

**Final
Environmental Assessment for
Conversion of a Portion of Fort Niagara State Park
For adaptive re-use of Historic Buildings
And acquisition of replacement lands at Bear Mountain State Park**

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March 2013

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Chapter 1 - Purpose, Need, Background

The proposed action is the conversion of 20.16 acres in Fort Niagara State Park that is mapped in accordance with Section 6(f) of the Land and Water Conservation Fund regulations (Section 6, Land and Water Conservation Fund Act of 1965, as amended: Public Law 88-578; 16 U.S.C. 4601-4 et seq, Section 1.4). This will allow for the redevelopment and reuse of 3 former US Army buildings by the private sector. The project also involves the substitution of 140.68 acres of land in Orange County as replacement for the conversion of 20.16 acres of recreation land at the Ft. Niagara site as required by section 6(f).

State Parks owns several former US Army buildings at Fort Niagara State Park which have not been used in over 30 years and are deteriorating. The Agency has not had sufficient funds in its budget to preserve or restore these buildings and does not have any recreational use for the buildings. One option considered was demolition of the buildings and restoration of the area to parkland and park uses. This alternative would be costly and would result in significant adverse impacts to historic resources since the buildings are eligible for listing on the National Register of Historic Places.

The alternative of not converting these structures would result in continued deterioration of these structures. Ironically, the buildings could decline to a state where they would have to be cordoned off, restricting public access to park resources. This alternative is not viable because it would result in the permanent loss of irreplaceable historic resources and may negatively impact outdoor recreation.

An alternative to allowing continued deterioration of these historic buildings would be to convert them from 6(f) protection to allow a public/private partnership to rehabilitate the buildings for other park-appropriate uses. This will allow the public to appreciate these structures well into the future, for many generations to come. Consideration was also given to converting only the buildings and the immediate areas around them in order to minimize the amount of parkland affected by this proposal. However, RFP's for adaptive reuse of these buildings have been circulated by the Agency several times in the past. There was one proposal in 1999 by Construction Services of Niagara, Inc. that included adaptive reuse of just the buildings and their immediate surroundings. That proposal was the subject of an FEIS process (Apex et. al, 1999). However, the proposed Inn and other facilities were never constructed and the buildings have continued to deteriorate since that time. Additional RFP's were circulated by the Agency following the initial failed attempt. Prospective bidders expressed the need for a larger area in order to be more flexible to include important accessory facilities such as other buildings, parking lots and roadways and make any proposed projects economically viable.

The agency has determined that the only way to preserve these historic buildings is through investment by the private sector for some type of adaptive reuse of the buildings for a hotel, bed and breakfast, conference facilities or similar, park-appropriate uses. In order to provide adequate land for any necessary roadways, parking or accessory facilities that might be needed for adaptive reuse of these buildings, OPRHP is proposing conversion of some additional parkland adjacent to the buildings. The conversion of these areas represents the most effective opportunity to give these buildings a new function and purpose, which will result in the preservation of their historic fabric while ensuring their use and care well into the future.

This Environmental Assessment (EA) evaluates the request by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) to the National Park Service (NPS) to allow this partial conversion of Fort Niagara State Park in Youngstown, Niagara County, New York, to be replaced by land in the Town of Highland, Orange County, New York, adjacent to Bear Mountain State Park. The purpose of this assessment is to provide a framework for the NPS to evaluate the environmental consequences of the proposed action, both of removing 6(f) protection on the converted parcel and introducing appropriate, equivalent recreational uses to the replacement parcel.

An Environmental Assessment is needed as a result of the proposed action because the L&WCF provides special protection for land acquired or developed with federal L&WCF financial assistance. Specifically, Section 6(f) of the L&WCF states that property improved or developed with L&WCF financial assistance shall not be converted to any other use than public outdoor recreation without the approval of the Secretary of the Interior (delegated to the National Park Service director). Such approval is not granted unless the replacement property is of equal or greater fair market value and is of equivalent recreational usefulness as that being converted.

283 acres of Fort Niagara SP are mapped under Section 6(f) and therefore subject to the LWCF provision. The conversion is necessary because 20.16 acres of the land on the project site will change from 6(f) protected outdoor recreation to other public uses that are not eligible for LWCF support and must, therefore, be replaced so that there is no net loss of outdoor recreation.

NYS OPRHP has received Federal Land & Water Conservation Funds on several occasions for projects at Fort Niagara State Park as described in *Table 1*. 283 acres of the park is mapped under 6(f). The 220 acres of underwater lands and the Coast Guard Property and historic lighthouse are not mapped (*Figure 1*).

LWCF Grant Number	Project Description
36-00021	development of the park in 4 phases, to include 3 miles of roads, parking lots, bathing area, marina, picnic area, roller and ice rinks, and landscaping
36-00447	replace maintenance building and warehouse roofs, and road repair
36-00945	construction of a boat launch
36-00954	energy conservation at the pool and bathhouse
36-00991F	reconstruction of bathhouse terrace wall
36-1048C	handicapped accessibility improvements
36-01198	rehabilitate swimming pool and wading pool, water slide, pool decks, transform diving pool to multi-purpose pool

Table 1. Description of previous LWCF funded projects at Fort Niagara State Park

This EA will serve as environmental documentation for the NPS decision under the National Environmental Policy Act (NEPA) as well as for NYS OPRHP's action under the State Environmental Quality Review Act (SEQR). The partial conversion at Fort Niagara State Park is considered an Unlisted Action under Part 617, the rules and regulations implementing SEQR.



Figure 1. Existing 6(f) boundary Fort Niagara State Park

Chapter 2 – Description of Alternatives

2.1 Proposed Action - Conversion of 20.15 acres of parkland and provision of replacement lands.

The proposed action is National Park Service approval of this project. The project consists of 2 components, the conversion of 20.16 acres of parkland at Fort Niagara State Park and the addition of substitute parkland to Bear Mountain State Park. Both parks are shown in *Figure 2*.

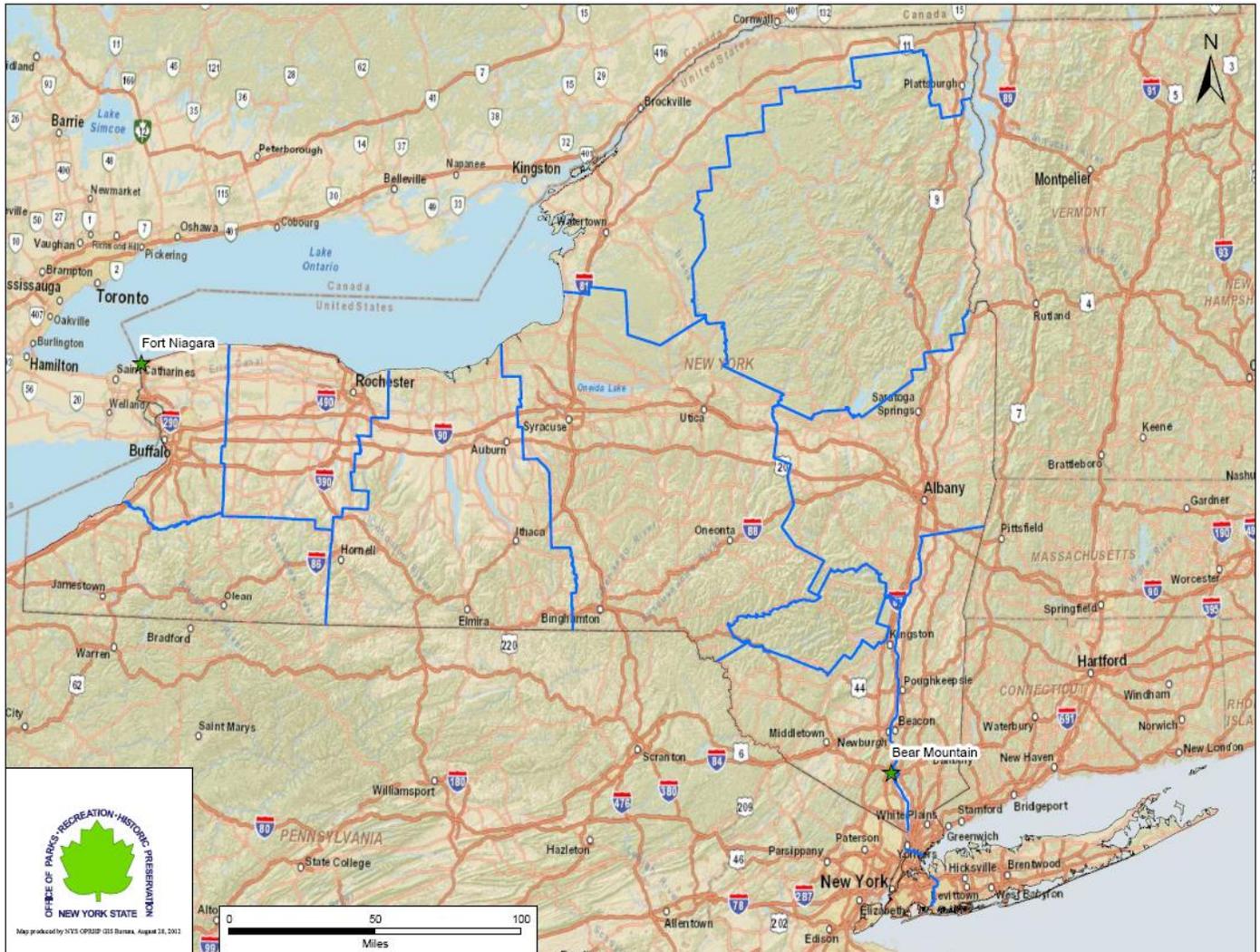


Figure 2. Map showing relationship between Fort Niagara SP and replacement parcel at Bear Mountain SP.

Fort Niagara State Park: The proposed action involves conversion of 20.16 acres of the 283-acre 6(f) mapped areas of Fort Niagara State Park in Niagara County, NY, including 3 vacant former US Army buildings to allow for opportunity to re-use these buildings for purposes that will complement the park and the park experience. The area proposed for conversion is shown in Figure 3. This alternative would convert a large enough parcel so that the state will have the flexibility to entice a private partner to invest capital dollars in restoration and adaptive reuse of the buildings. The NPS requires the Agency to convert a piece of land sufficient to allow for the converted piece to be used without “spilling out” into recreational lands. Since these buildings are in a park setting, an investor may need additional land outside the building envelopes for

support amenities like parking, roadways, an outdoor café or employee exercise area. The proposed conversion of the 20.15 acres is OPRHP's best effort to define a reasonable area which would prevent the need for further parkland conversion in the future.

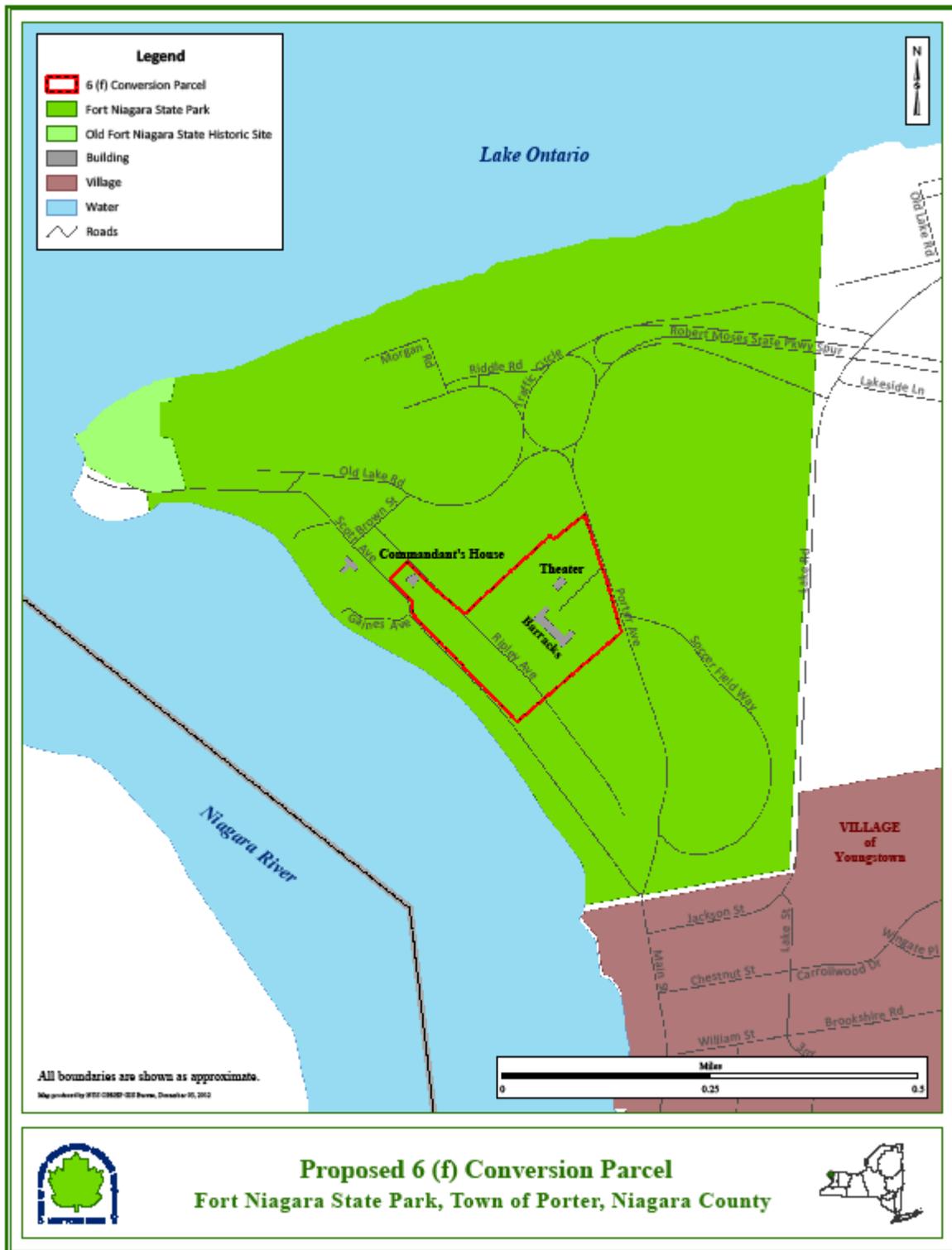


Figure 3. Fort Niagara State Park and proposed conversion area

Recreation facilities in the proposed conversion area include a walking path, a dilapidated basketball backboard in a parking lot, picnic area, comfort station and a couple of small dilapidated parking areas. These facilities are described in more detail in Chapter 3.

Following the conversion of the 20.16 acre parcel, approximately 262 acres of Fort Niagara State Park will remain under Section 6(f) protection and public access will be provided in the entire park, including on the converted parcel. The park will continue to provide recreational opportunities including swimming, boating, hiking, soccer, picnicking and environmental education as discussed more fully in Chapter 3.

Substitute Parcel – Bear Mountain State Park. A 140.68-acre parcel adjacent to Bear Mountain State Park in Orange County is being proposed as the new parcel to substitute for the Fort Niagara State Park property being converted from outdoor recreational use. *Figure 4* depicts the proposed substitute parcel and its relationship to Bear Mountain State Park. The 6(f) boundary of Bear Mountain State Park encompasses the entire park and the new parcel will become part of the park and incorporated within the 6(f) boundary. This parcel will be used for passive recreation such as walking and hiking. The replacement parcel was in private ownership and has informal trails on it. These existing trails on the substitute property will be formally marked within the next two years and be part of the Bear Mountain State Park trail system. The natural resources will be preserved in managing this property. Additional information about this parcel and its recreational resources is included in Chapter 3.

This parcel has already been acquired by the Agency due to the urgency to protect it from development. OPRHP was granted a Waiver of Retroactivity from NPS (Howard, 2011) in order to use this acquisition as replacement land for later conversion proposals. An extension of this waiver was granted on September 20, 2012 (Howard, 2012). The Waiver is an acknowledgement of the need for immediate action to acquire the land and does not indicate NPS approval of the parcel as replacement land for this project.

The Land and Water Conservation Fund sets forth various requirements for a site that would be acceptable to substitute for the land being converted. The fair market value of the lands proposed for the substitution must be of equal or greater value than the lands being converted. The land to be substituted must also offer equivalent recreational usefulness and location, and meet the outdoor recreation needs as indicated in the Statewide Comprehensive Outdoor Recreation Plan. OPRHP has reviewed other properties and has determined that the proposed replacement property in Orange County adjacent to Bear Mountain State Park meets these requirements.

With respect to property location, no acceptable parcels were currently available in Western NY that would meet these criteria.

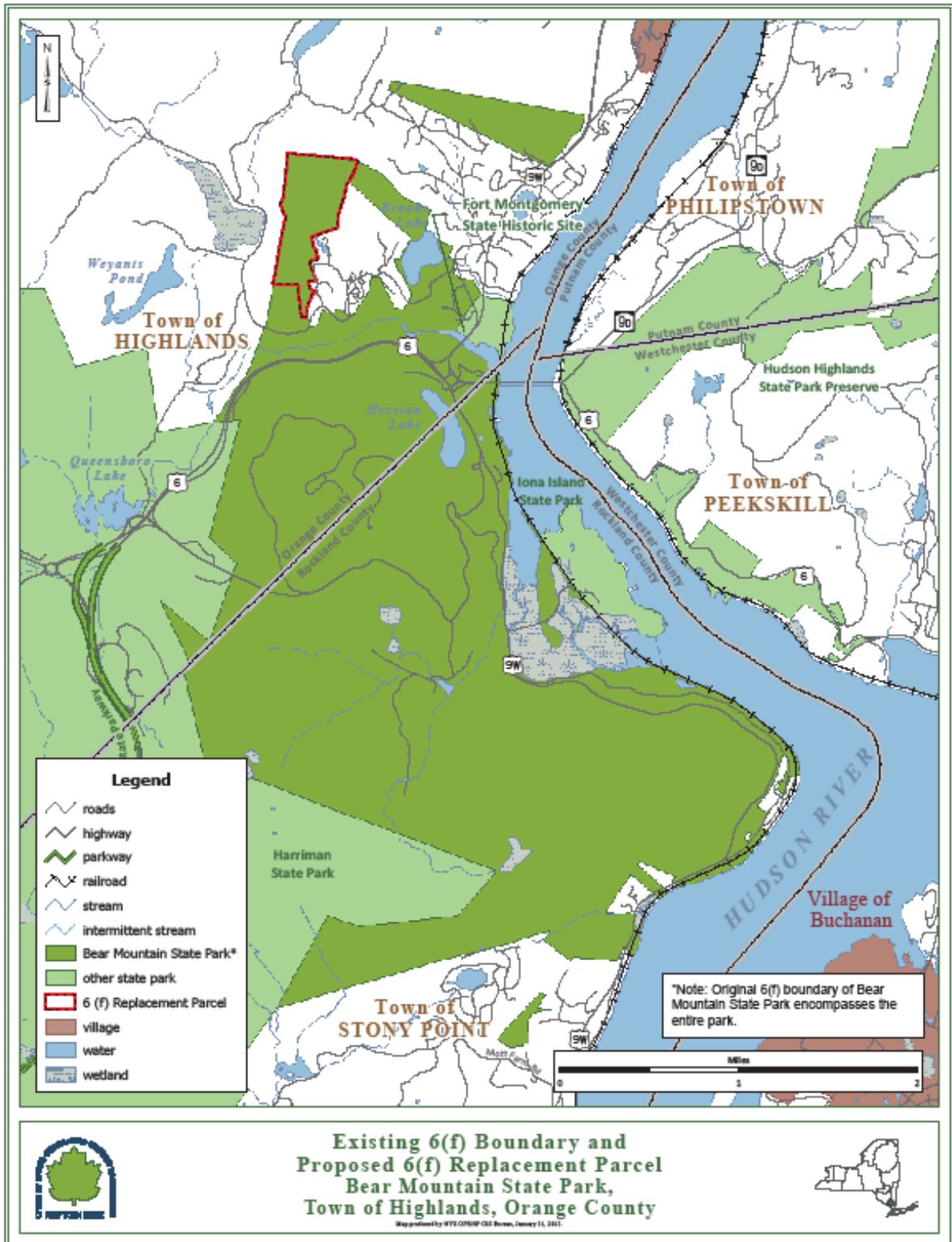


Figure 4. Bear Mountain State Park existing 6(f) boundary and proposed 6(f) replacement land

Relationship to SCORP and Description of Reasonably Equivalent Usefulness:

Fort Niagara State Park is located along the Niagara River Greenway and within the boundaries of the Western Erie Canal Heritage Corridor. The importance of these are included in the NY Statewide Comprehensive Outdoor Recreation Plan (SCORP), specifically Page 101 and Pages 115-118, respectively. This conversion will provide an opportunity to preserve 3 historic buildings that are currently unused and deteriorating and not providing any public outdoor recreational use. The substitute property will provide additional trails in the very heavily used Bear Mountain State Park.

The Western Erie Canal Heritage Corridor Management Plan (Western Erie Canal Heritage Corridor Planning Commission, 2010) mentions the importance of the Niagara River and Lake Ontario, both of which border Fort Niagara State Park.

The proposed project is consistent with the following policies and strategies outlined in the NY SCORP (NYSOPRHP, 2009):

Policy: Improve recreation and historic site operation, maintenance and resource management practices.

Action Strategy: Rehabilitate and/or adaptively reuse existing recreation and historic facilities when feasible, to satisfy existing and projected recreation, interpretive and education needs.

Policy: Improve cooperation and coordination between all levels of government and the private sector in providing recreational opportunities and in enhancing natural and cultural resource stewardship.

Action Strategy: Encourage innovative partnerships in open space protection, the stewardship of natural and cultural resources and the provision and maintenance of recreation facilities compatible with the character and goals of those facilities.

The project is also consistent with the Niagara River Greenway Goal of Promoting Long Term Sustainability discussed in the excerpt below.

“While the focus in planning is often on new facilities and projects, there are many existing resources and assets that comprise the Niagara River Greenway. In order to strive for excellence, these resources will require care and maintenance to ensure that they remain functional and attractive assets into the future. The Niagara River Greenway will promote the long-term sustainability of existing sites and features through continued investment in regional assets, and rehabilitation and improvement of aging facilities.” (Niagara River Greenway Commission and Wendel Duchscherer, 2007).

Bear Mountain State Park is located in the lower Hudson Valley, 60 miles north of New York City and has an annual attendance of nearly 2 million visitors each year. This replacement property provides an important addition of open space in the NYC metropolitan area. It will also provide additional buffer area for the park, and public ownership will provide protection for sensitive natural and cultural resources.

The informal trails on the property currently provide passive recreational opportunities. Once additional resource surveys are completed a formal trail system can be developed to offer additional formal hiking opportunities to park users including scenic overlooks from some trails. This system will be developed to protect significant habitats and cultural resources.

This property can be considered of a reasonable equivalent usefulness and location to the Fort Niagara property as both provide passive recreational opportunities in a scenic setting. Both

sites are located within the state's coastal zone and provide passive scenic access to coastal resources. The attendance at Bear Mountain is greater than Fort Niagara, and even though the replacement property will be accessed only by hikers, it is likely it will serve a greater number of park users overall. Hiking is an extremely popular activity at Bear Mountain State Park and trails are maintained under a partnership with the New York New Jersey Trail Conference (www.nynjtc.org.)

The proposed replacement property is a recent addition to Bear Mountain State Park and will be managed by NYS OPRHP and the Palisades Interstate Park Commission.

2.2. No Action.

The no action alternative at Fort Niagara State Park is basically a do nothing approach. This alternative would not address the rehabilitation or maintenance needs of the three vacant buildings in the area proposed for conversion and the buildings would continue to deteriorate. The buildings would fall into further level of disrepair and eventually would lose the historic fabric and qualities that make them eligible for the National Register of Historic Places. This option of "demolition by neglect" is not in keeping with the Agency's mission of stewardship of our natural and cultural resources. In addition, the deteriorated buildings would continue to present a significant attractive nuisance and threat to public safety within the park.

Under the No Action alternative, there would be no change to the natural resources or recreation as described in the Environmental Setting.

Chapter 3 - Affected Environment:

3.1 Fort Niagara State Park

Vicinity and Setting. The Fort Niagara State Park project site is located within Fort Niagara State Park, at the mouth of the Niagara River and Lake Ontario, in the northwest portion of the Town of Porter, in Niagara County, NY. The park is bordered on the south by the Village of Youngstown, on the west by the Niagara River, on the north by Lake Ontario, and to the east by residential and undeveloped areas (*Figure 5*). Fort Niagara State Park is operated by NYSOPRHP, Western District, Niagara Frontier Region. The approximately 283 acres of land that make up the park are divided into the following areas: the complex of buildings and grounds of the Old Fort Niagara including the historic lighthouse; the buildings, lands and recreational facilities of the park; and an active US Coast Guard station located between the river and the old fort. The Old Fort area occupies approximately 5% of the park land while the remaining land is divided up as follows: pool and playground area 5%, picnic areas and structures 20%, parking areas and roadways 15%, maintained lawn areas 35%, and forested areas 20% (*Figure 6*).



Figure 5. Project location – Fort Niagara State Park

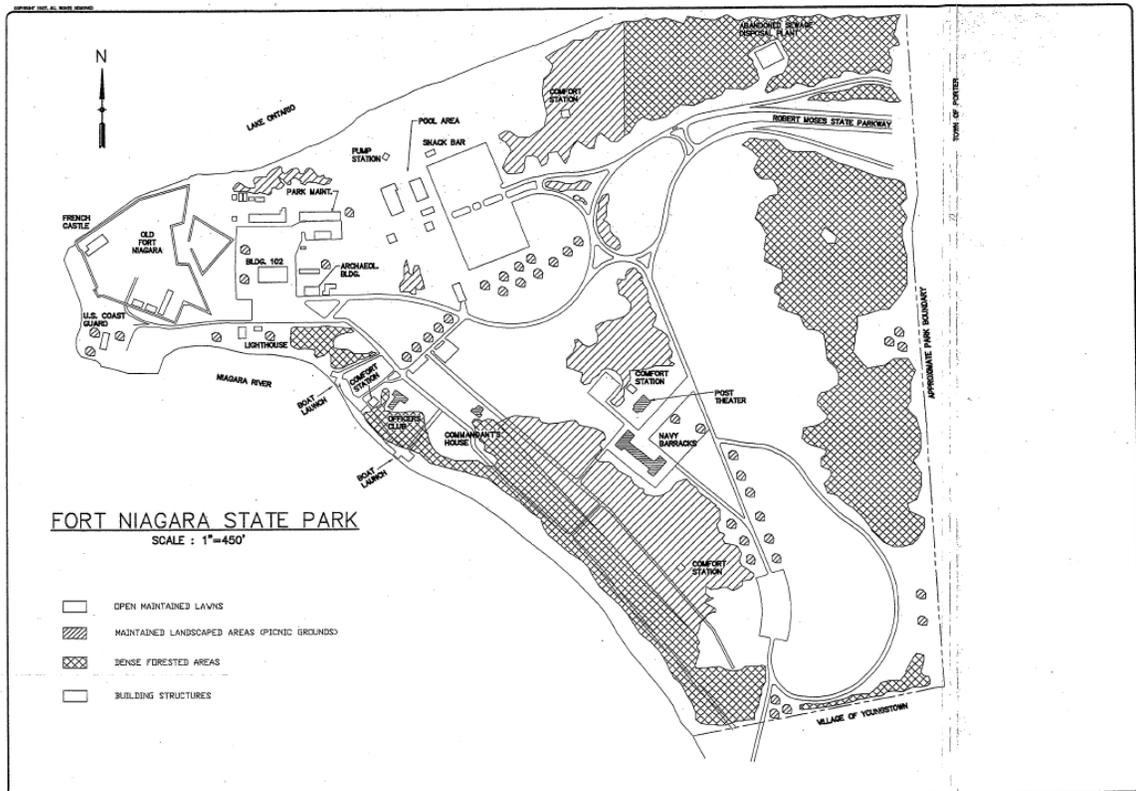


Figure 6. Map of Fort Niagara State Park

The location of the project area within Fort Niagara State Park is shown on Figure 3 and includes 3 historic former military buildings: the Barracks, the old Post Theater and the Commandant's House as well as some adjacent parkland totaling 20.16 acres. The area to be converted is roughly in the center of the park but closer to the Niagara River than to Lake Ontario. It is bounded on the north by Porter Ave. and to the South by Scott Ave. within the park.

Geology, Topography and Soils. Topography of the park is relatively flat with steep slopes located close to the Niagara River and Lake Ontario. There is also a man made sledding hill close to the proposed conversion area that lends some relief to the park. The project site is very flat with minimal slopes. There are no bedrock outcroppings or unusual landforms in the project area. Soils in the park are primarily Hudson silt loam 2 to 6% slopes and Rhinebeck silt loam, 2 to 6% slopes. The soil in the project area is entirely Rhinebeck silt loam, 2 to 6 % slopes (RbA) (Web Soil Survey).

The Rhinebeck silt loam soils are a partially hydric soil found on Lake Plains. They are somewhat poorly drained with a moderately severe erosion hazard and average depth to the water table at about 20 cm. The depth to saturated zone makes this soil group very limited for construction of dwellings, small commercial buildings, local roads and streets and shallow excavations (Web Soil Survey).

Air quality. The Buffalo-Niagara Falls NY Metropolitan Statistical Area including all of Erie and Niagara counties was previously designated as a non attainment area for the 2008 8hr. ozone National ambient air quality standards. However, the area is now in attainment for all of the air quality standards for all pollutants (USEPA, 2012).

Noise. The existing noise levels in the park are relatively low, primarily consisting of passing traffic, lawn maintenance, periodic noise associated with events at the Old Fort (e.g. occasional musket and cannon firings), and noise associated with normal park activities. Noise levels are higher during soccer games and tournaments but the large lawn areas and trees help buffer some of the sound.

Water Quality. Fort Niagara State Park is located on a peninsula between the mouth of the Niagara River and Lake Ontario. The project area does not contain or abut any water resources. Marine resources and wetlands do not occur in the project area and will not be discussed further in this EA.

Land use and ownership patterns. Fort Niagara State Park is owned by the State of New York and operated by NYS OPRHP. It is currently used for active and passive recreation, tourism and education including visits to the Old Fort Niagara State Historic Site. The project site contains 3 vacant buildings that have not been used for the past 30 years as well as surrounding parkland. The surrounding parkland and its uses are described below under Recreation.

Circulation, Transportation. Fort Niagara State Park is accessible from 2 entrances. The north entrance, which accommodates vehicles travelling from the south on the Robert Moses Parkway and Route 18F is the most heavily used entrance. The south entrance accommodates mostly local patrons coming from Main Street in the Village of Youngstown. Most of the roads in the park are two-way roads with speed limits of 15-25 mph. The project area, contains a couple of small roads that are in poor condition and currently not open to vehicular traffic. These roads are heavily used by pedestrians and bicyclists. The project area is not heavily used by vehicles except for parking during soccer games and tournaments.

Vegetation. The park vegetation as illustrated in Figure 6 consists primarily of open maintained grass areas including soccer fields, maintained landscaped areas of mature trees and grass (picnic grounds), and some large dense forested areas of mature trees. The grassed picnic areas are shaded by white oaks and sugar maples. Other scattered trees on the maintained lawns include basswood, spruce, white ash, weeping willow, silver maple, red cedar, and beech. There are also scattered ornamental shrub plantings, mainly lilacs (Apex Consulting et al, 1999). About 24% of the park consists of mature Appalachian oak-hickory forest which is located to the north and south of the park entrance (Evans et. al, 2001).

The project area contains over 100 large shade trees of various species as shown in Figure 7. The predominant species is White oak but there is a wide variety of other species in the project area as well including: Red oak, Burr oak, Hickory, Ash, Sugar maple, Norway maple, Silver maple, Arborvitae, Black walnut, Box elder, Cherry, Ancient Yew, Catalpa, Blue Spruce, Norway Spruce, Tulip tree, Cottonwood, Crab Apple, Pear, Larch, Horse Chestnut, and European Birch. The trees are mostly large and mature, most with dbh from 15" – 40" but some with dbh up to 52".

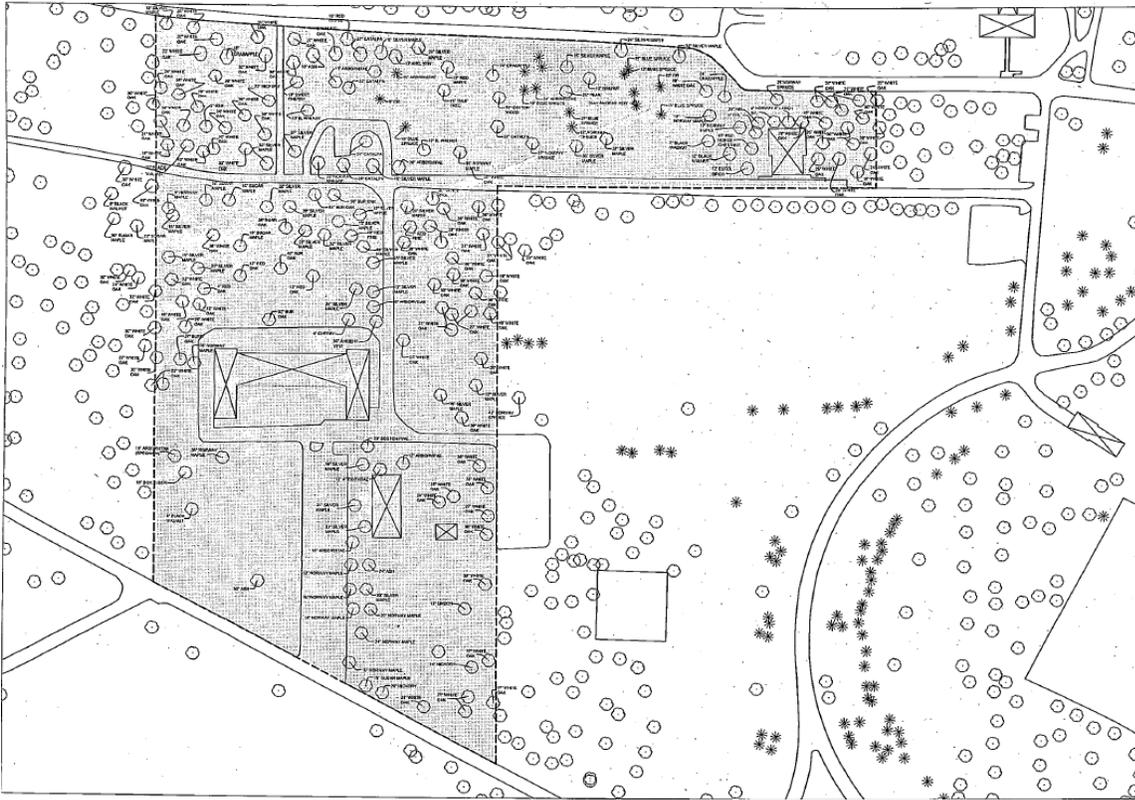


Figure 7. Tree survey of project area (prepared by NYSOPRHP Western District Technical Services staff 2011).

Wildlife. Fort Niagara SP includes a variety of wildlife habitats including the Niagara River, Lake Ontario, mature wooded areas, shaded grassy areas with large trees and open lawn areas. The park is home to a wide variety of bird species. Fort Niagara State Park is also within the Niagara River Corridor Important Bird Area (IBA) designated by the National Audubon Society. The area is significant for its support of a wide diversity of gull species and waterfowl in the winter as well as its importance as a migratory stopover for a diversity of songbirds during spring and fall migrations (Wells, 1997).

The park also supports many species of mammals typical to this area of western NY such as deer, raccoon, rabbit, woodchuck, gray and red squirrels, chipmunk, and various species of mice, moles, voles and bats. The park also likely supports several species of reptiles and amphibians in habitats near the river and lake. Common fish species in the Niagara River and Lake Ontario include lake trout, salmon, bass, carp, sheepshead, eel, and walleye as well as several species of minnows.

Rare, Threatened and Endangered Species. A search of the New York Natural Heritage Database (New York Natural Heritage Program, 2012) indicated that there are no records of any state or federal rare, threatened or endangered species of plants or animals in the park or at the project site. There is a waterfowl winter concentration area adjacent to the park in the Niagara River (Figure 8). The NYS DEC also reviewed the project information and the NY Natural Heritage database with regard to compliance with the Endangered Species Act Section 7 and determined that there are no federally listed species occurring in the project vicinity (Rosenblatt, 2012).

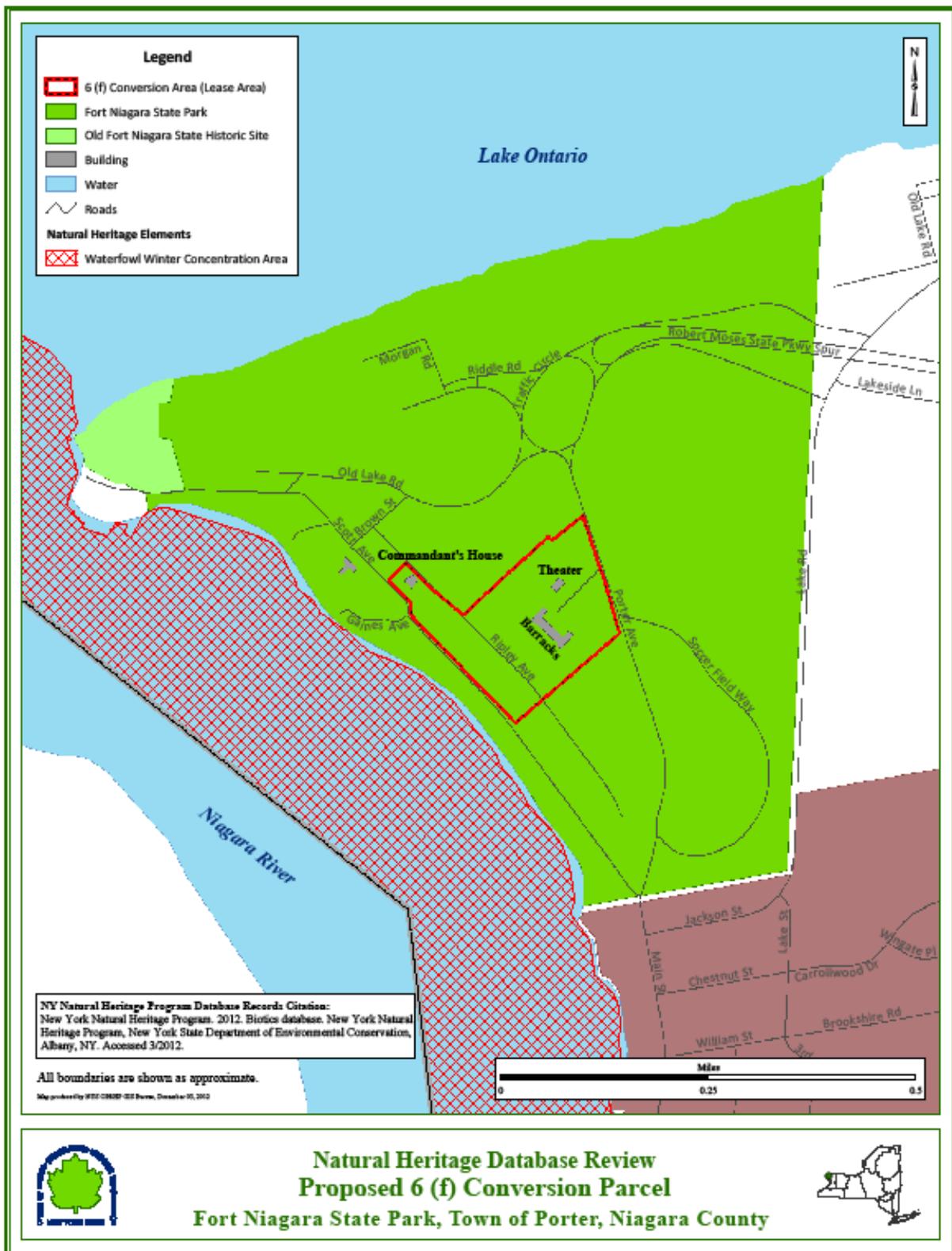


Figure 8. Natural Heritage Elements map – Fort Niagara State Park.

Recreation. Fort Niagara State Park offers a variety of year-round recreational uses. Recreational facilities at the park are shown on Figure 9.



Figure 9. Recreation Map – Fort Niagara State Park

The Old Fort Niagara Historic Site is operated by the OFNA and is open year round as a tourist attraction. The Old Fort Niagara offers a visitor center and tours of the historic fort as well special events such as reenactments and encampments. Visitors to the Old fort also often visit the historic Lighthouse and cemetery within the park.

Average annual attendance to the park for the past 5 years is approximately 294,000 with a low of 259,000 and a high of 326,000. Old Fort Niagara is a significant historic site which receives visitors from around the world. Fort Niagara State Park itself, however, serves the northwestern most area of Niagara County. Since there are a number of state parks and local facilities along the Niagara River and western Lake Ontario, which include camping, boating, swimming, ballfields, playgrounds and the like, Fort Niagara State Park primarily serves the local community with passive recreation, picnic facilities a pool complex and a small boat launch. The soccer fields are primarily used by the local community except during large tournaments when teams will come from farther away to compete.

Recreation resources at Fort Niagara State Park include 4 picnic areas, 5 picnic pavilions, 2 playgrounds, 2 tennis courts, 2 miles of trails, 2 boat launch ramps, 18 soccer fields, a large pool complex with 3 pools and a sledding hill. Park patrons enjoy picnicking, bathing, boating, soccer, hiking, walking and relaxing in the park. Winter activities include snowshoeing, cross-country skiing and sledding. There is also a small nature center offering programs during the summer months.

A large portion of the maintained lawn area at the park is set up as 18 soccer fields which are used by the Pioneer Soccer League 2-3 evenings/week from May to October. There are some weekend tournaments as well. The normal weekly schedule uses 1-14 of the fields and up to 1200 soccer players and spectators can be present in the park. Tournaments can involve 140-300 teams and up to 10,000 people. Scheduling of events at the park is planned with soccer and other community events in mind to minimize conflicts. The current parking available at the park cannot accommodate this many people so areas of the lawn are roped off to be used as temporary parking during tournaments.

There are 4 picnic areas in the park, including 500 picnic tables, 5 picnic shelters, 3 comfort stations for patrons and a number of grills. The park and picnic areas are suitable for playing Frisbee, throwing around a baseball or football and other unorganized sports. Shelters are rented for large picnic groups and occasions. The park also has 2 playgrounds located near the pool complex and the picnic facilities. The park also contains an old basketball court and tennis court located near the picnic areas which are in disrepair and currently not used.

During the winter the park is used for sledding and tobogganing on the park's sledding hill. Cross-country skiing and snowshoeing are also popular activities.

Some buildings in the park are not currently available for public access. These include the 3 buildings in the proposed conversion area because of their condition.

Fort Niagara has a pool facility encompassing over 18,000 square feet. The pool complex includes an Olympic size swimming pool, a slide pool with 2 water slides, a kiddy pool for wading and a bathhouse.

The boat launch area is located along the Niagara River and includes 2 double-wide ramps with 4 docks for temporary docking. The launch area includes a parking area for cars with boat trailers, a comfort station and a fish cleaning station. Boats launched from these ramps are used for fishing and boating on the Niagara River and Lake Ontario. The launch area handles over 3,000 boats annually during the summer months and additional launching during other times of the year.

The park has two miles of hiking trails as shown in Figure 9. Several of the trails are along abandoned roads that were once used as access to the military facilities. One of the most popular trails near the Niagara River is an abandoned road, formerly known as Scott Avenue. This is the primary walking path from the Village of Youngstown into the park. The road was

once used for entry into the military reservation from the Village but is now closed to automobile traffic. This trail offers scenic views towards the Niagara River.

Recreation facilities within the project area (Figure 10) include a comfort station, the Ripley Ave. walking trail, and little used picnic area between Ripley Ave. and Scott Ave.. The popular Scott Avenue hiking trail is on the southwest boundary of the area to be converted. The area to be converted also contains a small dilapidated parking lot that includes two basketball backstops. However the court is in poor condition with the backboards missing hoops and nets so this facility is currently unusable for basketball. The two small, informal, overflow parking lots within the project area are very deteriorated. They are primarily used for parking during soccer games and especially heavily used during tournaments. During tournaments, cars are also parked under the trees in the project area.

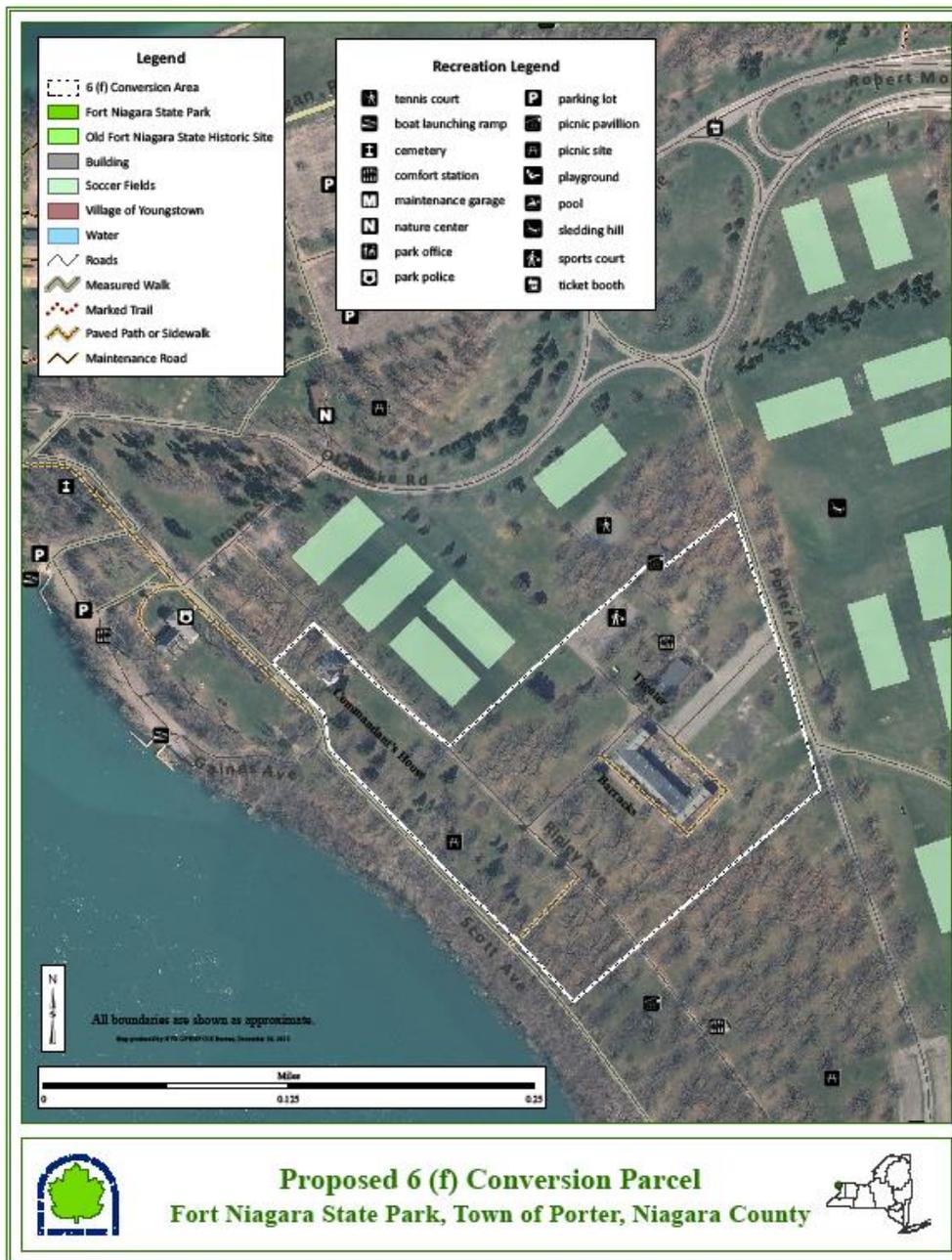


Figure 10. Recreation facilities in and near the project area.

Visual. The park is located at the confluence of the Niagara River and Lake Ontario. Portions of the park offer scenic views of these waterbodies. The project area itself is not located near the water and large shade trees obstruct views to the Niagara River from this area of the park. The large trees, however, contribute to the overall visual quality and park like setting in the project area. The current run down condition of the buildings could be considered by some patrons to adversely affect the visual quality of the area proposed for conversion.

Historic Resources. The land making up Fort Niagara State Park has a rich cultural history with uses documented during pre-historic through the current time. The full chronological extent of aboriginal occupation of the site is currently unknown; however, early notes by Jesuit explorers indicate the presence of a fishing village in this area in the early 1600's. Radio-carbon dating of excavated artifacts from the Old Fort Niagara Site indicates aboriginal occupation of the site during the AD 1400s.

Seven miles upstream from the park on the current site of Earl W. Brydges Artpark, evidence from occupations as far back as the Paleo-Indian stage (8,000BC – 4500 BC) has been documented and could occur in the area of the park as well.

There is considerable documentation of historic European-built structures in the park area dating from as early as 1679 including forts, houses, quarters, posts and trading houses. The "French Castle", which is still part of the Old Fort Niagara, was built around 1726 as a trading house. Following the French and Indian War, in 1759, the British took control of the fort. The fort was used by the British during the Revolutionary war as a base of operations for the area. The fort was transferred to the Americans in 1796 and became an important border fortification. It was retaken by the British during the War of 1812 and returned to American control in 1815. During the 1840's additional structures were built outside of the Old fort and the area became known as "new" Fort Niagara. Old Fort Niagara is currently operated as a State Historic Site by the Old Fort Niagara Association (OFNA). The original structures still standing and maintained by the OFNA include the 1726 French Castle, the storehouse (1754), bake house (1756), the powder magazine (1757) and the 2 stone redoubts built by the British in 1770 and 1771 are the oldest buildings in the great lakes basin.

The land where the park now sits and the project area were known as the "New" Fort Niagara. Historical documents indicate that military developments began in this area as early as 1841. Several buildings were constructed on the property during the 1860's to 1890s including a hospital, officer's quarters and barracks buildings. Additional buildings were added during WWII when the fort was used for reception of new inductees, a separation center for those leaving active duty and a POW camp. The fort was used periodically following the war until 1963 when the land was offered to the state of New York for public recreation uses. Most of the buildings were removed by 1966 with the few remaining buildings including the barracks, the old fort theater, the commandant's house and the officer's club. The Coast Guard Station, Lighthouse and 1812 cemetery are also very important parts of the cultural resources at the park and are listed on the National Register of Historic Places. Old Fort Niagara and some of the surrounding area including the coast guard station, the 1812 cemetery and totaling 30 acres were designated as a National Historic Landmark (NHL) in 1960. The project area is not near the NHL boundary. The above historical information is summarized from Apex Consulting et al (1999).

Based on the past history the entire park area is highly sensitive for archeological sites and resources. Recent archeological surveys for a waterline project in the park have turned up artifacts. Thus it is likely that any new ground disturbing activities would also turn up artifacts (Adams and Herter 2012).

The project area itself contains 3 historic buildings which have been determined eligible for listing on the National Register of Historic Places. The Barracks Building was constructed in 1938 and formerly housed military personnel. Both the first and second floors are divided into sleeping quarters. The lower floor previously had spaces for a gun range, mechanical systems and a workshop. It was used as a dormitory for the Young Adult Conservation Corps over 30 years ago. It has since been used for limited storage. The Commandant's house, built in the 1930's was originally constructed to provide two units of housing for officers at Ft. Niagara. It is divided into two, 3-story units, side by side. The post Theater was built in 1931 for military personnel entertainment.

Socioeconomics and Minority Populations. The adjacent Village of Youngstown and Town of Porter are an upscale residential and commercial community and rural area respectively. The Village of Youngstown website describes the area as a "quaint and historic village" (Village of Youngstown 2012) and it was named the 2006 Best Small Village in Western NY by Business First of Buffalo. The Town of Porter is a largely rural community rich in history and natural beauty which has more recently grown into a residential area for commuters working in Niagara Falls and Buffalo. Its 2010 population was 6,771. Its waterfront areas on the Niagara River and Lake Ontario provide opportunities for scenic and recreational activities (Town of Porter New York 2012). Review of the Potential environmental justice area (EJ) map for Niagara County (NYSDEC, 2012) indicates that there are no potential EJ areas in or near the project area. The closest potential EJ area is about 10 miles away.

Land/structures with a history of contamination. The area to be converted was formerly used by the US Army as a military base during World War II and the 1950's. As shown on Table 2, there were 17 underground fuel storage tanks in the project area at one time. These were removed and the sites remediated under public works contracts on the dates listed under Removal Record in Table 2 (Steck 2012).

Building No.	Record Use	Info on Tankage	Removal Record
24	Garage	Unheated/no tanks	----
49N	Officers Quarters (N)	1000 gal, htg	02/14/02*
49S	Officers Quarters (S)	1000 gal, htg	02/14/02*
4 N/S	Officers Quarters (N) & (S)	1000, 1000, htg	C2083, 07/65
5 N/S	Officers Quarters (N) & (S)	1000, 1000, htg	C2083, 07/65
6 N/S	Officers Quarters (N) & (S)	1000, 1000, htg	C2083, 07/65
7 N/S	Officers Quarters (N) & (S)	1000, 1000, htg	C2083, 07/65
60 N/S	Officers Quarters (N) & (S)	750, 750, htg	C2083, 07/65
61 N/S	Officers Quarters (N) & (S)	750, 750, htg	C2083, 07/65

T 80	Officers Garages	Unheated/no tanks	----
67	Transformer House	Unheated/no tanks	----
54	Special Services	7500, htg	C2083, 07/65
88 N/S	Barracks Building	No record on tanks	----
T-300	Ordnance (Storage)	4000, htg	C2083, 07/65
114	Post Theater	5000, htg	11/30/10*
65	Transformer House	Unheated/no tanks	----

Notes:

- “htg” stands for heating fuel oil tankage.
- “C” on chart above stands for public works contract number.
- “*” stands for formal closure report available.

Table 2. History of underground fuel storage tanks in the project area and their removal.

3.2 Substitution/Replacement Lands – Bear Mountain State Park

Vicinity and Setting. The property proposed to be used as a substitute for parkland to be converted at Fort Niagara State Park is located in the Town of Highlands, Orange County (Figures 2 and 4). The proposed replacement parcel consists of 140.68 acres with approximately 55 feet of road frontage along Dry Creek Road (zip code: 10928). It abuts Bear Mountain State Park on part of the south and northeast west boundary, the West Point Military Academy land on the north and west, and some private lands on the east. The property is roughly rectangular in shape and vacant. The entire 140.68 acres of the parcel would be mapped as parkland.

Geology, topography and soils. The proposed replacement parcel is primarily sloping and steep land, in particular the topography is very steep on the west side (Figure 11.) There is a small plateau area. There are large rock faces and exposed bedrock. There are four soil types on this parcel: 1. Rock outcrop – Hollis complex, sloping, 2. Rock outcrop – Hollis Complex, moderately steep, 3. Rock outcrop – Hollis Complex, very steep and 4. Hollis soils, sloping. Approximately half of the parcel is Rock outcrop – Hollis Complex, very steep and the other half Rock outcrop – Hollis Complex, moderately steep. Bedrock exposure, shallow soils, and low available water capacity are the main limitations for these soil types. They are best suited to use as natural habitat and recreational use such as hiking (The Cooperative Soil Survey 2012 and University of California at Davis 2012).

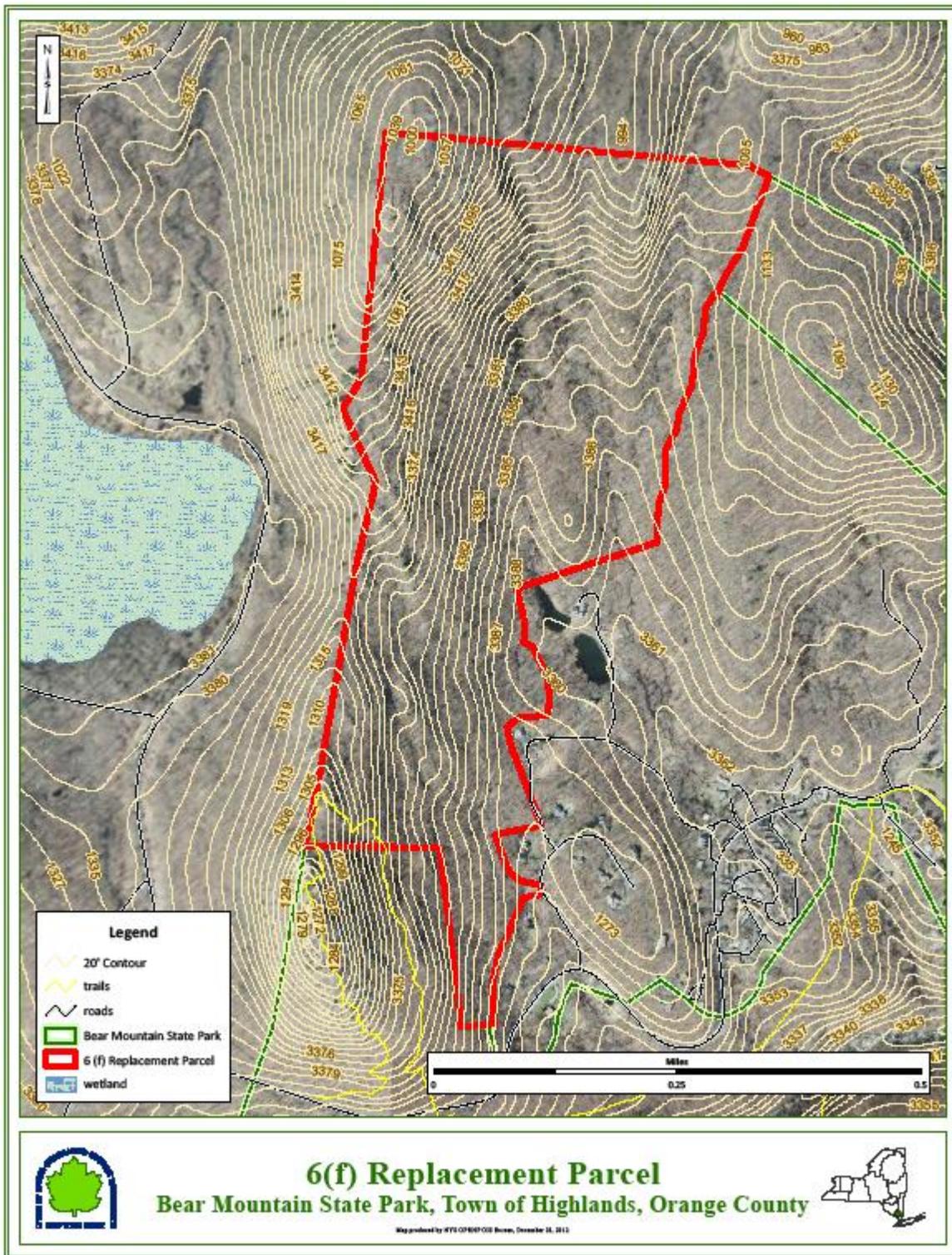


Figure 11. Replacement Parcel Topography.

Air Quality. Orange County is part of the New York-N. New Jersey-Long Island, NY-NJ-CT nonattainment area for the EPA National Ambient air quality standards (NAAQS). This area was previously listed for nonattainment of the ozone and particulate matter standards but as of Dec. 2012 the area is meeting all of the NAAQS (USEPA 2012).

Flood and Erosion Zones. The replacement parcel is not located within a designated flood zone according to federal Flood Insurance Rate Maps. This topic will not be further evaluated.

Ecology. The replacement parcel is primarily Chestnut Oak Forest, a natural community that is considered significant by the New York Natural Heritage Program, with the forest understory consisting of mountain laurel and low bush blueberry. According to the NY State Natural Heritage Program, no state or federally listed species of plants or animals or important fish habitat are found in or near the project area (New York Natural Heritage Program 2012.) In close proximity to the parcel, there is also an occurrence of Virginia Pine, a rare vascular plant. There may be potential for timber rattlesnake habitat in the vicinity as well. Thorough surveys of flora and fauna of this property are still needed and will be conducted as part of future trail planning efforts (McGowan, 2012).

Surface Water. There are no mapped streams on the property; however there are several small drainage/water courses that slope towards the south.

Public Water Supply; Sanitary Wastewater; Stormwater; Utilities. The parcel does not have access to any municipal water supplies and drilled wells, sanitary wastewater or stormwater drainage systems were not identified in the appraisal. A buried electric conduit and box is located near the property boundary at a driveway connected to adjoining property.

Traffic/Transportation; Public Transportation; Parking. The parcel is accessible from Dry Creek Road which is a local, rural road. There is no access to public transportation and there is currently no parking available on the property.

Land Use and Community Character. The property is undeveloped although a portion of it was logged approximately 8 years ago and there are still slash piles and logging access roads on site from that activity. Stone walls exist throughout the property. The parcel is remote and relatively inaccessible from nearby heavily developed area due to the limited access.

Open Space; Visual; Recreational Resources. A short section of hiking trail connecting to Bear Mountain State Park proper is located in the southwest corner (Figure 12). The interior of the property can be accessed through a network of existing logging roads and informal hiking trails. An old carriage road runs the length of the property north to south. An informal steep hiking trail in the center of the property leads to a scenic overlook at 1000 foot elevation that offers panoramic views of the Hudson River and surrounding landscape.

The informal trails on the property currently provide some passive recreational opportunity. Over the next two years OPRHP will identify additional formal hiking opportunities to park users including formal marking of trails incorporation into the Bear Mountain State Park trail system, and identification of potential scenic overlooks from some trails. This system will be developed to protect significant habitats and cultural resources.

Bear Mountain State Park is located in the lower Hudson Valley, 60 miles north of New York City and has an annual attendance of nearly 2 million visitors each year. This replacement property provides an important addition of open space in the NYC metropolitan area. It will also provide additional buffer area for the park and public ownership will provide protection for sensitive natural and cultural resources.

Historic and Archeological Resources This property contains confirmed locations of sensitive archeological resources (Native American rock shelters.) (McGowan 2012)

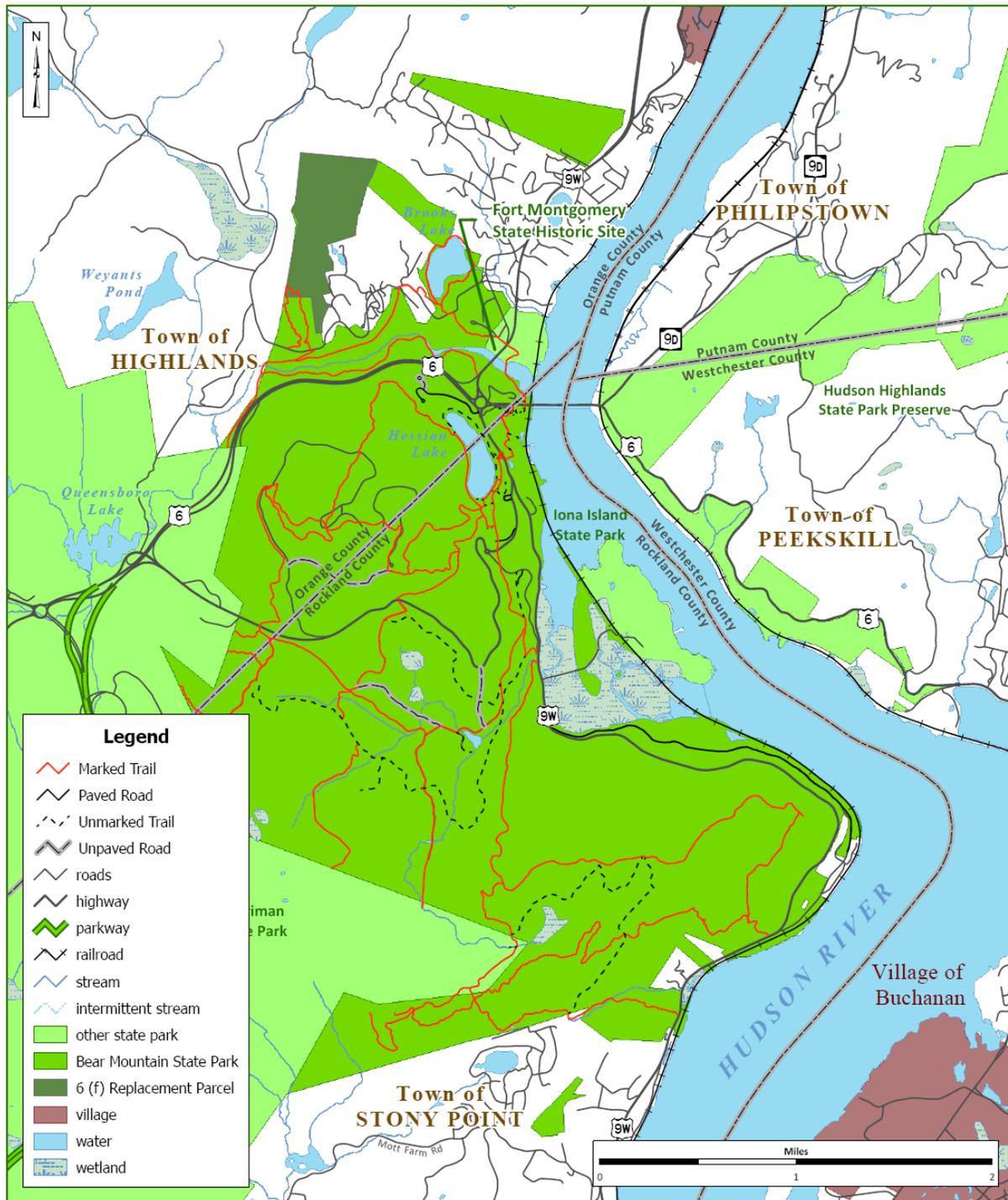


Figure 12. Proposed replacement parcel and Bear Mountain State Park Trails

Chapter 4 - Environmental Impacts and Mitigation

4.1. Fort Niagara State Park.

Introduction. The current proposed project involves only the conversion of 20.16 acres of the 283 acre Ft. Niagara State Park. It is anticipated that the converted area of the park will later be leased to a private sector partner for adaptive reuse of the historic buildings as a hotel or similar, park appropriate use. Adaptive reuse of these buildings was the subject of an earlier environmental review process including 2 public meetings and Draft and Final Environmental Impact Statements (Apex Consulting et al 1999). Future plans for adaptive reuse of the converted park land will be evaluated for consistency with the FEIS. Any new or additional impacts will be addressed in a supplemental EIS.

Geological Resources. Conversion of 20.16 acres of parkland, a small portion of the park, will not result in any impacts to geological resources or soils in the park

Air Quality. The proposed conversion by itself will not result in any changes to air quality in the park.

Noise. The proposed conversion of 20.16 acres of Fort Niagara State Park will not result in any increases in noise

Water quality. The proposed project will not result in any adverse impacts on water resources.

Land use/ownership patterns. OPRHP will continue to own the converted area of Fort Niagara State Park and the land will be maintained as part of the park. However, in order to preserve the historic buildings in the area proposed for conversion, the Agency plans to lease, with conditions, the land to a private sector partner for adaptive re-use as a hotel or similar facility, consistent with the park setting. The use of the currently vacant buildings would be changed to a more public use and some additional accessory facilities such as driveways and parking areas may be added to this area of the park.

Circulation/Transportation: Conversion of this area of the park will not result in any changes to park circulation. As shown in *Figure 10*, the public will still have access to the two major entrance routes and park roads currently accessible to traffic. The roads in the project area are not currently open to vehicular use by the public but are available for trail use by pedestrians and bicyclists. The current use of these roads will continue.

Vegetation. Removal of Section 6(f) protection from the proposed project area will not in itself result in any changes to the vegetation

Wildlife. Wildlife are not expected to be impacted by conversion of this small area of the park. Conversion by itself will not result in any impacts to wildlife and their habitats. Future adaptive reuse of the buildings on this parcel is expected to be mostly interior work. While there may be some exterior work proposed in this area as well, the size of the project area is small compared to the size of the whole park and will not result in a significant loss of habitat for any wildlife species. While the park is a part of the globally significant Niagara River Important Bird Area (IBA), the project area is set back from the Niagara River shoreline and is not as significant for use by birds as some other areas of the park. Shoreline vegetation which provides important

resting habitat for migratory songbirds during spring and fall will continue to be protected. The Niagara River near the project area also supports a Winter Waterfowl concentration area which is heavily used by many different species of ducks during the winter months. Conversion and potential adaptive reuse of the buildings in the converted area will not adversely impact wintering waterfowl in the Niagara River.

Rare, Threatened and Endangered Species. According to the NY State Natural Heritage Program database, no state or federally listed species of plants or animals or important fish habitat are found in or near the project area (Rosenblatt 2012). Thus the proposed project will not result in any impacts to these species or habitats.

Invasive Species. No invasive plant or animal species are currently found in the project area. Any future agreement with a private sector developer to reuse the converted area will include stipulations to help prevent the spread of invasive species from construction equipment brought to the site from elsewhere.

Open Space and Recreation resources: As depicted on Figure 10, the area to be converted contains some recreation and support facilities including a dilapidated basketball backstop in an informal parking lot, a rarely-used picnic area, an abandoned road used as a walking trail, a comfort station, and two small, deteriorated, informal parking areas used primarily during soccer events or in winter for sledding. Conversion of the parcel will not impact these recreation activities as the land will still be considered part of the park and all existing recreation will be allowed to continue.

The comfort station is currently used by patrons renting the picnic shelter adjacent to the conversion area and patrons using the 3 soccer fields in this area of the park. In addition, the comfort station is the only one in the park that provides winter access for patrons using the sledding hill or participating in other winter activities. However, the park currently has plans for construction of a new comfort station to replace this one in an area closer to the primary soccer fields, thereby making the current comfort station obsolete. The new comfort station will also be winterized.

The basketball area and parking lot have not been used for playing basketball in many years since the hoops and nets are missing. While the park manager often has requests from patrons for this type of activity, he indicated that a better location for this facility would be near the pool complex where most of the day use in the park occurs. A new basketball court will be placed in an area closer to the pool and major day use facilities.

The picnic tables and grills in the small picnic area between Ripley Avenue and Scott Avenue are currently not heavily used. This area will continue in public use following the conversion; however, the picnic tables and grills are in disrepair and must be removed.

The two small, informal parking lots in the project area are in very poor shape and primarily used only during large soccer and lacrosse tournaments. Parking in relation to the soccer use in the park, especially during tournaments is a larger issue that needs to be addressed by the Agency. Currently, soccer or lacrosse tournaments occur on two – three weekends each year during Mid-June – Mid July and attract approximately 10,000 people for each event. It is recognized that the park currently does not have adequate parking facilities to handle these tournaments. The park and region are currently working on a parking plan for dealing with the soccer games and tournaments in the park that will likely include construction of one or more new parking lots outside of the area to be converted. The abandoned Ripley Road, and Scott Avenue are very popular walking areas, especially for local residents. Scott Avenue is outside of the area to be converted and there will be no impacts to recreation users on this popular trail. While Ripley Avenue goes right through the center of the area to be converted, recreational use

of this trail will also be allowed to continue. Any future lease or agreement for adaptive reuse of the converted parcel will stipulate that the public will still have access to the Ripley Ave. trail through the converted area.

There will be no adverse impacts to recreation in the remainder of the park. The remaining 262.7 acres of park land will continue in recreational use and be fully accessible to the public for swimming, boating, fishing, picnicking, soccer and all other current recreational uses.

Visual. Conversion of the property by itself will not result in any impacts on aesthetics. Future proposed development of the converted parcel could improve the aesthetics in this area of the park. Since the buildings are currently unused and in disrepair they are currently not very attractive and conditions will continue to worsen if the buildings are not reused. Adaptive reuse of this area could make this area of the park more attractive.

Historic/Cultural Resources. Conversion of a portion of Fort Niagara State Park is being proposed in order to allow the Agency to enter into a long term agreement with a private sector partner for reuse of three historic buildings that are deteriorating due to lack of use. Any future proposed reuse of the buildings will be fully reviewed by the SHPO to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation (Adams and Herter 2012). The no action alternative was considered but rejected by the Agency because it would result in further deterioration and eventual loss of the historic buildings due to inadequate state funding for their preservation.

The area is also very sensitive for archeology. Future impacts on archeological sites could occur if new buildings or roadways are proposed. The NYS Historic Preservation Office (Adams and Herter 2012) indicate that "Precontact and Contact Period Native American archaeological deposits as well as archaeological deposits associated with the French (1726-1759), the British (1759-1796) and the American (1796-1963) occupations are all likely within the boundaries of the former Military Reservation" and are possible anywhere within the grounds of the park. The State Historic Preservation Office (SHPO) has requested that all proposed future ground disturbance on the property proposed for conversion be submitted for review and comments given the long, rich history of Fort Niagara.

The Division for Historic Preservation, acting as the New York State Historic Preservation Office (SHPO) has reviewed the action under Section 106 of the National Historic Preservation Act of 1966, as amended and the implementing regulations 36 CFR 800 and has determined that the conversion will have no adverse effect on the subject properties with the condition that SHPO retains the right to review all future proposed development within the area to be converted for impacts to historic properties (Adams and Herter 2012). This condition will be formalized in a Memorandum of Agreement (MOA) that will be signed by the National Park Service, the OPRHP, and the Division for Historic Preservation, as well as other parties. An MOA is a legally binding document that governs an undertaking and all of its parts. A draft of the expected MOA is included as Appendix A.

Socioeconomics and Minority populations. Conversion of the proposed 20.16 acre area in Fort Niagara State Park is not anticipated to result in any adverse impacts on land use ownership patterns, property values, community livability, socioeconomic factors or minority and low income populations. Future development of the converted parcel for hotel or similar facilities could have some beneficial impacts to the local communities such as creation of additional employment opportunities both short and long term and the attraction of more tourists to the area. Socioeconomic impacts were discussed in the 1999 FEIS on adaptive reuse of Four Buildings at Fort Niagara State Park (Apex Consulting et al 1999).

Review of the Potential environmental justice area map for Niagara County (NYS DEC 2012) indicates that there are no potential EJ areas in or near the project area. The closest potential EJ area is about 10 miles away. Thus the project will not result in adverse impacts to minority and low income populations.

Energy resources: Conversion of a portion of Ft. Niagara State Park will not use any additional energy resources.

Conversion of Parkland. The 140-acre parcel in Orange County is proposed as the substitution parcel for the conversion of 20.16 acres of Fort Niagara State Park. The requirements of Section 6(f) of the Land and Water Conservation Fund will ensure that, while the recreational experience and resources of the conversion and substitution parcels may differ, they will be equivalent so that there will be no long term adverse impact. The proposed substitute parcel is of equal or greater value than the conversion parcel and meets the eligibility requirements for LWCF assistance. The remaining land at Fort Niagara State Park will continue to be a highly viable recreational resource. The substitution will have no physical impact on Bear Mountain State Park.

4.2 Substitution/Replacement Lands - Bear Mountain State Park.

Land Resources: The replacement parcel will be used only for passive recreation including hiking and scenic enjoyment of Hudson River vistas. Existing informal trails and former logging roads will be marked and incorporated into the Bear Mountain State Park trail system. . No significant physical changes are planned. The property includes some very steep terrain which will need to be factored into the formal trail plan for this area when it is developed.

Water Resources: There are some drainage courses on the parcel but no mapped streams or wetlands. No impacts to water resources are expected.

Land Use/Ownership Patterns, Property Values, Community Livability. This replacement parcel will provide additional open space protection and recreational opportunities that will benefit nearby highly urbanized areas. The addition of this parcel to Bear Mountain State Park will not affect jobs, income changes or result in a need for additional infrastructure. Although the parcel was approved for residential development and thus public ownership will cause a loss of property from the local tax roll. This impact may be offset somewhat by the additional tourism to the park and the benefits to surrounding property values by protecting valuable open space and scenic resources.

Circulation/Transportation: The replacement parcel will not affect circulation or transportation as only pedestrian access is planned.

Natural Resources: According to the NY State Natural Heritage Program, no state or federally listed species of plants or animals or important fish habitat are found in or near the project area (New York Natural Heritage Program, 2012.) Additional plant and animal surveys will be conducted on this parcel as part of future trail planning efforts. The replacement parcel includes chestnut oak forest which is a natural community that is considered significant by the New York Natural Heritage Program. Public ownership of this land will provide protection of this unique natural community from future development.

Recreation Resources: The replacement parcel contains an informal trail system at present consisting of former carriage or logging roads and a small section of trail that connects with the Bear Mountain trail system. Trails will be marked over the next two years to incorporate them

into Bear Mountain State Park trail system network. These trails will provide additional hiking opportunities and scenic overlooks and therefore will enhance public recreational opportunities.

Aesthetics: The parcel is highly scenic and its addition to the park will preserve its scenic characteristics. Also, planning efforts for a more formal trail system will incorporate panoramic scenic vistas overlooking the Hudson River Valley.

Historic/Cultural Resources: The replacement parcel contains known archeologically sensitive areas. The current informal use is not adversely affecting these resources. Any future trail planning will be reviewed by the SHPO to ensure there will be no impacts to cultural resources.

Socioeconomics: The addition of this parcel to Bear Mountain State Park will not affect jobs, income changes or result in a need for additional infrastructure. There will be a loss of taxable property to the tax base. This impact may be offset somewhat by the additional tourism to the park and the benefits to surrounding property values by protecting valuable open space and scenic resources. Overall, it is expected that socioeconomic impacts will be negligible.

Minority and Low income populations: The Potential Environmental Justice Area map for Orange County (NYSDEC 2012) was reviewed. There are potentially three EJ areas within approximately 10 miles of the replacement parcel. The addition of parkland and recreational opportunity may benefit these populations and will not adversely affect them.

Energy resources: The replacement parcel will be used for passive recreation and will not use any additional energy resources.

5.0 Consultation and Coordination

5.1 Previous Environmental Review and Public Involvement.

In 1998 and 1999 Draft and Final Environmental Impact Statements were prepared for the Adaptive Re-use of Four Buildings at Fort Niagara State Park. NYS OPRHP was the Lead Agency under SEQR and the documents were prepared by a consultant hired by the proposed developer at that time – Construction Services of Niagara, Inc. under the guidance of OPRHP.

The proposed action was the adaptive re-use of four buildings within Fort Niagara State Park including: The Officers Club for a Museum and Conference center, the Commandant's House for a Bed and Breakfast, the Barrack's Building for an Inn and the Post Theater for a Theater. Adaptive re-use of the Commandant's House, Barrack's Building and Post Theater were to be undertaken by Construction Services of Niagara, Inc. under a concession license. The Officer's Club was removed from the concession license and placed under the responsibility of the Old Fort Niagara Association.

As part of the public review process, a full Environmental Assessment Form and a Draft Scope for the DEIS were prepared. These documents were made available for public review prior to and during a March 4, 1998 public information meeting. This meeting was held to provide an overview of the proposal and to identify issues and concerns to be addressed within the DEIS. Based on the comments received at the meeting and in letters, a Final Scope was prepared. The Final Scope was a listing of the types of impacts that were to be addressed within the DEIS. During the public meeting several questions were raised that the Agency felt should be addressed before the DEIS was issued. Accordingly, a Questions and Answers document was prepared by the Agency and circulated to over 250 persons on the mailing list for this proposal. The DEIS was released on Nov. 9, 1998. A public hearing was held on Dec. 2, and comments were accepted by the Agency until Dec. 16, 1998. Comments and Agency responses to the comments were addressed in Chapter XIII of the FEIS. The FEIS was released on April 29,

1999 with a 14 day period for agencies and the public to consider the FEIS (until May 13, 1999). A New York State Environmental Quality Review Act (SEQR) Findings Statement was issued on June 24, 1999 which provided a basis for the decision to allow the project to go forward.

5.2 Additional Public Involvement

A notice of availability of this Environmental Assessment was published in the Environmental Notice Bulletin and in the Niagara Gazette on February 6, 2013. There was a 31- day period for public review and comments on the conversion which ended on March 8th.

Comments were received from 25 interested individuals or groups. The comments were summarized and State Parks responses to the comments are included in Appendix C. There were no changes to content of the Draft Environmental Assessment as a result of the public comments.

Any plans for future proposed development of the converted parkland will be reviewed for consistency with the FEIS prepared in 1999. Any significant changes or additional impacts will be reviewed in a supplement to the EIS. Public input, including at least one public meeting will be sought.

5.3 Consultation

This document was prepared by staff of the Environmental Management Bureau in NYSOPRHP in consultation with Regional Staff from the Niagara Frontier and Palisades Region and Park Staff from Fort Niagara and Bear Mountain State Parks. Staff from the Finance Bureau, Planning Bureau, GIS Unit, Real Property Bureau and Concessions Bureau also contributed. These staff members are listed below.

Karen Terbush, Environmental Analyst 2, Albany Office
Edwina Belding, Environmental Analyst 2, Albany Office
Pam Otis, Director, Environmental Management Bureau, Albany Office
Joe Grimaldi, Grant in Aid Program Assistant II, Albany Office
Julian Adams, Sr. Historic Restoration Sites Coordinator, Albany Office
Nancy Herter, Historic Preservation Program Specialist, Albany Office
Ron Peters, Deputy General Manager, Niagara Region
Bill Purtill, Park Manager – Fort Niagara State Park
Dave Szuba – Capital Facilities Manager, Niagara Region
Rolfe Steck – Park Engineer, Niagara Region
Andrew Giarrizzo – Landscape Architect, Niagara Region
Jim Hall – Regional Director, Palisades Interstate Park Commission
Ken Lutters, Landscape Architect – Taconic/Palisades Region (retired)
Edwin McGowan, Director of Science and Trailside, Palisades Region
Christina Croll, Senior Natural Resources Planner, Albany Office
Lynn Gort, P and R Aide Activity Specialist
Sandra Burnell, Real Estate Specialist 1, Albany Office
Harold Hagemann, Director Concessions Management
Tom Alworth, Deputy Commissioner for Natural Resources

5.4 Coastal Review

Fort Niagara State Park is in the New York State Coastal Area as such this action is subject to Part 600 of Title 19 of the NYCRR. At the State level, the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, its implementing regulations and SEQR govern the substance

of and procedure for analyzing coastal effects. At the federal level, NEPA, the Coastal Zone Management Act of 1972, as amended and New York's Coastal Management Program (NYCMP) govern the substance of and procedure for analyzing the coastal effects of the National Parks Service's approval under Section 6(f) of the federal Land and Water Conservation Fund for the conversion and substitution of parkland.

State Parks has completed both State and Federal Coastal Consistency Assessment Forms and discussion of coastal policies (Appendix B) which have been submitted to the NYS Department of State (DOS) for consistency concurrence. A Letter of General Concurrence was received on March 8 from the NY Department of State and is included as part of Appendix B.

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Appendix A

Draft
Memorandum of Agreement
Among
The National Park Service,
AND
The New York State Office of
Parks, Recreation and Historic Preservation
AND
Lessee
Regarding the Proposed Conversion of a Portion of
Fort Niagara State Park

**Memorandum of Agreement
Among
The National Park Service,
AND
The New York State
Office of Parks, Recreation and Historic Preservation,
AND,
LESSEE
Regarding the Proposed Conversion of
a Portion of Fort Niagara State Park**

WHEREAS; The Fort Niagara State Park (known hereafter as FNSP) located in Town of Youngstown, County of Niagara, New York contains historic resources; and

WHEREAS, the FNSP had been improved with federal Land and Water Conservation Fund (“LWCF”) assistance provided by the National Park Service (the “NPS”), and that, under Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, LWCF involvement places a protective covenant on the Park that requires NPS approval for any conversion request, which itself requires review under Section 106 of the National Historic Preservation Act of 1966, as amended, and the implementing regulations 36 CFR 800; and

WHEREAS; A portion of FNSP will be leased, which includes the existing barracks, theater, Commandant’s house and 20+ acres of surrounding land, resulting in a conversion of outdoor recreation resources; and

WHEREAS, Office of Parks, Recreation and Historic Preservation (“OPRHP”), which acts as the NPS’s state-level liaison for LWCF programs, initiated preliminary Section 106 discussions with the State Historic Preservation Office (“SHPO”) on behalf of the NPS; and

WHEREAS, the SHPO has determined that the conversion of parkland and subsequent leasing and re-use of the buildings and surrounding park land will have an Effect on the historic resources within the leased area at FNSP

NOW, THEREFORE, the NPS and the SHPO agree that the undertaking shall be implemented according to the following Stipulations in order to take into account its effect on historic, natural and recreational resources. Also, the NPS, through the assistance of the New York SHPO, will ensure through its agreements, contracts or approvals, that the Lessee implements these Stipulations for each of the undertaking’s components. Failure to meet these Stipulations will constitute a violation of this agreement.

STIPULATIONS

1. All restrictions placed upon the leased premises, as defined in the lease between the State of New York and lessee will remain in place for all activities at those buildings, including continued consultation for all work done on the structures or land within the leased area.
2. The provision of 140.68 acres of replacement LWCF land comprised of land in the Town of Highland, County of Orange, to be part of Bear Mountain State Park. Survey maps

identifying the area to be converted and the area proposed as replacement LWCF land are attached

Signatories

National Park Service

Name:

New York State Office of Parks, Recreation and Historic Preservation

Name: Ruth L. Pierpont

Lessee

Name:

Appendix B

Coastal Consistency
Assessment Forms,
Policy Discussions
And
Letter of Concurrence

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM**

Consistency Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g., grant, loan, subsidy)
- (c) Permit, license, certification

2. Describe the nature and extent of action:

The proposed action is the conversion of 20.16 acres in Fort Niagara State Park that is mapped in accordance with Section 6(f) of the Land and Water Conservation Fund. The conversion will allow for the State to enter into a long-term lease with a private partner for the redevelopment and reuse of 3 former US Army buildings.

3. Location of action:

Niagara	Village of Youngstown	Fort Niagara State Park
County	City, Town or Village	Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

Office of Parks, Recreation and Historic Preservation

- (a) Name of applicant: _____
625 Broadway, Albany, NY 12238
- (b) Mailing address: _____

(c) Telephone Number: Area Code (518) 474-0409

(d) State agency application number: N/A

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes No If yes, which federal agency? National Parks Service (NPS) Approval of Conversion

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions.)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

	<u>YES</u>
<u>NO</u>	
<input checked="" type="checkbox"/> (a) Significant fish or wildlife habitats?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (b) Scenic resources of statewide significance?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (c) Important agricultural lands?	<input type="checkbox"/>

2. Will the proposed activity have a significant effect upon:

<input checked="" type="checkbox"/> (a) Commercial or recreational use of fish and wildlife resources?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (b) Scenic quality of the coastal environment?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (c) Development of future, or existing water dependent uses?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (d) Operation of the State's major ports?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (e) Land and water uses within the State's small harbors?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (f) Existing or potential public recreation opportunities?	<input checked="" type="checkbox"/>
<input type="checkbox"/> (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?	<input checked="" type="checkbox"/>

3. Will the proposed activity involve or result in any of the following:

<input checked="" type="checkbox"/> (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (d) Energy facility not subject to Article VII or VIII of the Public Service Law?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (e) Mining, excavation, filling or dredging in coastal waters?	<input type="checkbox"/>
<input checked="" type="checkbox"/> (f) Reduction of existing or potential public access to or along the shore?	<input type="checkbox"/>

- (g) Sale or change in use of state-owned lands located on the shoreline or under water?
- (h) Development within a designated flood or erosion hazard area?
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?
-
- 4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?
-

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
 Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State
 Division of Coastal Resources
 41 State Street, 8th Floor
 Albany, New York 12231

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Please see attached Discussion on Coastal Policies.

Karen Terbush

Preparer's Name: _____
 (Please print)

Title: Environmental Analyst Agency: NYS Office of Parks, Recreation and Historic Preservation

Telephone Number: (518) 474-0409 Date: January 31, 2013

The following provides an analysis of the questions in Section C of the Coastal Assessment Form that were answered “yes”

2. (f) Existing or potential recreation opportunities

Restore, Revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses

The proposed action will allow for the reuse and rehabilitation of buildings which have been vacant for 30 plus years, and which are in a deteriorated state. The action will be a catalyst to private investment in the area which has the potential to improve and enhance water related uses in the parcel and increase economic vitality. The development and rehabilitation will be compatible with the character of the area, (including scale, architectural style density and intensity of the use). The action will improve the deteriorated condition of the site, revitalizing and re-developing underutilized facilities in the park, near waterfront areas. The proposed use will allow recreation uses and also includes cultural and commercial use.

Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities

The area to be converted contains some recreation and support facilities including a dilapidated basketball backstop in an informal parking lot, a rarely-used picnic area, an abandoned road used as a walking trail, a comfort station, and two small, deteriorated, informal parking areas used primarily during soccer events or in winter for sledding. Conversion of the parcel will not impact these recreation activities as the land will still be considered part of the park and all existing recreation the park currently provides, including swimming, boating, hiking, soccer, picnicking and environmental activities, will be allowed to continue.

The comfort station is currently used by patrons renting the picnic shelter adjacent to the conversion area and patrons using the 3 soccer fields in this area of the park. In addition, the comfort station is the only one in the park that provides winter access for patrons using the sledding hill or participating in other winter activities. However, the park currently has plans for construction of a new comfort station to replace this one in an area closer to the primary soccer fields, thereby making the current comfort station obsolete. The new comfort station will also be winterized.

The basketball area and parking lot have not been used for playing basketball in many years since the hoops and nets are missing. While the park manager often has requests from patrons for this type of activity, he indicated that a better location for this facility would be near the pool complex where most of the day use in the park occurs. A new basketball court will be placed in an area closer to the pool and major day use facilities.

The picnic tables and grills in the small picnic area between Ripley Avenue and Scott Avenue are currently not heavily used. This area will continue in public use following the conversion; however, the picnic tables and grills are in disrepair and must be removed.

The two small, informal parking lots in the project area are in very poor shape and primarily used only during large soccer and lacrosse tournaments. Parking in relation to the soccer use in the park, especially during tournaments is a larger issue that needs to be addressed by the Agency. Currently, soccer or lacrosse tournaments occur on two – three weekends each year during Mid-June – Mid July and attract approximately 10,000 people for each event. It is recognized that the park currently does not have adequate parking facilities to handle these tournaments. The park and region are currently working on a parking plan for dealing with the soccer games and tournaments in the park that will likely include construction of one or more new parking lots outside of the area to be converted.

The abandoned Ripley Road, and Scott Avenue are very popular walking areas, especially for local residents. Scott Avenue is outside of the area to be converted and there will be no impacts to recreation users on this popular trail. While Ripley Avenue goes right through the center of the area to be converted, recreational use of this trail will also be allowed to continue. Any future lease or agreement for adaptive reuse of the converted parcel will stipulate that the public will still have access to the Ripley Ave. trail through the converted area.

There will be no adverse impacts to recreation in the remainder of the park. The remaining 262.7 acres of park land will continue in recreational use and be fully accessible to the public for swimming, boating, fishing, picnicking, soccer and all other current recreational uses.

Based on the above discussion NYSOPRHP finds that the level and types of water related and other recreational resource and facilities within the park will be protected, maintained and increased.

Access to the publically-owned foreshore and to lands immediately adjacent to the foreshore or the waters edge that are publically-owned shall be provided and it shall be provided in a manner compatible with adjoining uses

The action will change the level of access for the public to water related activities, as currently the public cannot access the buildings on the site. In the long term the action is designed to allow access to the buildings through rehabilitation, allowing greater public access to water-related uses.

2. (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, it's communities, or the nation

The land making up Fort Niagara State Park has a rich cultural history with uses documented during pre-historic through the current time. The land where the park now sits and the project area were known as the “New” Fort Niagara The Coast Guard Station, Lighthouse and 1812 cemetery are also very important parts of the cultural resources at the park and are listed on the National Register of Historic Places. The Old Fort Niagara and some of the surrounding area including the coast guard station and the 1812 cemetery, totaling 30 acres were designated as a National Historic Landmark (NHL) in 1960. The project area is not near the NHL boundary

Based on the past history the entire park area is highly sensitive for archeological sites and resources. Recent archeological surveys for a waterline project in the park have turned up artifacts. Thus it is likely that any new ground disturbing activities would also turn up artifacts.

The project area itself contains 3 historic buildings which have been determined eligible for listing on the National Register of Historic Places. The Barracks Building was constructed in 1938 and formerly housed military personnel. The Commandant’s house, built in the 1930’s was originally constructed to provide two units of housing for officers at Ft. Niagara. The post Theater was built in 1931 for military personnel entertainment.

Conversion of a portion of Fort Niagara State Park is being proposed in order to allow the Agency to enter into a long term agreement with a private sector partner for reuse of three historic buildings that are deteriorating due to lack of use. Any future proposed reuse of the buildings will be fully reviewed by the SHPO to ensure compliance with the Secretary of the Interior’s Standards for Rehabilitation (Adams and Herter 2012). The no action alternative was considered but rejected by the Agency because it would result in further deterioration and eventual loss of the historic buildings due to inadequate state funding for their preservation.

The area is also very sensitive for archeology. Future impacts on archeological sites could occur if new buildings or roadways are proposed. The State Historic Preservation Office (SHPO) has requested that all proposed future ground disturbance on the property proposed for conversion be submitted for review and comments given the long, rich history of Fort Niagara.

Since SHPO retains the rights to review all future proposed development within the area to be converted for impacts to historic and archaeological resources (Adams and Herter 2012), the conversion will have no adverse effect on the subject properties.

The SHPO has also reviewed the action under Section 106 of the National Historic Preservation Act of 1966, as amended and the implementing regulations 36 CFR 800. Under these regulations, SHPO retains the rights to review all future proposed development within the area to be converted for impacts to historic and archaeological resources. As noted above all proposed work will be reviewed by the SHPO for assessment of effects, and appropriate documents (such as an MOA) will be created and provided to all signatory parties at the appropriate time(s).

Overall, the action is expected to benefit historic resources that would otherwise be lost through deterioration.

NEW YORK STATE DEPARTMENT OF STATE
 COASTAL MANAGEMENT PROGRAM
Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: NYS Office of Parks, Recreation and Historic Preservation
2. Address: 625 Broadway, Albany, NY 12238
3. Telephone: Area Code (518) 474-0409

B. PROPOSED ACTIVITY

1. Brief description of activity:
The proposed action is the conversion of 20.16 acres in Fort Niagara State Park that is mapped in accordance with Section 6(f) of the Land and Water Conservation Fund
2. Purpose of activity:
The conversion will allow for the State to enter into a long-term lease with a private partner for the redevelopment and reuse of 3 former US Army buildings.
3. Location of activity:

<u>Niagara</u>	<u>Village of Youngstown</u>	<u>Fort Niagara State park, Route 18F</u>
County	City, Town or Village	Street or Site Description
4. Type of federal permit/license required: N/A
5. Federal application number, if known: N/A
6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known.
Not Applicable

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES
NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41,43)
- b. Physical alternation of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
- c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
- d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
- e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10)
- f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
- g. Siting of a facility essential to the generation or transmission of energy? (27)
- h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
- i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
- j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
- k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
- l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES
NO

- a. State designated freshwater or tidal wetland? (44)
- b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
- c. State designated significant fish and/or wildlife habitat? (7)
- d. State designated significant scenic resource or area (24)
- e. State designated important agricultural lands? (26)
- f. Beach, dune or barrier island? (12)
- g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
- h. State, county, or local park? (19, 20)
- i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES
NO

- a. Waterfront site? (2, 21, 22)
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
- d. State water quality permit or certification? (30, 38, 40)
- e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: NYS Office of Parks, Recreation and Historic Preservation

Address: 625 Broadway, Albany, NY 12238

Telephone: Area Code (518) 474-0409

Applicant/Agent's Signature: _____ Date: _____

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Division of Coastal Resources, 41 State Street - 8th Floor, Albany, New York 12231.
 - a. Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

* These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Fort Niagara Parkland Conversion

Coastal Assessment January 24, 2013

Based on the following coastal policy discussion, OPRHP certifies that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the coastal management program, will not substantially hinder achievement of any of the coastal policies set forth in the applicable state regulations and whenever practicable will advance one or more of such policies.

Development Policies:

Policy 1

Restore, Revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses

The proposed action will allow for the reuse and rehabilitation of buildings which have been vacant and unused for 30 plus years, and which are in a deteriorated state. The action will be a catalyst to private investment in the area which has the potential to improve and enhance water related uses in the parcel and increase economic vitality. The development and rehabilitation will be compatible with the character of the area, (including scale, architectural style density and intensity of the use). The action will improve the deteriorated condition of the site, revitalizing and re-developing underutilized facilities in the park, near waterfront areas. The proposed use will allow recreation uses and also includes cultural and commercial use.

Public Access Policies:

Policy 19

Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities

The area to be converted contains some recreation and support facilities including a dilapidated basketball backstop in an informal parking lot, a rarely-used picnic area, an abandoned road used as a walking trail, a comfort station, and two small, deteriorated, informal parking areas used primarily during soccer events or in winter for sledding. Conversion of the parcel will not impact these recreation activities as the land will still be considered part of the park and all existing recreation the park currently provided including swimming, boating, hiking, soccer, picnicking and environmental education, will be allowed to continue.

The comfort station is currently used by patrons renting the picnic shelter adjacent to the conversion area and patrons using the 3 soccer fields in this area of the park. In addition, the comfort station is the only one in the park that provides winter access for patrons using the sledding hill or participating in other winter activities. However, the park currently has plans for construction of a new comfort station to replace this one in an area closer to the primary soccer fields, thereby making the current comfort station obsolete. The new comfort station will also be winterized.

The basketball area and parking lot have not been used for playing basketball in many years since the hoops and nets are missing. While the park manager often has requests from patrons for this type of activity, he indicated that a better location for this facility would be near the pool complex where most of the day use in the park occurs. A new basketball court will be placed in an area closer to the pool and major day use facilities.

The picnic tables and grills in the small picnic area between Ripley Avenue and Scott Avenue are currently not heavily used. This area will continue in public use following the conversion; however, the picnic tables and grills are in disrepair and must be removed.

The two small, informal parking lots in the project area are in very poor shape and primarily used only during large soccer and lacrosse tournaments. Parking in relation to the soccer use in the park, especially during tournaments is a larger issue that needs to be addressed by the Agency. Currently, soccer or lacrosse tournaments occur on two – three weekends each year during Mid-June – Mid July and attract approximately 10,000 people for each event. It is recognized that the park currently does not have adequate parking facilities to handle these tournaments. The park and region are currently working on a parking plan for dealing with the soccer games and tournaments in the park that will likely include construction of one or more new parking lots outside of the area to be converted.

The abandoned Ripley Road, and Scott Avenue are very popular walking areas, especially for local residents. Scott Avenue is outside of the area to be converted and there will be no impacts to recreation users on this popular trail. While Ripley Avenue goes right through the center of the area to be converted, recreational use of this trail will also be allowed to continue. Any future lease or agreement for adaptive reuse of the converted parcel will stipulate that the public will still have access to the Ripley Ave. trail through the converted area.

There will be no adverse impacts to recreation in the remainder of the park. The remaining 262.7 acres of park land will continue in recreational use and be fully accessible to the public for swimming, boating, fishing, picnicking, soccer and all other current recreational uses.

Policy 20

Access to the publically-owned foreshore and to lands immediately adjacent to the foreshore or the waters edge that are publically-owned shall be provided and it shall be provided in a manner compatible with adjoining uses

The proposed conversion area is not immediately adjacent to the foreshore or the waters edge of the Niagara River. Public access will continue uninterrupted in the area between the project and the shoreline. The action will increase the level of access for the public to water related activities, as currently the public cannot access the buildings in the project area. The conversion of this portion of the park will allow for a lease with a private sector partner to rehabilitate the buildings so they can be opened up for public uses in the future. Please also see discussion for Policy 19, above.

Historic and Scenic Resources Policies: Policy 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, it's communities, or the nation

The land making up Fort Niagara State Park has a rich cultural history with uses documented during pre-historic through the current time. The full chronological extent of aboriginal occupation of the site is currently unknown; however, early notes by Jesuit explorers indicate the presence of a fishing village in this area in the early 1600's. Radio-carbon dating of excavated artifacts from the Old Fort Niagara Site indicates aboriginal occupation of the site during the AD 1400s.

The land where the park now sits and the project area were known as the "New" Fort Niagara. Historical documents indicate that military developments began in this area as early as 1841. Several buildings were constructed on the property during the 1860's to 1890s including a hospital, officer's quarters and barracks buildings. Additional buildings were added during WWII when the fort was used for reception of new inductees, a separation center for those leaving active duty and a POW camp. The fort was used periodically following the war until 1963 when the land was offered to the state of New York for public recreation uses. Most of the buildings were removed by 1966 with the few remaining buildings including the barracks, the old fort theater, the commandant's house and the officer's club. The Coast Guard Station, Lighthouse and 1812 cemetery are also very important parts of the cultural resources at the park and are listed on the National Register of Historic Places. Old Fort Niagara and some of the surrounding area including the coast guard station, the 1812 cemetery and totaling 30 acres were designated as a National Historic Landmark (NHL) in 1960. The project area is not near the NHL boundary

Based on the past history the entire park area is highly sensitive for archeological sites and resources. Recent archeological surveys for a waterline project in the park have turned up artifacts. Thus it is likely that any new ground disturbing activities would also turn up artifacts.

The project area itself contains 3 historic buildings which have been determined eligible for listing on the National Register of Historic Places. The Barracks Building was constructed in 1938 and formerly housed military personnel. Both the first and second floors are divided into sleeping quarters. The lower floor previously had spaces for a gun range, mechanical systems and a workshop. It was used as a dormitory for the Young Adult Conservation Corps over 30 years ago. It has since been used for limited storage. The Commandant's house, built in the 1930's was originally constructed to provide two units of housing for officers at Ft. Niagara. It is divided into two, 3-story units, side by side. The post Theater was built in 1931 for military personnel entertainment.

Conversion of a portion of Fort Niagara State Park is being proposed in order to allow the Agency to enter into a long term agreement with a private sector partner for reuse of three historic buildings that are deteriorating due to lack of use. Any future proposed reuse of

the buildings will be fully reviewed by the SHPO to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation (Adams and Herter 2012). The no action alternative was considered but rejected by the Agency because it would result in further deterioration and eventual loss of the historic buildings due to inadequate state funding for their preservation.

The area is also very sensitive for archeology. Future impacts on archeological sites could occur if new buildings or roadways are proposed. The NYS Historic Preservation Office (Adams and Herter 2012) indicate that "Precontact and Contact Period Native American archaeological deposits as well as archaeological deposits associated with the French (1726-1759), the British (1759-1796) and the American (1796-1963) occupations are all likely within the boundaries of the former Military Reservation" and are possible anywhere within the grounds of the park. The State Historic Preservation Office (SHPO) has requested that all proposed future ground disturbance on the property proposed for conversion be submitted for review and comments given the long, rich history of Fort Niagara.

Since SHPO retains the rights to review all future proposed development within the area to be converted for impacts to historic and archaeological resources (Adams and Herter 2012), the conversion will have no adverse effect on the subject properties. The SHPO has also reviewed the action under Section 106 of the National Historic Preservation Act of 1966, as amended and the implementing regulations 36 CFR 800. Under these regulations, SHPO retains the rights to review all future proposed development within the area to be converted for impacts to historic and archaeological resources. As noted above all proposed work will be reviewed by the SHPO for assessment of effects, and appropriate documents (e.g. MOA) will be created and provided to all signatory parties at the appropriate time(s).

APPENDIX C

RESPONSES TO COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT

APPENDIX C – RESPONSES TO COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT

NYS Office of Parks, Recreation and Historic Preservation (State Parks) made the Draft Environmental Assessment available for public review on February 6, 2013. Notice of availability of the EA for review was provided in the State’s Environmental Notice Bulletin and through a Legal Notice published in the Niagara Gazette on Feb. 6. Staff requested that comments be filed within 30 days or by March 8, 2013. The following entities and individuals filed comments pertaining to the draft EA.

<u>Commenting Entity</u>	<u>Date Filed</u>
Carl and Evelyn Shaffer	February 6, 2013
Guiseppe Spagnolo	February 11, 2013
Kenneth Greulich	February 12, 2013
Mary Anne Rolland	February 12, 2013
Harriet Lane Tower	February 20, 2013
Jeffrey Streb	February 25, 2013
Chris Budde	February 27, 2013
Audrey Grabowski	March 1, 2013
Niagara County Legislature	March 2, 2013
Gretchen A. Duling	March 3, 2013
Brenda LiPuma	March 4, 2013
Bernard J. Carreno	March 5, 2013
Charles Lamb	March 5, 2013
Marge McMillen	March 5, 2013
Raymond D. Perreault	March 5, 2013
Francine DelMonte	March 6, 2013
Rodney G. Fairbank	March 6, 2013
Thomas Schofield	March 6, 2013
Youngstown Business and Professional Association	March 6, 2013
David Kennedy	March 7, 2013
Phyllis and Paul Norwich	March 7, 2013
Diane Balcom	March 8, 2013
Buffalo Audubon Society	March 8, 2013
Lynne Landon	March 8, 2013
Terry Yonker	March 8, 2013

During the comment period for the Draft Environmental Assessment, State Parks received written comments from individuals and interest groups as listed above. The types of comments received included general support or opposition to the project and comments related to specific categories. Below, the substantive comments are summarized under each category and responses to the comments are provided. Based on these comments and responses, no changes have been made to the text of the draft EA. The order of the categories is random and does not reflect their importance.

State Parks appreciates the time and effort that persons interested in Fort Niagara State Park have invested in their review and comments on the Draft Environmental Assessment.

General Response regarding Adaptive Re-use proposal:

A conversion of use under Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act is a complicated process. The Environmental Assessment may not have made it entirely clear as to the action State Parks is taking and the necessity to do so.

The project being undertaken is the restoration of several historic buildings at Fort Niagara State Park (FNSP). The backlog of capital projects at state parks and historic sites is such that the agency cannot devote resources to structures not currently in use. In order to save these important structures at FNSP, State Parks must seek a private partner to invest in these structures. The entire property, however, will remain in public ownership – there will be NO loss of parkland or recreational opportunity as a result of this project. The public will continue to have access to the leased property.

The reason that this is a conversion – why we need approval by the National Park Service (NPS) - is that these structures will not be used for OUTDOOR recreation, which is the main requirement of the LWCF. Although these structures have never been in outdoor recreational use, State Parks still must go through the formal conversion process in order to adaptively reuse these structures for other than outdoor recreation, regardless of the importance of restoring the structures or providing a public benefit.

While State Parks went through a formal RFP process and selected a developer, no project has been finalized. At such time that a plan has been formalized, there will be a supplemental environmental impact statement prepared, including opportunities for public comment, on the effect of the actual work that will be accomplished and how the buildings will be operated.

Another 6(f) requirement is that any property not being used solely for outdoor recreation must be converted. If the developer wanted to create, say, an outdoor café that served the general public, that would be a conversion, regardless of park visitors being able to frequent the café in a park setting and otherwise having access to café area. Since a final project has not been determined, it is necessary to create a footprint large enough to allow any developer to have access to all structures and allow spillover. The size of the conversion area is State Park's best guess as to how much land will be needed without having to go through an additional conversion in the future.

The property is not being sold and will remain under the full control of the State of New York. The developer will need to get the approval from State Parks for any action to be taken on the site, even those not requiring formal environmental review and public comment.

General Support for Conversion and/or project

Comment: Fourteen comments were received expressing general support for the conversion as well as for the project that would adaptively re-use the buildings.

Response: State Parks appreciates your comments.

General Opposition to Conversion and/or project

Comment: Seven letters were received expressing general opposition to the conversion at Fort Niagara State Park and its justification. Most of these comments also expressed opposition to the proposed adaptive reuse project.

Response: State Parks appreciates your comments. See general response.

Concerns about the developer

Comment: Comments were received expressing concerns about the reputation and past environmental record of the proposed developer for the adaptive reuse of the buildings. Commenters felt that the state should discuss former projects with other agencies that have worked with this developer in the past. Others indicated that this developer should be monitored carefully to assure that the park's natural resources are protected.

Response: Concerns about potential impacts of the adaptive re-use project will be addressed in the supplemental environmental impact statement for that project. See general response.

Replacement Parcel

Comment: Several commenters expressed concern that the proposed replacement parcel was located over 300 miles away from Fort Niagara State Park and thus would not benefit western New York residents. While some acknowledged the overall value of the proposed Bear Mountain parcel for recreation, they wanted more effort to be made to find a parcel closer to the park or to provide more benefits to western New York for the conversion of outdoor recreational space at Fort Niagara State Park.

Response: Although there will be no net loss of parkland, a requirement of the conversion is to substitute land of equal value and usefulness. OPRHP looked at statewide recreational needs, including those articulated in the Statewide Comprehensive Outdoor Recreation Plan. OPRHP strives for a

balanced approach in meeting the recreational needs of the public in the Niagara Frontier as well as in the lower Hudson Valley, where the need for outdoor recreation is increasing. For that reason, State Parks felt it was appropriate to substitute an addition to Bear Mountain State Park for that being leased at FNSP.

Historic Preservation

Comment: Several comments indicated that preservation of the former military buildings was very important and that they should not continue to be allowed to deteriorate further. Some commenters related information about their former experiences at the buildings when they were used by the military and their wishes to see the buildings restored.

Response: State Parks agrees with these comments. One of the purposes of the conversion is to allow a partnership with the private sector to restore these historic buildings.

Comment: Some concern was expressed that the buildings are not listed on the National Register, but only have been determined to be eligible for listing. It was felt that the restoration should be conducted under the guidance of historical experts.

Response: Under SEQRA and State Parks Law, the substantive analysis of impacts is the same for buildings that have been determined eligible for listing on the State or National Registers of Historic Places or buildings that are listed properties. In addition no work on the buildings will take place without consultation with the State Historic Preservation Office.

Comment: There were a couple of comments about the historic importance of the entire park and area including Four Mile Creek State Park and that there is a need for additional historic interpretation of events that occurred there. It was suggested that historic signage could be provided by the developer as partial mitigation for the conversion of parkland.

Response: Thank you for your suggestion. State Parks will consider additional historic signage in the park and at Four Mile Creek in consultation with the Old Fort Niagara Association.

Recreation Impacts

Comment: Several comments were received requesting that State Parks provide assurances that there will be no disruption or limitation to the use of the park, the Fort, the soccer fields or winter activities including walking paths available to the general public in the area to be converted both in the short term and over the long term.

Response: As stated above, there will be no loss of recreational opportunities at FNSP. With any construction project, there are short-term impacts with construction vehicles, staging areas, etc.; however, any short-term impacts of this project pale in comparison to the long-term impact of having to

close-off large areas around the buildings because their continued deterioration results in a hazardous situation.

Comment: One commenter suggested that the developer should be required to provide trail improvements, historic signage and maintenance and cleanup of Lake Ontario waterfront beach area as a mitigation measure for the conversion.

Response: These are all good suggestions for improvements to the park that State Parks will consider as part of its operations, maintenance and future planning for the park.

Comment: A comment was received that moving the basketball court to the swimming pool complex area is a good move.

Response: Comment acknowledged.

Comment: Some commenters expressed concerns that allowing private development in the park will take away from the enjoyment of the local recreationists and tourists, that the park is about history and open space and should remain that way, and that the proposed project is not consistent with the Mission of State Parks or with the SCORP.

Response: State Parks anticipates that any adaptive reuse of these buildings will enhance the park and visitor experience. The primary goal of the project is to preserve these important historic buildings which is consistent with State Parks' mission of stewardship of cultural resources. There will be no loss of open space in the park and the parks' natural resources will also be protected. Page 11 of this Environmental Assessment refers to the projects' consistency with the SCORP.

Natural Resources

Comment: Concern was expressed by several commenters for protection of the parks trees and wildlife

Response: A supplemental environmental impact statement will be prepared for the adaptive reuse project which will address these impacts. See general response above.

Economic Impacts

Comment: Several comment letters indicated that the proposed adaptive reuse of the buildings in the converted area for the park will contribute to the economy of the Park, Old Fort Niagara, the Village of Youngstown and Western New York and that the project would likely be used by the thousands of tourists that currently use the Old Fort or the Park for soccer tournaments or boating and that the proposed improvements are likely to draw more visitors to the park and area.

Response: Comments acknowledged.

Comment: Some persons commented that Fort Niagara State Park is similar to Saratoga Spa State Park and Letchworth State Park which also host hotels.

Response: State Parks agrees that successful public- private partnerships and amenities at the Gideon Putnam Resort (Saratoga Spa State Park), the Glen Iris Inn (Letchworth State Park) and the Bear Mountain Inn (Bear Mountain State Park) are useful operating models for how the buildings at Fort Niagara State Park could be adaptively reused within a park setting.

Comment: The Youngstown Business and Professional Association recommended signage from the site directing visitors to the Village businesses.

Response: State Parks encourages its parks and facilities to develop strong and complementary relationships with local business communities and tourism centers. This includes making park visitors aware of the history and importance of the area, what resources may be available and how the local community can contribute to the visitor experience.

Comment: Some concerns were expressed that local residents would not be able to afford the new facilities constructed in the park and that they would be exclusive. Others felt that the developer may need economic assistance and grants to make the project work.

Response: Specific details about the size, scope or cost of the project are not yet available but similar facilities presently operate successfully in other state parks and are accessible to the public. See general response above.

Traffic

Comment: One commenter asked about the anticipated traffic impacts that could result from the project in the currently quiet park setting. Another commenter felt that traffic concerns were overstated and would not be an issue.

Response: Any site specific direct impacts of the adaptive reuse project will be addressed within the supplemental environmental Impact Statement for that project. See general response above.

Request for a public meeting

Comment: Three commenters requested that State Parks hold a public meeting to address the many questions and concerns about the project.

Response: The supplemental EIS for the adaptive reuse project will include opportunity for at least one public meeting.

Procedural

Comment: One commenter inquired as to how a 40 year lease could be signed with a developer before the conversion was approved?

Response: The lease is contingent on obtaining all necessary governmental approvals.

Comment: Some commenters felt that the public notice provided: i.e. the Environmental Notice Bulletin and a Legal notice in the Niagara Gazette were inadequate since many people in Niagara County read the Buffalo News instead of the Niagara Gazette. Although a news article was eventually published in the Buffalo News, it was felt that this article was too late and did not provide adequate time to read, evaluate and fully comment on the EA.

Response: The Agency's goal is to ensure adequate public notice is provided. A Legal Notice was published in the local newspaper – The Niagara Gazette, and a notice was posted in the State's Environmental Notice Bulletin. Copies of the document were available for review at the park office and on the Agency's website. The review period was 31 days. Using SEQR (Part 617.12 (c) (2)) as a guide we were required to publish in a newspaper of general circulation in the area of the potential impacts of the action. In trying to balance various circulation patterns and proximity to the action, it was felt, for an action in northern Niagara County, the Niagara Gazette was the appropriate resource. OPRHP will consider what publication is most appropriate for future notices.

Comment: One commenter requested that an EIS be prepared.

Response: There are no significant adverse environmental impacts from conversion of this parcel in Fort Niagara State Park – see the Environmental Assessment and there will be beneficial effects on the historic resources from adaptive reuse of the buildings. See also the general response above.

Comment: Several commenters seemed to be confused by the connection between the conversion and the project.

Response: State Parks acknowledges and understands the confusion with the conversion process. Please see the general response above.

Importance of Parkland

Comment: Concern was expressed that this project will set a precedent for park land all over the state of converting parkland for economic development projects.

Response: See general response above describing the conversion process and the distinction between converting land from outdoor recreational use and alienating parkland. As stated in the general response, the project is to preserve important structures at FNSP. Any economic benefit is

complementary to saving the structures. This is true of parks in general. Many studies have shown that parks and open space provide a positive economic benefit, so it is difficult to separate parks and economic impact.

Comment: The project will result in a permanent loss of the value of irreplaceable parkland.

Response: No parkland will be lost. See general response above.

Comment: Some commented that the project is not consistent with other uses of Fort Niagara State Park and that it will change the character of the park

Response: See general response above.

Alternatives

Comment: Some commenters felt that the buildings should be repaired by the state and used for some historic or environmental purpose without leasing them to the private sector. One commenter indicated that the State could possibly use Niagara Greenway Funding to restore buildings for a historic or environmental purpose.

Response: As stated in the general comments, State Parks cannot devote resources to restore, maintain and operate buildings not currently in use and therefore we are seeking assistance through private sector investments to leverage existing resources. Niagara River Greenway funding is limited and State Parks must prioritize how it will apply for and potentially use these funds. In fact, they have been used for infrastructure improvements at the park.

Comment: One commenter requested that the Developer consider building a diner type restaurant called the PX (WWII themed) with exhibits about Fort Niagara during the 1940's based on the past history of the park and the buildings that were there during the WWII era.

Response: The developer will be apprised of your suggestion. See general response above.