are essential to sustain songbird populations. Certain species, such as gray catbird, American goldfinch, indigo bunting, common yellowthroat, and yellow warbler, require low bushy vegetation for nesting and escape cover. Other species such as American robin, blue jay, northern cardinal, and brown-headed cowbird will utilize a variety of habitats, but also prefer brushy edge habitat. The berries produced by woody vegetation in successional communities are highly palatable to these birds, as well as mammals such as raccoon, skunk, and opossum. Shrubs and successional forests also provide food and cover for mammals such as white-tailed deer, red fox, and eastern cottontail, and provide singing and hunting perches by songbirds and raptors.

Although limited in size, the small patch of mature forest on-site includes several habitat elements important to wildlife. Mature oaks, hickories, beech, and walnuts in these areas produce nut mast, which is eaten by squirrels, deer, wild turkey, songbirds, and small mammals. Rough barked trees (e.g., maples, hickories, and oaks) provide foraging sites for bark-probing birds (e.g., brown creeper, black-capped chickadee), and food storage sites for species such as tufted titmouse and white-breasted nuthatch. Another important feature of mature forested communities is the occurrence of dead trees, which can be found in varying stages of decay. Standing dead trees (snags) are used by a variety of wildlife species for foraging and cover. Bats use the dead and loose bark of snags for roost trees (i.e., nesting cover). Primary cavity-dwellers, such as woodpeckers and chickadees, excavate shelter in the deadwood of snags. Secondary cavity-dwellers, such as owls, nuthatches, titmice, wrens, and squirrels, subsequently occupy these shelters. Fallen deadwood provides cover for other wildlife species, along with a site for feeding and reproduction. Fallen branches provide escape cover for birds and rabbits, while logs provide cover and feeding sites for small mammals, reptiles, and amphibians. Hollow logs are



used as cover and food storage sites by species such as black squirrel, gray squirrel, red squirrel, eastern chipmunk, and raccoon. Nurse trees, which are fallen deadwood in advanced stages of decay, provide additional benefits to the ecology of forested communities. Nurse trees provide important habitat to some species of salamander, while insects such as beetles and ants spend all, or a portion of, their life cycles living in and feeding on deadwood. In addition, many species of plants flourish in the nutrient rich soils provided by decaying trees, and can often be found rooting directly on nurse trees.

Wildlife and Waterfowl Refuges/Significant Wildlife Habitats

There are no National Wildlife Refuges, New York State Wildlife Management Areas (WMAs), or New York State Bird Conservation Areas (BCAs) within the Project Study Area. The nearest National Wildlife Refuge is Iroquois National Wildlife Refuge, located 30 miles east of the Project Study Area. The nearest State WMAs include Spicer Creek WMA (located approximately 9 miles southeast of the Project Study Area) and Motor Island WMA (located more than 10 miles south-southeast of the Project Study Area). The nearest BCAs include Buckhorn Island BCA (located approximately 3 miles southeast of the Project Study Area) and Joseph Davis BCA (located more than 6 miles north of the Project Study Area).

Correspondence from the NYNHP (see **Appendix F.1**) indicates the presence of a gull colony in the vicinity of the Project Study Area. In addition, the entire Project Study Area falls within the Niagara River Corridor Important Bird Area as designated by the National Audubon Society, and the Lower Niagara River Rapids is designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State, Division of Coastal Resources. Each of the significant wildlife habitats in the vicinity of the Project Study Area is described below:

- **Gull Colony** – Located on Goat Island, this colony of nesting ring-billed gulls is south of the Project Study Area. According to NYNHP correspondence, the nests are found in an open rocky area, on cliff edges and talus slope. The talus area below the cliff has sections of trees, shrubs, and grass. TRC and Riveredge (2008) report that this colony has grown rapidly in recent years, with nest counts increasing from 4,669 nests in 2003 to 7,786 nests in 2007. In addition to the gulls, 176 double-crested cormorant nests were counted within the colony in 2007, mostly in trees. This significant wildlife habitat occurs entirely outside the Project Study Area.
- **Significant Coastal Fish and Wildlife Area** – Located between the Whirlpool Rapids Bridge and the Lewiston Village line, this 4.5-mile section of the Niagara River is narrow, deep, and fast-flowing. Although the habitat conditions are unusual in New York State, the importance of this area to fish and wildlife is somewhat constrained by both the natural physical environment and the effects of human activities. This area supports a productive coldwater fishery. See **Section 4.4.9.5** for additional information about fish in the vicinity of the Project Study Area. One of the largest winter concentrations of gulls in western New York is associated with the hydroelectric stations in this section of the Gorge, with numbers exceeding 10,000 in some years. Herring gulls are the most abundant species, but at least ten others, including several Arctic and European rarities, can be found in the area. Many live, dead, or injured fish are brought to the surface by turbulent water currents and discharge water from the hydroelectric plants, and the



gulls are apparently attracted to this readily available food source. While a variety of waterfowl species, particularly diving ducks, feed in the Lower Niagara River Rapids during migration periods and in winter, a lack of nesting areas limit concentrations (NYS DOS, 2010). This significant wildlife habitat is restricted to the Niagara River, which is located entirely to the west of the Project Study Area.

- **Important Bird Area** – The Important Bird Areas (IBA) program is an international bird conservation initiative with the goal of identifying and conserving the most important habitats for birds. IBAs may include public or private lands, and they may be protected or unprotected. The Niagara River Corridor IBA is a 155-square mile area along the U.S. side of the Niagara River in the 32-mile section between Lake Erie and Lake Ontario. According to the National Audubon Society (2013), the Niagara River supports one of the world’s most spectacular concentrations of gulls, with 19 species recorded and one-day counts of over 100,000 individuals. The river also hosts a remarkable diversity and abundance of waterfowl, and supports breeding colonies of double-crested cormorants, great blue herons, great egrets, black-crowned night-herons, ring-billed gulls, herring gulls, and common terns. Marshes along the river have supported breeding populations of state-listed species including least bittern, northern harrier, pied-billed grebe, and sedge wren. Finally, habitats along the edge of the river support an exceptional diversity of migratory songbirds during spring and fall migrations (National Audubon Society, 2013). Although the entire Project Study Area falls within the IBA, the most significant avian habitat features occur within the Niagara River Gorge, which is located entirely outside the Project Study Area.

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not directly affect the terrestrial ecology of the Project Area, as this alternative requires no construction activity or changes in the physical nature of the area. Vegetative communities within the Project Study Area would remain as described above in the short term, with natural succession resulting in the maturation of some communities (e.g., successional forests would eventually age into mixed forests). Existing population of non-native invasive species would continue to spread within the Project Study Area and within the adjacent Niagara Gorge (see **Section 4.4.9.4**).

Build Alternative

The proposed improvements to the Niagara Gorge Corridor would result in temporary and permanent impacts to vegetation 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 (and 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, 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 proposed Project would not have an adverse effect on significant natural communities, wildlife refuges, 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 entirely outside the Project Study Area. No direct impacts would occur to the Niagara River, the Gorge, or the Lower Niagara River Rapids.

Native landscape restoration would occur in all areas where existing pavement is to be removed, and efforts would be made to replace wildlife-supporting vegetation removed in the course of construction. The Project would remove more than 12 acres of pavement, including both the existing RMP and the Robert Moses Parkway Trail combined. This land would be restored as natural communities comprised of native plant species. These newly vegetated areas would enhance habitat diversity within the Project Study Area, and provide additional cover and foraging opportunities for wildlife. Removing existing impervious surfaces would also reduce stormwater runoff within both the Project Study Area and the adjacent Niagara Gorge (see **Section 4.4.9.5**). By reducing erosion and introduction of contaminants, pavement removal would result in a positive impact on the significant natural communities and wildlife habitats located within the Gorge immediately adjacent to the Project Study Area.

Indirect impacts to the Niagara River and Gorge could result from sedimentation and erosion caused by construction activities (e.g., removal of vegetation and soil disturbance), as well as the introduction or spread of invasive vegetative species. Additionally, plant communities that exist on the Gorge walls in seepage areas have the potential to be impacted by changes to surface and sub-surface hydrological patterns that may be affected by the Project. However, with the implementation of best management practices, described below in **Sections 4.4.9.4** and **4.4.9.5**, respectively, no indirect impacts are expected to occur. Overall, no significant adverse environmental impacts are anticipated to occur to the IBA or any of the significant natural communities, wildlife refuges, or wildlife habitats that occur in the general vicinity of the Project.



4.4.9.2. Resident and Migratory Wildlife

Existing Conditions

Birds

Published data from the New York State Breeding Bird Atlas (BBA) and Audubon Christmas Bird Count (CBC) were reviewed to characterize avian activity within the Project Study Area. Data from each of these sources are summarized below.

- **Breeding Birds** – The BBA is a comprehensive, statewide survey that indicates the distribution of breeding birds in New York State. Point counts are conducted by volunteers within 5-km by 5-km survey blocks across the state. The Project Study Area occurs within portions of survey blocks 1677A, 1677B, 1678C, and 1678D. The number of species observed per survey block in the Atlas 2000 project (covering 2000-2005) ranged from 46 to 55, for a cumulative total of 82 different species. Most of the species recorded were common birds of forest, successional, and wetland habitats. However, the following state-listed avian species were also documented: peregrine falcon (endangered); common tern (threatened); and American bittern, sharp-shinned hawk, Cooper’s hawk, and common nighthawk (special concern). No federally listed threatened or endangered species were recorded (NYSDEC, 2015a).
- **Wintering Birds** – Use of the Project Study Area by wildlife during the winter months is likely limited due to severe winter weather. Food for most birds, especially woodland birds, is likely to be scarce at this time, and therefore, a low diversity and density of wintering birds would be expected in and around the Project Study Area. Those bird species that can be expected to consistently occur within the Project Study Area during most winters, such as dark-eyed juncos, are generally common and abundant, both on a regional and continental scale. Irruptive species, such as snowy owls, generally have smaller populations, and their presence in the area is likely inconsistent and often brief. Data from the Audubon’s Christmas Bird Count provides an overview of the birds that inhabit the region during early winter. Counts take place on a single day during a three-week period around Christmas, when dozens of birdwatchers comb a 15-mile (24 km) diameter circle in order to tally up bird species and individuals observed. The entire Project Study Area falls within the Niagara Falls, Ontario count circle. Over the last ten years, annual species counts on this route ranged from 86 to 98 species, for a combined total of 136 individual species. The most common wintering bird species observed were Canada goose, mallard, common merganser, red-breasted merganser, long-tailed duck, Bonaparte’s gull, ring-billed gull, herring gull, rock dove, mourning dove, black-capped chickadee, American robin, European starling, and house sparrow. The following state-listed avian species were also documented: peregrine falcon and short-eared owl (endangered); pied-billed grebe, bald eagle, and northern harrier (threatened); and sharp-shinned hawk, Cooper’s hawk, northern goshawk, red-shouldered hawk, common loon, and horned lark (special concern). No federally-listed endangered or threatened species were recorded (National Audubon Society, 2014).



Mammals

The occurrence of mammalian species was evaluated through review of documented species ranges and existing habitat conditions. This effort suggests that a variety of common mammal species could occur in the Project Study Area, including raccoon, whitetail deer, eastern cottontail, woodchuck, opossum, striped skunk, and a variety of small mammals, such as squirrels, chipmunks, mice, voles, moles, shrews and bats.

Reptiles and Amphibians

Reptile and amphibian presence within the Project Study Area was determined through review of the *New York State Amphibian and Reptile Atlas* (Herp Atlas). The Herp Atlas was a ten-year survey (1990 through 1999) designed to document the geographic distribution of the State's herptofauna. Atlas data were collected and organized according to USGS 7.5-minute quadrangles. The Herp Atlas contains records of six amphibian and one reptile species in the Niagara Falls quadrangle (NYSDEC, 2007). However, the Project Study Area lacks habitat features required by many amphibians (e.g., vernal pools, streams, wetlands, etc.). Consequently, only reptiles and amphibians adapted to upland habitats are likely, such as northern red-backed salamander, northern slimy salamander, American toad, common garter snake, brown snake, and redbelly snake.

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not affect resident or migratory wildlife species in the vicinity of the Project Study Area, as this alternative requires no construction activity or changes in the physical nature of the area.

Build Alternative

The Project would remove more than 12 acres of pavement from the existing RMP and the Robert Moses Parkway Trail combined. Native landscape restoration would occur in all areas where existing pavement is to be removed, and efforts would be made to replace wildlife-supporting vegetation removed in the course of construction. These newly vegetated areas would enhance habitat diversity within the Project Study Area, and provide additional cover and foraging opportunities for wildlife. As a result, the Project has the potential to increase populations for some urban wildlife species.

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. Each of these potential impacts is described briefly below:

- Incidental injury and mortality should be limited to sedentary/slow-moving species such as small mammals, reptiles, and amphibians that are unable to move out of the area being disturbed by



construction. If construction occurs during the nesting season, wildlife subject to mortality could also include the eggs and/or young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile. More mobile species and mature individuals should be able to vacate areas that are being disturbed.

- Some wildlife displacement would occur due to increased noise and human activity as a result of Project construction. Urban wildlife species are generally highly adaptable and mobile, and construction noise and activities would likely motivate the wildlife to temporarily relocate to neighboring areas during construction. The significance of this impact would vary by species, and the seasonal timing of construction activities.

Most of the construction-related impacts described above would be temporary, and none would be significant enough to adversely affect local populations of any resident wildlife species.

4.4.9.3. Threatened and Endangered Species

Existing Conditions

Rare Plant Species

Review of the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Conservation System (IPAC) database indicates that no plant species protected under the Endangered Species Act are documented within the Project Study Area (see **Appendix F.1**).

Written requests for information regarding state-listed threatened and endangered plant species and unique or significant natural communities were sent to the NYNHP on August 27, 2014 and February 25, 2016. According to the response letters (see **Appendix F.1**), the NYNHP database 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 Study Area. The Project Study Area does not provide suitable habitat for these species. Only sky-blue aster has been recorded along the rim of the Gorge in the vicinity of the Project Study Area and, therefore, an extensive literature review and a reconnaissance level survey were undertaken for this species.

Rangewide, sky-blue aster is found throughout central North America, from Ontario south to Texas. It is ranked as an endangered species in New York, with a state heritage rank of S1, indicating that the species is critically imperiled. Although this rare wildflower is considered a “probable” component of the flora in Erie, Cattaraugus, Oneida, Oswego, and Monroe Counties, it has only been confirmed within the last 30 years in Niagara and Livingston Counties (Young, 2010). Sky-blue aster is reported from prairies, alvars, glades, bluffs, dunes, oak and/or pine savannas, barrens, and open deciduous woods (Flora of North America, 1993+; Gleason & Cronquist, 1991). In the vicinity of the Project Study Area, sky-blue aster has been documented in dry shallow limey soils along the rim of the Gorge west of the RMP (Evans et al., 2001). This population, which is located north of the Project Study Area, was sought and observed



during EDR's November 2014 site visit. The plants appeared healthy and robust. Threats to Niagara County populations include invasive species and land management practices such as mowing (Eckel, 2008).

The NYNHP database also includes records of two additional state-listed plant species in the vicinity of the Project Study Area: i.e., puttyroot (*Aplectrum hyemale*) and northern pondweed (*Potamogeton alpinus*). However, neither of these plants have been re-located since the 1800s, despite extensive botanical work in the area by Eckel (1986; 2001, 2002, 2003a, 2003b, 2004, 2008) and others (Evans et al., 2001; TRC & Riveredge, 2008; EDR, 2010). While it is possible that remnant populations of these species could occur undetected within the Project Study Area, such occurrence is unlikely, given the current habitat conditions, and they are considered “historical” in the vicinity of the Project Study Area by the NYNHP (see **Appendix F.1**).

A letter was also received from the NYSDEC regarding the SEQR Lead Agency Designation (see **Appendix N**). This letter, dated March 17, 2016, identified two significant natural communities and six rare plant species in the vicinity of the Project Study Area. As discussed in **Section 4.4.9.1**, both significant natural communities identified (i.e., calcareous talus slope woodland and calcareous cliff community) are located within the Niagara Gorge, which is immediately outside the Project Study Area. Five of the six rare plant species had been previously identified in the NYNHP correspondence, and are discussed immediately above (i.e., smooth cliff brake; elk sedge; slender blazing-star; lesser fringed gentian; and sky-blue aster). It should be noted that the mountain death camas included in the NYNHP database was not mentioned in the March 17, 2016 NYSDEC letter, although that letter also identified woodland bluegrass (*Poa sylvestris*) as occurring at the top of the Gorge.

Woodland bluegrass occurs from New York State west to Wisconsin and Iowa, and south to Florida and Texas. It is ranked as an endangered species in New York, with a state heritage rank of S1, indicating that the species is critically imperiled. This rare grass has been confirmed within the last 30 years in Albany, Jefferson, Kings, and Niagara Counties, and is considered a “probable” component of the flora in Cayuga, Erie, Livingston, Monroe, Onondaga, Tompkins, and Wyoming Counties (Young, 2010). Woodland bluegrass is found in rich deciduous forests, and is usually associated with calcareous or high pH soils (NYNHP, 2015; Evans et al., 2001). In the vicinity of the Project Study Area, woodland bluegrass has been documented in Whirlpool State Park, east of the RMP (Evans et al., 2001). Because this plant species was not identified in the correspondence received from NYNHP, woodland bluegrass was not sought nor observed during the November 2014 site visit. It should be noted, however, that NYNHP mapping indicates that the woodland bluegrass population occurs outside the limits of the Project Study Area (Evans et al., 2001).

No sky-blue aster, woodland bluegrass or other state-listed threatened or endangered plant species or unique or significant natural communities were observed within the Project Study Area.



Rare Terrestrial Wildlife Species

The IPAC database (see **Appendix F.1**) indicates the presence of one federally and state-listed threatened species within the Project Study Area, i.e., northern long-eared bat (*Myotis septentrionalis*). Although no critical habitat has been proposed at this time, the entire state of New York is within the range of this species. In the winter months, northern long-eared bats hibernate in caves and mines where the air temperature rarely fluctuates from cool temperatures and high humidity. The Project Study Area does not contain any caves or mines that may be used by northern long-eared bats during winter months. During the warmer months, this species roosts in living or dead trees or with loose or exfoliating bark, cracks, crevices, cavities, and/or hollows. Northern long-eared bats prefer locations with small openings in the forest canopy to allow roost trees exposure to extended periods of direct sunlight and warmth. Capture data from New York State suggest that northern long-eared bats may also be found in successional forest types as well as mature forests. A variety of tree species are used for roosting. Tree size and structure (i.e., presence of crevices or cavities) is more important in roost selection than tree species (USFWS, 2015). The successional and mature forests in the Project Study Area provide potential summer roosting habitat for this threatened bat.

The NYNHP database contains no records of threatened, endangered, or special concern terrestrial wildlife species in the vicinity of the Project Study Area (see **Appendix F.1**).

Rare Aquatic Wildlife Species

Review of the IPAC database indicated that no aquatic species protected under the Endangered Species Act are documented within the Project Study Area (**Appendix F.1**).

Correspondence from the NYNHP (**Appendix F.1**) indicated the presence of two sensitive aquatic species in the vicinity of the Project Study Area: i.e., hickorynut (*Obovaria olivaria*) and rainbow shell (*Villosa iris*). Both of these unlisted but rare mussels occur within the Niagara River upstream of the falls, and well outside the Project Study Area.

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not directly affect threatened and endangered species in the vicinity of the Project Study Area, as this alternative requires no construction activity or changes in the physical nature of the area. However, existing threats, such as non-native invasive species, would remain.

Build Alternative

No direct impacts to listed plants or significant natural communities are anticipated. Of the seven combined state-listed plant species identified in NYNHP and NYSDEC correspondence as occurring in the vicinity of the Project Study Area, five of these species occur within the Niagara Gorge, outside the immediate Project Study Area. Sky-blue aster and woodland bluegrass have been recorded along the rim of the Gorge; however, both of these populations are located north of the Project Study Area. Two additional state-listed plant species in the vicinity of the Project Study Area, puttyroot and northern



pondweed, are historical accounts, and given current habitat conditions, are not likely to occur within the Project Study Area.

Similarly, no direct impacts to rare aquatic wildlife species are anticipated, because these species occur outside the Project Study Area as well.

Although Project construction would primarily occur outside of forested areas, some limited tree removals (estimated at 160 scattered trees) would occur as part of the Build Alternative. Clearing of trees would have no direct effect on individual northern long eared bats, provided the trees are cut outside the species' active period of April through September (USFWS, 2016). Accordingly, the intent is to conduct any necessary tree clearing outside this specific cutting timeframe (i.e., all trees will be cut between October 1st and March 31st when the bats are no longer utilizing maternity roost trees because they are migrating to hibernacula and hibernating). This measure will protect northern long-eared bats by prohibiting the clearing of potential roost trees during the maternity season when the trees could potentially be used for roosting (USFWS, 2016). Removal of potential roost trees could still be considered an impact (i.e., loss of habitat). However, the Final 4(d) Rule, published by the USFWS in January 2016, does not prohibit tree clearing during the winter months because white-nose syndrome is the primary threat to the species, not habitat loss. Furthermore, according to the USFWS (2014), "Trees found in highly developed urban areas (e.g., street trees, downtown areas) are extremely unlikely to be suitable NLEB [northern long-eared bat] habitat." Consequently, this Project is not anticipated to result in adverse impacts to northern long-eared bats or their habitat.

The FHWA's New York Division has developed a process to assist the NYSDOT in compliance with the Federal Endangered Species Act (ESA) for the northern long-eared bat. The appropriate documents for the Programmatic Section 7 ESA Process for the Project (see **Appendix F.3 - Programmatic Section 7 ESA Process**) were submitted by NYSDOT to the USFWS, with a copy to FHWA, for concurrence on February 23, 2016. In their letter, NYSDOT committed to tree clearing during the winter cutting window of October 1st and March 31st, and as such, made a preliminary effect determination that the Project "*May Effect, Not Likely to Adversely Affect*" the northern long-eared bat. A response letter from FHWA dated March 11, 2016 indicated concurrence with this determination, thereby completing the Section 7 consultation (see also, **Appendix F.3**).

Impacts to the Niagara River and Gorge may result from sedimentation and erosion caused by construction activities (e.g., removal of vegetation and soil disturbance), as well as the introduction or spread of invasive vegetative species. However, with implementation of best management practices described below in **Sections 4.4.9.4** and **4.4.9.5**, respectively, no impacts are expected to occur. Therefore, the Project would not impact threatened or endangered species within these areas.



4.4.9.4. Non-Native Invasive Species

Existing Conditions

An invasive species is an organism that has been purposefully or accidentally introduced outside its original geographic range, and is able to proliferate and aggressively alter its new environment, potentially causing harm to the economy, environment, or human health. Many of the plants and animals found in New York State are non-native. Approximately one-third of the plant species in the State are native to places other than New York. Many of these species cause no significant harm and in fact provide benefits as agricultural crops, landscaping, or garden plants. However, introduced species often lack the predators and pathogens found in their native ecosystems, and can therefore thrive and in some cases, become extremely aggressive, outcompeting native species. Up to 15% of introduced species eventually become invasive (NYS ISTF, 2005).

New York State adopted a regulation in July of 2014 that prohibits or regulates the possession, transport, importation, sale, purchase, and introduction of select invasive species. The purpose of 6 NYCRR Part 575 is to help control invasive species by reducing the introduction of new, and the spread of existing populations. This regulation identifies prohibited and regulated species of algae/cyanobacteria, plants, fish, aquatic invertebrates, terrestrial invertebrates, terrestrial vertebrates, and fungi. Of these, emerald ash borer and various invasive plant species currently present the most significant threat in the Project Study Area. The NYSDEC has confirmed the presence of ash trees infested with emerald ash borer in Niagara County, and the entire Project Study Area lies within the NYSDEC Quarantine District. This metallic green wood-boring beetle is native to Asia and infests and kills all native ash trees (NYSDEC, 2015b).

Non-native plant species represent a significant portion of the current flora within the Project Study Area. Of the 226 species observed by EDR during reconnaissance-level surveys, 112 species (49.6%) are not native to the western New York region (Weldy et al., 2015; Eckel, 2012). This tally includes 21 species listed by the NYSDEC (2014) as prohibited or regulated invasive species, including: Norway maple, sycamore maple, common mugwort, spotted knapweed, Canada thistle, Japanese barberry, garlic mustard, Amur honeysuckle, Morrow honeysuckle, Tartarian honeysuckle, fly honeysuckle, oriental bittersweet, autumn olive, black locust, privet, common reed, Japanese knotweed, fig buttercup, common buckthorn, multiflora rose, and wineberry. The plant species list included in **Appendix F.2**, identifies which species are non-native and/or prohibited/regulated invasives. Most of the non-native and/or invasive species present within the Project Study Area are also common and widespread throughout the surrounding region.

Non-native invasive species, both in the Gorge and along the rim, present a grave threat to the rare plant populations and natural communities within the Project Study Area (Evans et al., 2001; Eckel 2002, 2003a). Each of the invasive species identified within the Project Study Area has the ability to spread rapidly and crowd out native plants, thereby changing the vegetative structure of natural areas. Invasive species within the Project Study Area have typically been planted for landscaping purposes along the



RMP or in adjacent communities, or have established populations through inadvertent introduction during construction, road building, and various other earth moving activities. Once established, these populations of invasive species serve as a source of seeds for expanding populations, often spreading down into the Gorge, which provides habitat for numerous rare species (Evans et al., 2001; Eckel 2002).

In addition to non-native invasive species, non-local genotypes of native plant species can also adversely impact local plant communities. A genotype from many hundreds or thousands of miles away may not be as well adapted to the Niagara region as a local genotype. This is because natural selection can lead to local adaptations. Recent studies have found that local genotypes outperformed non-local genotypes in 71% of comparisons (Leimu & Fischer, 2008; Hereford, 2009). The introduction of non-local adaptations from distant environments can happen when introduced non-local genotypes cross-pollinate with local genotypes. This can produce inter-population hybrids with weakened local adaptations and decreased overall fitness (Crémieux et al., 2010).

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not likely result in the introduction of new invasive species or non-local genotypes of native species in the Project Study Area. However, existing populations of non-native invasive plant species within the Project Study Area would continue spreading and producing seeds, which would likely result in the establishment of additional populations of invasives within the Project Study Area and the adjacent Niagara Gorge. These existing and new populations of invasive plants would continue to threaten rare plant populations and natural communities both in the Gorge and along the rim.

Build Alternative

Project construction activities would result in disturbance to soils and vegetative communities. Because populations of invasive plants typically establish most readily in places where the ground has been disturbed, thereby exposing the soil, these areas would be especially vulnerable to the introduction of invasive species. Introduction and spread of prohibited and regulated invasive species would be minimized through the implementation of best management practices and appropriate control measures, including educating construction workers about invasive species and how to prevent their spread. Other control measures would include construction materials inspection, target species treatment and removal, construction equipment sanitation, and native plant restoration. With implementation of these measures, the Project is not anticipated to result in an increase in invasive species within the Project Study Area.

Furthermore, because the largely non-native landscaping adjacent to the existing RMP would be replaced with native plant species, the Project should have the long-term indirect effect of reducing the non-native seed sources that are currently spreading from the rim into the Niagara River Gorge. In other words, the Project would have both direct and indirect positive impacts on non-native invasive plant species in the area. Existing non-native invasive plant populations within the Project Study Area would be significantly reduced through removal and replacement with native plant species. In addition, removal of existing seed



sources within the Project Study Area would reduce the establishment of new populations of invasive plants within Niagara Gorge and other sensitive adjacent areas such as DeVeaux Woods.

Native landscape restoration would occur in all areas where existing pavement is to be removed. Native plant materials would be sourced locally to the extent practicable. Where native plant materials are not available from Niagara County or the western New York region, more proximal sources will be selected preferentially over more distant sources (e.g., native plants local to Pennsylvania would be preferred over native plants local to North Carolina). These measures would avoid / minimize potential adverse effects from the introduction of non-local genotypes of native plant species.

4.4.9.5. Aquatic Resources

Existing Conditions

As mentioned in other sections, there are no surface waters or wetlands within the Project Study Area. However, the Niagara River and Gorge are immediately adjacent to the Project Study Area. Due to the ecological significance of this feature and its proximity to the proposed Project, a brief discussion of the aquatic resources associated with the Niagara River is provided below.

Water Quality

The NYSDEC classifies all waters in the state based on the existing or expected best use of that waterway. As indicated in **Section 4.4.2**, the Niagara River is designated as Class A-Special (A-S), which is considered a protected stream class subject to the provisions of the Protection of Waters regulations. The Class A designation indicates that the best usage is as a source of drinking water, and for fishing, swimming and other recreation (NYSDEC, 2015c).

The Niagara River and Gorge have been subject to various pollutants, both historical and ongoing. The Hooker-Hyde Park landfill, active from 1953 to 1975, was used to dispose of approximately 80,000 tons of waste, including hazardous materials such as volatile organic compounds and dioxin. Contaminants from the landfill entered both the groundwater and Bloody Run, which flowed down the Gorge face into the Niagara River near Devil's Hole, north of the Project Study Area. As part of the remediation plan, Bloody Run was excavated to remove contaminated water and sediment, and extraction wells were constructed to maintain an inward groundwater hydraulic regime. Current seeps in the Bloody Run area of the Gorge are surface runoff rather than groundwater discharge, and indicate that the extraction wells have been effective at controlling groundwater migration from the landfill into the Gorge (EPA, 2014).

Runoff from city streets and parking lots along the rim drains into the Gorge through channelization and through stormwater drainage structures evident along the face of the cliff, introducing a variety of pollutants (e.g., saltwater and petroleum products) to the natural communities at the base of the cliff, and ultimately to the Niagara River. This runoff represents an ongoing threat to the calcareous talus slope woodlands located below the cliffs. According to Evans et al. (2001), "the introduction of chemicals and fuels into these natural systems could have profound effects on their overall integrity."



Due to concerns about adverse health effects from chemical contamination, the New York State Department of Health has issued fish consumption advisories for waters throughout the State, including the Niagara River. Specific contaminants of concern include polychlorinated biphenyls (PCBs), mirex, and dioxins. Children under 15 years and women under 50 years are advised not to eat any fish from the Niagara River downstream of the falls. Men and women beyond their childbearing years are also advised not to eat channel catfish, carp, and white perch, and are advised to eat no more than one meal per month of white sucker, brown trout over 20 inches, and lake trout over 25 inches (NYSDOH, 2015).

Fish

Immediately adjacent to the Project Study Area, the Lower Niagara River Rapids support a productive coldwater fishery. Concentrations of steelhead are among the highest in the state. These spawning runs start in September and October, and may continue sporadically throughout the winter, peaking in March and April. Substantial numbers of coho salmon, chinook salmon, and brown trout also occur in the area during spring and fall spawning periods. However, these populations are the result of an ongoing effort by the NYSDEC to establish a salmonid fishery in the Great Lakes through stocking; no successful reproduction by salmonids has been documented in the Lower Niagara River Rapids (NYSDOS, 2015). Steelheads were observed spawning in 2003 in a small gravel deposit in the vicinity of Devil's Hole, near the downstream end of Foster Rapids. However, this area is partially dewatered by low flows, and it is unlikely that this spawning was successful (ASA & E/PRO, 2005).

Other fish species found in the lower rapids include smallmouth bass, walleye, white bass, yellow perch, lake trout, smelt, rock bass, freshwater drum, and round goby (NYSDOS, 2015; Stantec, 2005). It is unlikely that the section of the Niagara River adjacent to the Project Study Area is used for fish spawning or nursery activities by any of these species to any significant extent, due to the strong turbulent currents, a lack of shallow water littoral areas, and the lack of tributaries (NYSDOS, 2015).

Impacts and Mitigation

No-Build Alternative

The No-Build Alternative would not result in any effects on water quality or fish in the vicinity of the Project Study Area, as this alternative requires no construction activity or changes in the physical nature of the area. However, stormwater runoff from the RMP would continue draining into the Gorge, and continue threatening the calcareous talus slope woodlands located below the cliffs immediately west of the Project Study Area.

Build Alternative

There are no surface waters or wetlands within the Project Study Area. Therefore, Project construction would not have a direct negative effect on fish or other aquatic resources. In addition, no direct negative impacts would occur to the Niagara River, the Gorge, or the Lower Niagara River Rapids, which are outside the Project Study Area. In fact, by removing the existing impervious surfaces associated with the RMP and expanding the vegetated area at the top of the Niagara Gorge, the Build Alternative would serve to reduce the volume and contaminant levels of stormwater currently entering the Gorge.



Impacts to the Niagara River and Gorge could result from sedimentation and erosion caused by construction activities (e.g., removal of vegetation and soil disturbance). Construction can cause sediment-laden runoff to enter waterways. If not properly controlled, the resultant water quality impacts may adversely affect animal, plant, or human populations, as evidenced by the pollutants and chemical contamination currently occurring in the Niagara River and Gorge, discussed above in the Existing Conditions section. Erosion and sedimentation impacts during construction would be minimized by the implementation of a Stormwater Pollution Prevention Plan (SWPPP) and an associated erosion and sedimentation control plan developed as part of the State Pollution Discharge Elimination System (SPDES) General Permit for construction activities. The Project SWPPP would describe the erosion and sediment control practices that are proposed to be implemented during construction activities and the stormwater management practices that would be used to reduce the pollutants in stormwater discharges after Project construction has been completed. Therefore, no significant environmental impacts are anticipated to occur to aquatic resources as a result of the Project.

In turn, it is anticipated that the Build Alternative would result in an overall reduction in impervious surfaces in the Project Area, that together with the implementation of green infrastructure components noted in **Section 4.4.8** would result in a direct reduction of stormwater runoff from the Gorge rim into the Niagara Gorge. These measures would also result in a long-term reduction of stormwater entering into the combined sewer system, thus indirectly reducing the potential for periodic combined sewer overflows to the Niagara River during storm events.

4.4.10. Critical Environmental Areas

Existing Conditions

The proposed Project does not involve work in or near a Critical Environmental Area (CEA). There are no designated CEAs in Niagara County (NYSDEC, 2015d).

Impacts and Mitigation

Due to the non-existence of CEAs in the Project Study Area, there would be no impacts to such resources under either the No-Build or Build alternative.

4.4.11. Historic and Cultural Resources

Existing Conditions

The Project Study Area used for presentation in this document is similar to that defined in **Section 4.1**, except that the northern limit is Findlay Drive itself. Therefore, the Project Study Area for the Historic and Cultural Resources is as follows:

- Findlay Drive to the north;
- Main Street and Third Street to the east;
- Niagara Street to the south; and
- the Niagara Gorge rim to the west.

It should be noted that this Project Study Area as presented in this document is broader than the Project's Area of Potential Effect (APE) considered as part of the National Historic Preservation Act Section 106 process (see discussion on Section 106 below). A Project's APE is defined by the Section 106 regulations as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist" (36 CFR 800.16(d)). This APE, in general terms, can be characterized as the geographical areas adjacent to the potential right-of-way for the Build Alternative, as well as an appropriate buffer defined by surrounding topographical features, adjacent neighborhoods and the road network. In the case of this Project, the actual ground-disturbing construction activities are generally proposed to be limited to Third and Whirlpool Streets and areas west of Third and Whirlpool Streets to the Niagara Gorge rim. The APE, therefore, is limited to this area, with the addition of a buffer immediately adjacent to and abutting the east side of Third and Whirlpool Streets between Main Street to the south and Findlay Drive to the north. Both the Project Study Area for Historic and Cultural Resources and the Project's APE are depicted on **Figures 4-10a and 4-10b**.

National Historic Preservation Act – Section 106 / State Historic Preservation Act – Section 14.09

A Phase 1A Cultural Resources Survey was conducted as part of the Design Approval Document investigation to identify all previously recorded cultural resources within the Project Study Area. The cultural resources investigation included archival and historical map research, a site file and literature search, preparation of the prehistoric/pre-contact and historic background of the Project Study Area, examination of properties listed in the New York State and National Registers of Historic Places ("State/National Register"), assessments of cultural resource sensitivity and past disturbances of the study area, and an intensive walkover reconnaissance and photographic documentation. Because the Project is a federally funded action, involves a federal permit, or is state funded with the possibility of becoming federally funded¹, the investigation was conducted in compliance with Section 106 of the National Historic Preservation Act. This ensures compliance with the New York State Historic Preservation Act Section 14.09 process.

Figure 4-10a – Southern Portion of the Project Study Area and Area of Potential Effect



Figure 4-10b – Northern Portion of the Project Study Area and Area of Potential Effect





The Phase 1A cultural resources investigation was conducted in compliance with the following:

- The requirements for the protection of the nation's cultural resources as mandated by Section 106 of the National Historic Preservation Act of 1966, the amended Procedures for Historic and Cultural Properties as set forth in 36 CFR Part 800 and associated guidance, the National Environmental Policy Act of 1969, Executive Order 11593, the Archaeological and Historic Preservation Act of 1974, the New York State Historic Preservation Act, and the New York State Environmental Quality Review Act;
- The current *New York State Education Department Cultural Resources Survey Program Work Scope Specifications for Cultural Resource Investigations on New York State Department of Transportation Projects* (New York State Museum 2004); and
- The current *Cultural Resource Survey Report format as well as the New York Archaeological Council's Standards for Archaeological Investigations (NYAC 2000) and New York State Historic Preservation Office (NY SHPO) guidelines.*

National Heritage Areas (NHAs)

National Heritage Areas (NHAs) are designated by Congress as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape. Through their resources, NHAs tell nationally important stories that celebrate our nation's diverse heritage. Consequently, NHA entities collaborate with communities to determine how to make heritage relevant to local interests and needs.

The Project Study Area as defined above is located in a NHA -- the *Niagara Falls National Heritage Area*. Designated by Congress in 2008, the Niagara Falls National Heritage Area stretches from the western boundary of Wheatfield, New York to the mouth of the Niagara River on Lake Ontario, including the communities of Niagara Falls, Youngstown and Lewiston. The Niagara Falls National Heritage Area Commission has completed the development of the *Niagara Falls National Heritage Area Management Plan* (July 2012). The proposed vision, mission and goals, as well as the draft alternatives, can be found on this website by following the addresses/links below:

[http://www.nps.gov/nifa/learn/management/upload/NFNHA-PART-II-Mgmt-Plan-7-17-2012.pdf\[nps.gov\]](http://www.nps.gov/nifa/learn/management/upload/NFNHA-PART-II-Mgmt-Plan-7-17-2012.pdf[nps.gov])

<http://www.discoverniagara.org/>

The Niagara Falls National Heritage Area Commission has been contacted to ensure that the Project is consistent with the Heritage Area Management Plan.

New York State Heritage Area

In 2012, the New York State Heritage Area Advisory Council endorsed the Niagara Falls Underground Railroad Heritage Area Management Plan, and thereby officially established the *Underground Railroad Heritage Area* in the City of Niagara Falls. The Niagara Falls Underground Railroad Heritage Area celebrates, interprets, and preserves the wealth of places and stories associated with the Underground Railroad found within the City of Niagara Falls and the surrounding region. For more information, follow the addresses/link below.

<http://www.niagarafallsundergroundrailroad.org/>

The boundaries of the Niagara Falls Underground Railroad Heritage Area include the entirety of the City of Niagara Falls municipal limits. Under the guidance of the Niagara Falls Underground Railroad Heritage Area Commission, the Heritage Area represents a partnership between NY SHPO, the City of Niagara Falls, and local advocacy and community groups.

A portion of the recently restored State/National Register-Listed Customs House at 2245 Whirlpool Street, located in the Project Study Area opposite the Whirlpool Bridge, will house the new home for the Underground Railroad Interpretive Center. The restoration project was completed in association with the International Railway Station/Intermodal Transportation Center (IRS/ITC) on the adjacent parcel, which is presently under construction and nearing completion. The purpose of the Interpretive Center is to provide a gateway to the important Underground Railroad and anti-slavery history of the area, and to direct visitors to visit other local and regional attractions. The Interpretive Center will also provide a foundation for future heritage development projects in Niagara Falls. Landscape elements associated with the Customs House include lawn and concrete sidewalk.

The Niagara Falls Underground Railroad Heritage Area Commission has been contacted to ensure that the Project is consistent with the 2012 Heritage Area Management Plan.

Architectural Resources

As part of the Phase 1A investigation conducted for this Project, an architectural field survey was conducted to determine if additional historic properties are within the Project Study Area. If structures potentially eligible for inclusion in the National Register are identified in areas that may be impacted by Project construction, then sufficient data will be transmitted to the FHWA and NY SHPO to make their determinations regarding the structure's National Register eligibility.

National Historic Landmark

The Niagara Reservation is a National Historic Landmark (1966) and a State/National Register-Listed New York State Park that is partially located in the Project Study Area. Designed by Frederick Law Olmsted, the Niagara Reservation opened in 1885 as the nation's first state park. The northern boundary of Niagara Reservation extends north along the Niagara River to include the area just north of the Niagara Gorge Discovery Center (**Figure 4-11a**). There are 16 contributing resources in the Niagara Reservation (NY SHPO Cultural Resource Information System [CRIS]), none of which are located in the



Project Study Area. Other architectural resources in the state park adjacent to or in the study area that are not in CRIS include the Niagara Gorge Discovery Center (1970-1971) and the Niagara Gorge Trail Information and Public Restroom. Designed in the shape of a water turbine, the Mid-Century Modern-inspired Niagara Gorge Discovery Center (formerly known as the Schoellkopf Geological Museum) opened on January 2, 1971. Each of these resources is less than 50 years old.

State/National Register-Listed Properties

Four (4) individual State/National Register-Listed properties and two (2) State/National Register-Listed historic districts are in the Project Study Area as shown in **Figures 4-11a and 4-11b**. The four individual historic properties are listed in **Table 4-8 below**.

Table 4-8 – Individual State / National Register-Listed Properties in the Project Study Area

| Street No. | Street Name | Property Name | USN | State/National Register No. |
|------------|------------------|--|--------------|--|
| | Niagara River | Niagara Reservation | - | 90NR01961; also listed as National Historic Landmark |
| 1022 | Main Street | Niagara Falls Public Library (Carnegie Building) | 06340.000014 | 90NR01965 |
| 740 | Park Place | James G. Marshall House | 06340.000554 | 04NR00709 |
| 2245 | Whirlpool Street | Old Customs House | 06340.000002 | 90NR01962 |

The two historic districts are the Park Place Historic District (10NR06113), which contains a total of 79 contributing resources and 5 non-contributing resources, and the Chilton Avenue – Orchard Parkway Historic District (10NR06119), which contains 80 contributing resources and 6 non-contributing resources, Most of the contributing and non-contributing resources are residences, although there are a few houses of worship and commercial buildings included as well. All of the contributing and non-contributing resources within these two districts are listed in **Appendix G.1 - Phase 1A Cultural Resources Survey** (see Table 4-3, State/National Register Listed / Eligible and Recommended State/National Register Eligible Buildings / Structures and Districts on page 4-37 of the Phase 1A Cultural Resource Survey dated August 2015, included in that appendix).

State/National Register-Eligible Properties

A total of 41 individual State/National Register Eligible historic resources are within the Project Study Area (see Table 4-5, State / National Register Eligible Properties in the Study Area on page 4-61 of the Phase 1A Cultural Resource Survey dated August 2015, included as **Appendix G.1**). None of these previously-determined NRHP-eligible resources has associated property in the area west of Whirlpool Street.

Figure 4-11a – State/National Register-listed Properties within the Southern Portion of the Project Study Area



Figure 4-11b – State/National Register-listed Property within the Northern Portion of the Project Study Area





State/National Register-Eligible Bridges

There are three (3) State/National Register-Eligible Bridges located within the Project Study Area (see Table 4-9).

**Table 4-9 – State/National Register-Eligible Bridges
In the Project Study Area**

| Street No. | Street Name | Property Name | USN |
|------------|---------------------------------------|---|--------------|
| 467 | Second Street | Second Street Bridge | 06340.000750 |
| | Whirlpool Street; S. of Bridge Street | Michigan Central Railroad Bridge over the Niagara Gorge | 06340.000231 |
| 2250 | Whirlpool Street | Whirlpool Rapids Bridge over the Niagara Gorge | 06340.000230 |

It should be noted that there is also a portion of the Michigan Central Railroad Bridge that spans over Whirlpool Street. That portion of the bridge has been determined not to be State/National Register Eligible.

Potential Individual State/National Register-Eligible Properties

The Phase 1A survey identified 26 individual properties as potential State/National Register-Eligible resources (see Table 4-3, State/National Register-Listed/Eligible and Recommended State/National Register-Eligible Buildings / Structures and Districts on page 4-37 of the Phase 1A Cultural Resource Survey dated August 2015, included as **Appendix G.1**). NY SHPO Historic Resource Inventory Forms were completed as part of the Phase 1A survey. One of these resources, Aquarium of Niagara at 701 Whirlpool Street is adjacent to the proposed Project. The aquarium property is located between Whirlpool and Third streets. Associated landscape features on the parcel include a landscaped lawn, grassy strip, mature trees, parking lot, and concrete sidewalk.

Potential State/National Register Eligible Historic District

Upper Main Street Historic District is recommended as potentially eligible for listing on the State/National Register under Criterion C as a largely intact, contiguous collection of commercial buildings associated with a period of intense development and growth in the history of the City of Niagara Falls from ca. 1850s through 1950s. The initial recommendation for the Upper Main Street Historic District includes 23 contributing resources, five non-contributing resources, and three non-contributing vacant parcels (see Table 4-1, Potential Upper Main Street Historic District on page 4-11 of the Phase 1A Cultural Resource Survey dated August 2015, included as **Appendix G.1**). This possible historic district encompasses resources along the west and east sides of Main Street in the neighborhood historically known as Bellevue/Suspension Bridge/Niagara City in the northwestern section of the City of Niagara Falls. Preliminary boundaries as identified by the current study begin at Michigan Avenue at the district's