



JOHN FENZ  
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TOWN OF WEST SENECA

TOWN SUPERVISOR  
SHEILA M. MEEGAN  
TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

To: The Honorable Town Board

From: John J. Fenz, Esq.  
Town Attorney

Date: March 22, 2018

Re: Buffalo Blueway Capital Project  
Consent to Empire State Development Lead Agency Status

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Kindly adopt a resolution authorizing the Supervisor to execute the attached Response to Notice of Lead Agency Designation consenting to the Empire State Development Corporation acting as lead agent in the above-referenced project for purposes of State Environmental Quality Review Act determinations.

This project has impacts at approximately fifteen (15) locations throughout Erie County, one of those sites being the Harlem Road access point to Buffalo Creek. The Town may comment on any proposed actions impacting our community; however, it is most appropriate that the Empire State Development Corporation act as the lead agency for SEQR purposes.

March 16, 2018

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT**

**NOTICE OF PROPOSED LEAD AGENCY DESIGNATION**

**Proposed Buffalo Blueway Capital Project  
City of Buffalo/Town of West Seneca, Erie County, New York**

The New York State Urban Development Corporation, d/b/a Empire State Development (“ESD”), proposes to serve as lead agency for the environmental review process to be carried out in accordance with the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations (6 NYCRR Part 617) associated with the **Proposed Buffalo Blueway Capital Project**.

The proposed action has been classified as an “Unlisted Action” under the implementing regulations for SEQRA. It involves ESD issuing a General Project Plan (“GPP”) to provide funds to Buffalo Niagara Waterkeeper to create an initial system of up to ten interconnected paddlesport launches out of 19 potential locations on Lake Erie, the Niagara River, and the Buffalo River (18 in the City of Buffalo and one in the Town of West Seneca). The system would utilize both existing landmarks and newly-installed signage, markers, and public art to create a waterborne “trail” (i.e., a “Blueway”). These efforts are collectively intended to expand public access and appreciation of these increasingly-used water resources.

The GPP, which will be subject to a public hearing and review/approval by the NYS Public Authorities Control Board (“PACB”), will solely permit the release of ESD funding for planning/final site selection, preliminary/final design, construction, and administration of the components of the Blueway. Nevertheless, each of these components will still be subject to all technical submission, public review, and approval requirements associated with all applicable federal, state, and local permits and authorizations necessary prior to actual construction/implementation. Therefore, it is important to note that this environmental review will be largely programmatic/generic in nature, based upon best available knowledge at the time of GPP adoption. It is intended in no way to supersede or prevent any authorized permitting/approval agencies from soliciting additional technical information from the Project Sponsor—as part of each respective approval/permit process—as the designs for each Project component become more definitive.

If within thirty (30) days from the mailing of this notification there are no comments, it will be assumed that your agency has no objections to ESDC serving as lead agency for the environmental review of the project. A reply form is enclosed for your convenience.

The contact person is **Paul J. Tronolone AICP, Vice President for Policy and Planning - WNY, Empire State Development, 95 Perry Street, 5th Floor, Buffalo, New York, 14203, (716) 846-8200.**

A Full Environmental Assessment Form (EAF), Part 1, and a copy of this notice have been sent to:

Local & State Potentially Involved and Interested Agencies:

Buffalo Common Council  
c/o City Clerk  
Room 1308 City Hall  
65 Niagara Square  
Buffalo, New York 14202

Buffalo Planning Board  
Room 901  
City Hall  
65 Niagara Square  
Buffalo, New York 14202

Buffalo Preservation Board  
Room 901 City Hall  
65 Niagara Square  
Buffalo, New York 14202

Buffalo Dept. of Permit & Inspection Services  
Room 324 City Hall  
65 Niagara Square  
Buffalo, New York 14202

Buffalo Office of Strategic Planning  
Room 920 City Hall  
65 Niagara Square  
Buffalo, New York 14202

Buffalo Dept. of Pub. Works, Streets & Parks  
Room 502 City Hall  
65 Niagara Square  
Buffalo, New York 14202

West Seneca Town Board  
c/o Town Clerk  
1250 Union Road  
West Seneca New York, 14224

West Seneca Planning Board  
c/o Board Secretary  
1250 Union Road  
West Seneca New York, 14224

Erie County Legislature  
c/o Legislature Clerk  
92 Franklin Street  
4th Floor  
Buffalo, New York 14202

Erie County Dept. of Planning & Environment  
Edward A. Rath County Office Building  
Room 1062  
95 Franklin Street, 10th Floor  
Buffalo, New York 14202

New York State Dept. of Env. Conservation  
David Denk, Region 9 Permits Administrator  
270 Michigan Avenue  
Buffalo, NY 14203

New York State Dept. of Transportation  
Region 5 Director  
100 Seneca Street  
Buffalo, NY 14203

New York State Office of Parks, Recreation,  
and Historic Preservation  
Western District Director  
P.O. Box 1132, Prospect Park  
Niagara Falls, New York 14303

New York State Office of Parks, Recreation,  
and Historic Preservation  
State Historic Preservation Office  
P.O. Box 109  
Waterford, NY 12182

Erie Canal Harbor Development Corporation  
Attn: President  
95 Perry Street  
5<sup>th</sup> Floor  
Buffalo, NY 14203

New York State Department of State  
Office of Planning and Development  
One Commerce Place, 99 Washington Ave.  
Suite 1010  
Albany, New York 12231-0001

*Federal Agencies (NOTE: for informational purposes only/no response required):*

U.S. Army Corps of Engineers  
Regulatory Branch  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207-3199

U.S. Coast Guard  
Buffalo Complex  
Attn: Captain Joseph Dufresne  
1 Fuhrmann Boulevard  
Buffalo, NY 14203

**RESPONSE TO NOTICE  
OF PROPOSED LEAD AGENCY DESIGNATION**

**PROPOSED LEAD AGENCY:** New York State Urban Development Corporation  
d/b/a Empire State Development

**NAME OF ACTION/PROJECT:** Proposed Buffalo Blueway Capital Project  
City of Buffalo/Town of West Seneca, County of Erie, New York

On behalf of the \_\_\_\_\_, I acknowledge receipt of the lead agency designation notice in this matter.

The above named involved agency hereby (please check one):

CONSENTS that the above named agency serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQR determinations, proceedings and hearings in this matter.

DOES NOT CONSENT to the above named agency serving as lead agency in this application and requests that \_\_\_\_\_ serve as lead agency. To contest lead agency, the undersigned intends to follow the procedures outlined in 6 NYCRR Part 617.6(e).

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

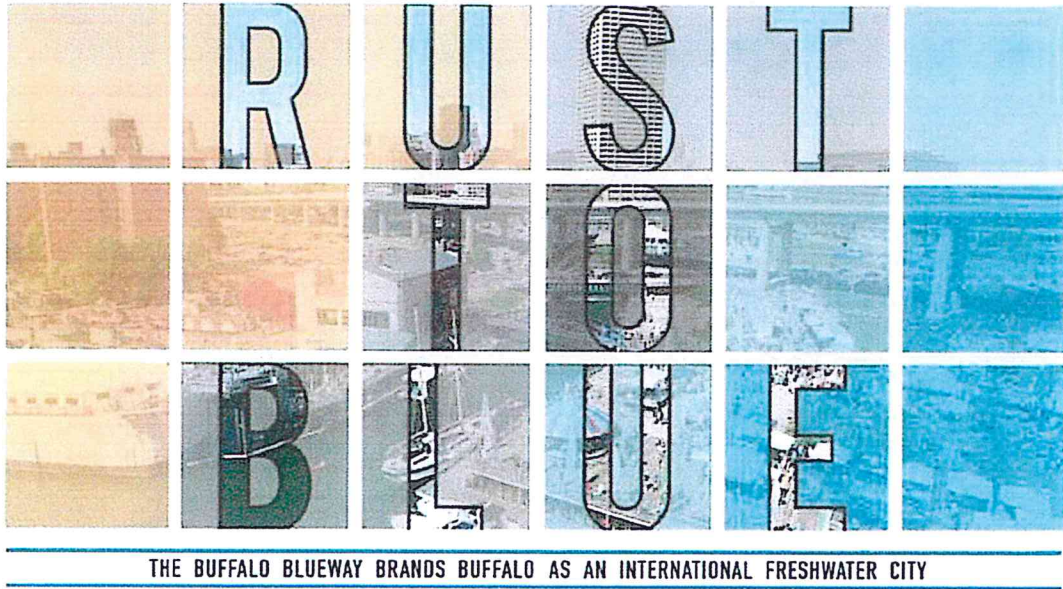
NAME/TITLE: \_\_\_\_\_

(Please print)

Please return by **April 16, 2018** to:

**Paul J. Tronolone, AICP**  
**Empire State Development**  
**95 Perry Street, 5th Floor**  
**Buffalo, New York, 14203**

Or scan/email to: [paul.tronolone@esd.ny.gov](mailto:paul.tronolone@esd.ny.gov)



**Buffalo Blueway Project**  
**Full Environmental Assessment Form (FEAF) and Narrative**  
**Buffalo Niagara Waterkeeper**  
**March 15, 2018**



*Full Environmental Assessment Form  
Part 1 - Project and Setting*

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Buffalo Blueway		
Project Location (describe, and attach a general location map): Buffalo River; Niagara River and Lake Erie Outer Harbor		
Brief Description of Proposed Action (include purpose or need): The Blueway Project will create a system of interconnected paddlesport launches and utilize existing landmarks and newly installed public art piece to create a waterfront trail throughout the city of Buffalo. Site enhancements include enhancing existing paddlesport launches as well as creating three new ones; installing informational signage along a the Blueway trail as well as public art pieces to serve as markers and undergoing habitat restoration and shoreline improvements.		
Name of Applicant/Sponsor: Buffalo Niagara Waterkeeper		Telephone: (716) 852-7483 E-Mail: jedlicka@bnwaterkeeper.org
Address: 721 Main St.		
City/PO: Buffalo	State: NY	Zip Code: 14203
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Multiple Owners; See Attached.		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Buffalo Common Council; herbicide waiver	Beginning Spring 2018
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Buffalo; site plan review if applicable	Beginning Spring 2018 or as needed
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Buffalo DPW; Encroachment Permit	Beginning Spring 2018
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dept. of Environment and Planning (landowner)	Spring 2018 or as needed
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS ESD; NYSDEC (401 Cert)	Beginning Spring 2018
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE; 404 and Section 10 Permits (if needed)	Beginning Spring 2018
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part I

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):  
 Remediation Sites:915072 , Remediation Sites:C915305, Remediation Sites:B00149 , Remediation Sites:915026 , Remediation Sites:C915304, Remediation Sites:V00215 , Remediation Sites:915193A, Remediation Sites:E915193, Remediation Sites:915047 , Remediation Sites:915071 , Remediation Sites:C915204, Remediation Sites:915131 , Remediation Sites:915054 , Remediation Sites:915017 , Remediation Sites:915012 ...

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? City of Buffalo Greencode: Overlay districts: C-W-25 and C-W-100; See attached for all site zoning classifications.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? City of Buffalo Public Schools	
b. What police or other public protection forces serve the project site? City of Buffalo	
c. Which fire protection and emergency medical services serve the project site? City of Buffalo	
d. What parks serve the project site? LaSalle, Broderick; Riverfest; NYSDEC Ohio Street Boat Launch; Canalside; Erie Basin Marina; Wilkeson Pointe; Mungovan; Mutual Riverfront; Red Jacket; Seneca Bluffs;	

**D. Project Details**

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Recreational	
b. a. Total acreage of the site of the proposed action? _____ 230.75 acres b. Total acreage to be physically disturbed? _____ .25 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ NA acres	
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Will proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 4

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; 10 width; and 150 length

iii. Approximate extent of building space to be heated or cooled: NA: Structures are Docks square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Buffalo River

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
See attached for information regarding dock size; installations and disturbance of bottom sediment calculations

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iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: minimal impact stemming from pilling installation for docks

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

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iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ Daylight \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ Daylight \_\_\_\_\_
- Saturday: \_\_\_\_\_ Daylight \_\_\_\_\_
- Sunday: \_\_\_\_\_ Daylight \_\_\_\_\_
- Holidays: \_\_\_\_\_ Daylight \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n.. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally describe proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
Limited use of herbicides for invasive species management if mechanical controls are not feasible. See Attached.  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 Buffalo River Corridor.  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	53.0984	53.1484	+0.05
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	175.69	175.52	-0.17
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3412	0.3412	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	7.0736	7.1936	+0.12
• Other Describe: _____			



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: Some sites are existing parks and Outer Harbor and Buffalo River already have paddlers

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities:  
See Attached.

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection:  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
Contiguous  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 915072 , C915305, B00149 ...  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): 915009 , C915197J, C915197K, C915218, 915072 ...  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
See Attached.

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): environemntal easement on Buffalo Color
- Describe any use limitations: no digging; nor plating of deep rooted trees
- Describe any engineering controls: Capped and cover system on Area D
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
Project is on Area A which is not contaminated with hazardous material

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? 15-150(range), 52(av) feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

<u>Ud - Urban Land</u>	<u>66.8</u> %
<u>Dp - Dumps</u>	<u>5.3</u> %
<u>Hm - Hamlin silt loam</u>	<u>3.3</u> %

d. What is the average depth to the water table on the project site? Average: > 6.04 feet

e. Drainage status of project site soils:  Well Drained: 3.3 % of site  
 Moderately Well Drained: 8.5 % of site  
 Poorly Drained: 0.9 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-139, 837-135, 837-137, 837-136 Classification C, B
- Lakes or Ponds: Name 837-129, 837-128, 837-127 Classification C, B
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) BU-7, BU-1, BU-15, BU-3

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
Name - Pollutants - Uses: Buffalo River, Main Stem - Priority Organics - Fish Consumption, Name - Pollutants - Uses: Lake Erie (O...

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: See Attached. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 Peregrine Falcon, Black Tern, Least Bittern, Pied-billed Grebe, Lake Sturgeon, Common Tern

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 Black Redhorse

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 Buffalo River and Outer Harbor are used for fishing. The proposed use will enhance this existing use and provide more opportunity for it.

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: American Grain Complex, Cazenovia Park-South Park System, Concrete-Central Elevator, St. Teresa's Roman Catholic Chur...	
<i>iii.</i> Brief description of attributes on which listing is based: The above are not applicable; see attached.	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

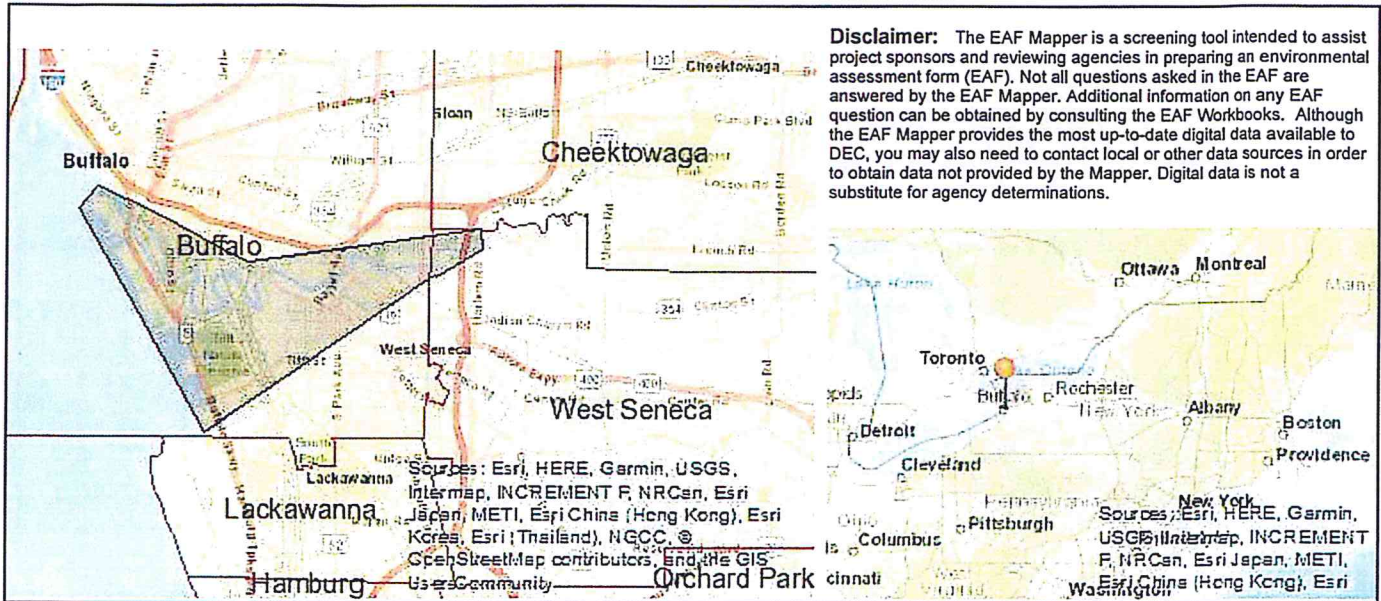
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Buffalo Niagara Waterkeeper ; Jill Jedlicka      Date 3/1/18

Signature       Title Executive Director



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:915072 , Remediation Sites:C915305, Remediation Sites:B00149 , Remediation Sites:915026 , Remediation Sites:C915304, Remediation Sites:V00215 , Remediation Sites:915193A, Remediation Sites:E915193, Remediation Sites:915047 , Remediation Sites:915071 , Remediation Sites:C915204, Remediation Sites:915131 , Remediation Sites:915054 , Remediation Sites:915017 , Remediation Sites:915012 , Remediation Sites:C915201D, Remediation Sites:V00619 , Remediation Sites:C915301, Remediation Sites:915040 , Remediation Sites:B00196 , Remediation Sites:C915201E, Remediation Sites:C915275, Remediation Sites:C915287, Remediation Sites:C915285, Remediation Sites:V00734, Remediation Sites:C915257, Remediation Sites:C915270, Remediation Sites:C915201B, Remediation Sites:C915201C, Remediation Sites:C915230A, Remediation Sites:C915232, Remediation Sites:C915231, Remediation Sites:915004, Remediation Sites:C915268, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	915072 , C915305, B00149 , 915026 , C915304, V00215 , 915193A, E915193, 915047 , 915071 , C915204, 915131 , 915054 , 915017 , 915012 , C915201D, V00619 , C915301, 915040 , B00196 , C915201E, C915275, C915287, C915285, V00734, C915257, C915270, C915201B, C915201C, C915230A, C915232, C915231, 915004, C915268
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes

E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	915009 , C915197J, C915197K, C915218, 915072 , C915305, B00149 , 915026 , C915304, V00215 , C915197H, C915202, C915226, B00164 , 915193A, E915193, V00319 , C915227, V00435 , 915172 , C915240, C915185 , E915181 , 915047 , 915046B , 915071 , C915204, 915131 , 915054 , 915017 , 915012 , C915201D, V00619 , C915301, 915040 , B00196 , V00370 , C915201E, 915219, C915275, C915276, C915287, C915285, V00734, C915257, C915270, C915262, C915195, C915194, C915194A, C915309, C915201B, C915201C, 915002 , C915230A, C915228, C915209, C915232, C915231, 915004, 915155 , C915224, C915229, 915037 , C915268, V00195
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-139, 837-135, 837-137, 837-136
E.2.h.iv [Surface Water Features - Stream Classification]	C, B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	837-129, 837-128, 837-127
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	C, B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):31.1, NYS Wetland (in acres):61.2, NYS Wetland (in acres):85.2, NYS Wetland (in acres):45.9
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	BU-7, BU-1, BU-15, BU-3
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Buffalo River, Main Stem – Priority Organics – Fish Consumption, Name - Pollutants - Uses:Lake Erie (Outer Harbor, North) – Priority Organics – Fish Consumption, Name - Pollutants - Uses:Lake Erie (Erie Basin) – Priority Organics – Fish Consumption, South) – Priority Organics – Fish Consumption
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon, Black Tern, Least Bittern, Pied-billed Grebe, Lake Sturgeon, Common Tern
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Black Redhorse
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.

E.3.e.ii [National Register of Historic Places - Name]	American Grain Complex, Cazenovia Park-South Park System, Concrete-Central Elevator, St. Teresa's Roman Catholic Church Complex, Buffalo Main Light, USS CROAKER (Submarine), Clara Brown, EDWARD M. COTTER (Fireboat), E & B Holmes Machinery Company Building, USS THE SULLIVANS (destroyer)
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal 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 nature and extent of action: Creation of trail system with new paddlesport launch areas,  
a guide and signage for wayfinding along the Buffalo River and Outer Harbor of Lake Erie  
\_\_\_\_\_
3. Location of action:

<u>Erie</u>	<u>City of Buffalo</u>	<u>Buffalo River and Lake Erie shoreline</u>
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:

- (a) Name of applicant: \_\_\_\_\_
- (b) Mailing address: \_\_\_\_\_
- (c) Telephone Number: Area Code (\_\_\_\_) \_\_\_\_\_
- (d) State agency application number: \_\_\_\_\_

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

Yes  No  If yes, which federal agency? USACE if permits determined required

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>
(a) Significant fish or wildlife habitats? .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Scenic resources of statewide significance? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Important agricultural lands? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

(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 type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

(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"/>	<input checked="" type="checkbox"/>
(g) Sale or change in use of state-owned lands located on the shoreline or under water? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Development within a designated flood or erosion hazard area? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

E. REMARKS OR ADDITIONAL INFORMATION

One Project site is located within the Significant Coastal Habitat for Lake Sturgeon. A map is provided in the attached document. The enhancement would create a soft graded paddle sport launch which would likely add habitat features near shore.

Overall, though, the project is anticipated to result in positive impacts by increasing public access to the Buffalo River and Lake Erie and would be implemented in a manner to minimize any potential physical impacts to water resources and habitats both during its construction and in operation.

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**Addendum to FEAF Part 1:**

**Buffalo Blueway Project**  
**Narrative Description and**  
**Additional Information**



## Table of Contents

1	Project Description
1.1	Enhancement Elements
2	Timeline
3	Landowners
4	Funding and Approval
5	Planning and Zoning
5.1	Unified Development Ordinance (Green Code)
6	Special Districts
6.1	Outer Harbor Special Review District
6.2	Waterfront Yard Standards: Encroachments
6.3	Signage Requirements
6.4	Coastal Zone Assessment
7	Project Details
7.1	Structure and Bottom Sediments
7.2	Submerged Aquatic and Emergent Vegetation
7.3	Encroachments
7.4	Herbicide Use
7.5	Transportation
8	Site and Setting of Proposed Action
8.1	Facilities Serving Children or Elderly Proximate to the Project Sites
8.2	Impervious Surface
8.3	Contamination history
8.3.1	Outer Harbor
8.3.2	Inner Harbor and Buffalo River
8.3.3	Buffalo Color Peninsula Area A
9	Natural Resources at or Near the Project Site
9.1	Geologic Features
9.2	Surface Water
9.3	State and Federal Wetlands
9.4	Flooding
9.5	Plants and Animals
9.5.1	Habitat
9.5.2	Wildlife
9.5.3	Aquatic Species
9.5.4	Threatened or Endangered Species
10	Designated Public Resources on or near the Project Site
11	Attachments
11.1	Attachment 1: Detailed Project Site Maps

### List of Tables

Table 1: Site Locations and Elements

Table 2: List of Landowners

Table 3: Site Locations and Green Code Land Uses

Table 4: Nearby Facilities serving Children or Elderly Populations

Table 5: Floodplain Locations

Table 6: Herpetofauna Observed During 2012 Wildlife Survey

Table 7: Total Mammal Species Observed within LBR AOC in 2012

Table 8: Anecdotally Observed Invertebrates during 2012 AOC Wildlife Study

Table 9: New York State Protected Species Observed During 2012 Wildlife Survey

**List of Maps**

Map 1: Contextual Map of all Proposed Buffalo Blueway Sites

Map 2: Detailed Map of Buffalo Color Peninsula

Map 3: FEMA Floodplains and Project Sites

Map 4: NYS DOS Significant Coastal Habitat for Sturgeon and Proposed Blueway Sites

### **1. Project Description** (Corresponding SEQR Form Section A)

The City of Buffalo and Western New York (WNY) have several existing water access points however, these sites are sporadic, not widely known, and often lack sufficient infrastructure or amenities to support safe activation or utilization. Capital assets that are lacking include parking, wayfinding (signage or public art beacons), rental facilities, storage (lock-up) facilities, comfort stations, or safe put-ins/take-outs. Buffalo Niagara Waterkeeper has identified 19 potential sites. Of those 19 sites, Waterkeeper will be constructing three new sites that create connections to the water and enhancing seven existing sites that will be integrated into the Buffalo Blueway (the Project). These sites will begin to fill the gaps effectively and connect communities that have been disproportionately cut off from the waterfront. Opportunities exist on public, semi-public, and private property. The Project has six main goals:

- 1) Identify, design, and construct a network of publicly accessible and sustainably designed paddlesport launches or waterfront access sites in major waterways in the City of Buffalo including, but not limited to: the Union Ship Canal, Buffalo River, Cazenovia Creek, Outer Harbor/Lake Erie, and Black Rock Canal. Routes and spurs can be designated for paddlers/boaters of all skill levels and experience, similar to the classification system of hiking and ski trails (i.e.: green circle, blue square, black diamond, etc.). An effective and well-designed Blueway water trail system has the ability to serve the needs and desires of paddlers, recreational watercraft, local anglers, tourists and other waterfront activities.
- 2) Integrate, overlay and connect the Blueway with the Niagara River Greenway vision, the Great Lakes Seaway Trail, the Erie Canal Heritage Corridor, the Industrial Heritage Trail, the Underground Railroad, and historical Native American heritage corridors, etc.
- 3) Strategically connect Blueway system nodes and anchors to iconic Buffalo-area cultural institutions, tourist attractions, centers of commerce and employment, greenway and bicycle corridors, local communities, outdoor recreation, entertainment venues, or other unique locations and experiences.
- 4) Leverage state investment to secure additional resources from local, federal, or philanthropic sources that will help improve water quality, remove physical barriers, enhance the natural environment and habitats, eliminate safety risks, and catalyze social impact.
- 5) Develop branding and the system master plan; produce a Blueway Trail guide, smart phone app, and a coordinated marketing/promotion campaign.
- 6) Integrate iconic existing features and new public art to serve as waterfront beacons (landmarks) into the wayfinding system, as envisioned by Waterkeeper's *Waterfront for the Arts* concept.

It is important to note that this time, site plans have not yet been developed and acreages listed in the FEAF form(s) are estimated to the best of Waterkeeper's current knowledge. As sites are chosen for implementation and design is underway, more precise information will be available. Overall, the project will have no significant adverse environmental impacts. This project is recreational in nature and focused on public access. No remediation activities are involved but Waterkeeper will follow any necessary site management plans or similar requirements. Any references made to bottomland disturbances are minimal



and any necessary earth moving will be to soften shorelines and install piles for docks. These will have positive environmental impacts.

#### 1.1 Enhancement Elements

The project proposes to install the following elements in differing combinations throughout the Blueway sites. (Abbreviations next to element names correspond with Table 1 following the descriptions.)

##### Paddlesport Launch Enhancement (PLE)

This is an enhancement to an existing paddlesport launch. It may require addressing the slope of the launch, making it more user friendly, clearing and grubbing invasive species, and/or adding or removing stone to make accessibility to the water safer. In some locations, additional floating docks will be added to increase accessibility.

##### New Paddlesport Launch (NPL)

This is intended to mean the creation of an entirely new paddlesport launch where a formal one does not currently exist. Typical launches, with the exception of Broderick Park and Buffalo Color Peninsula, will be softly graded, consisting of sloping shorelines covered by grass and gravel, which enable the user to walk paddle craft directly into the water and enter from the water. Paddlesport launches envisioned for Broderick Park and Buffalo Color will consist of a combination of fixed fishing platforms or docks with ramps connecting to floating docks extended from a fixed location.

##### Shoreline Improvements (SI)

Shoreline improvements consist of the physical changes to a shoreline or riparian edge of a waterbody including creating more gradual slopes and transitions to the water, adding berms and plants for habitat benefit. Generally refers to the potential for earth moving.

##### Habitat Restoration (HR)

Habitat restoration does not necessarily require the physical disturbance or movement of earth materials. Habitat restoration typically consists of, but it is not limited to the removal of invasive species, the installation of native species (trees, shrubs, grasses, and flowers), and installation of habitat features such as berms or swales, large boulders or root wads into, or directly adjacent to, riparian areas.

##### Drop-Off & Parking Location (P)

Drop-off and parking locations refer to those areas accessible by motor vehicle, which are intended to allow the user to unload a paddle craft (kayak, paddleboard, canoe, kayak or SUP) and enter the water. While most parking areas are expected to be gravel lots, it is possible that some areas will need to be paved for accessibility. Most parking areas are only expected to be 40' x 60' or enough area to accommodate approximately 4-6 vehicles.

##### Kayak Storage (KS)

Kayak storage would consist of "kayak" lockers. These are typically large crate-like structures in which users may store their kayak upon exiting the water.

##### Bike Storage (BS)

Bike storage will consist of a metal structure to which pedestrians are able to safely secure their bicycles and continue on foot or enter the water.

#### Blueway Beacon (BB)

Beacons refer to easily identifiable existing or new structures (landmarks) that paddlers may easily identify from a distance especially from the water. Examples include the Labatt Blue “six-pack” painted on the grain elevators located next to Riverworks and the lighthouse at Erie Basin Marina of the Buffalo River at Lake Erie. New public art elements will also be created to serve as beacons.

#### Blueway Wayfinding Marker (BWM)

Wayfinding markers will be newly installed custom designed as public art. The design and composition of these markers is yet to be designed but they will be uniform, easily identifiable from the water, branded with the Blueway logo, and intended to serve as trail makers similar to the way a forest trail may use a color-coded system of markers.

#### Interpretive Signage (Sign)

Signage proposed for each site is educational. Signs typically are 2' x 3' angled park signage, unlit, and on posts, displaying trail information independently and/or educational (cultural, historical, ecological) elements about the location.

#### Fishing Dock (FD)

At least three new docks and one overlook are anticipated to be installed during this project. The fishing dock/overlooks will vary in materials and will likely be made of wood and steel. Docks will extend out in the water and be anchored into the substrate and bottomlands of the Buffalo River by wooden pilings. Docks are anticipated to range in size from 10' to 30'.

#### Seating Element (SE)

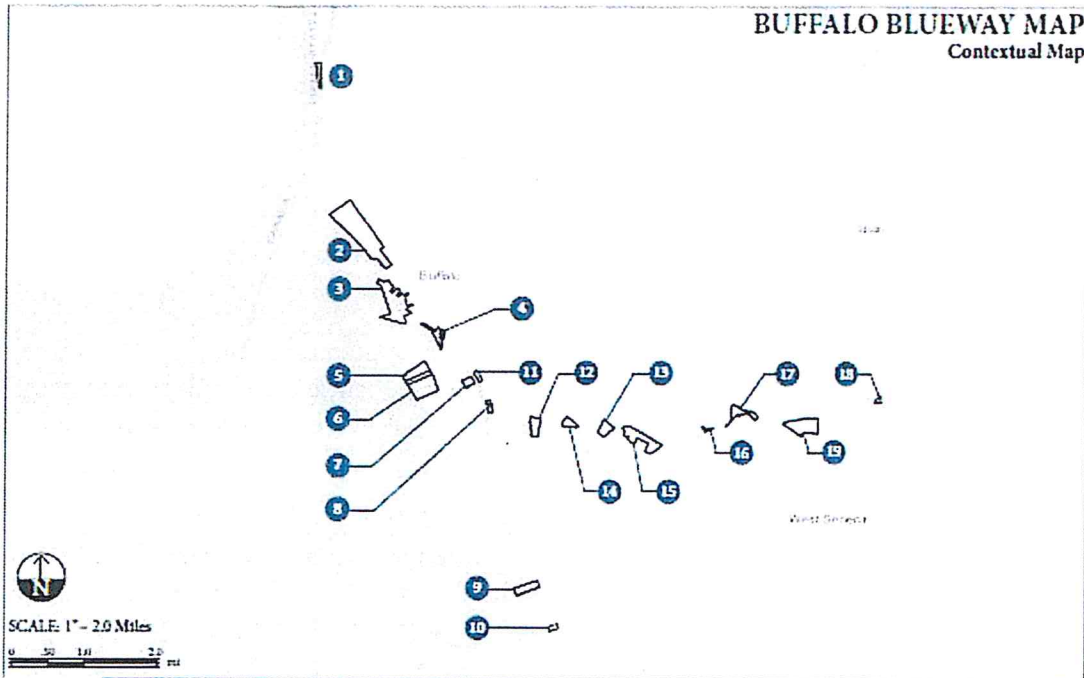
Seating elements are benches but may include large flat rocks that enable trail users to sit upon them.

#### Promenade/Overlook (P/O)

There is one promenade/overlook anticipated and it would be akin to a large dock with a walkway along the land. The promenade would be a concrete/asphalt accessible walkway running alongside the edge of the wall along Dead Man's Creek immediately adjacent to the NYSDEC Boat Launch at Ohio Street. The overlook will be built at the end of the promenade to extend out over the water and would consist of a wood and steel platform elevated upon pilings. This promenade/overlook would extend the length of Dead Man's Creek into the Buffalo River, not infringing upon the navigation channel, whereupon the surface area would widen from the promenade to enable the public to congregate and watch activities along the Buffalo River.

Table 1 outlines the elements per site. Maps showing more specific site locations with elements are available in Attachment 1.

Map 1: Contextual Map of all Proposed Buffalo Blueway Sites



### BUFFALO BLUEWAY SITES: Contextual Map

- |                            |                                  |
|----------------------------|----------------------------------|
| 1. Broderick Park          | 11. Riverfest Park               |
| 2. LaSalle Park            | 12. Mutual Riverfront Park       |
| 3. Erie Basin Marina       | 13. Buffalo Color 'A'            |
| 4. Canalside               | 14. Red Jacket Park              |
| 5. Wilkeson Pointe         | 15. Riverbend One                |
| 6. 32 Fuhrmann Blvd.       | 16. Mungovan Park                |
| 7. Riverworks              | 17. Seneca Bluffs                |
| 8. Ohio Street Boat Launch | 18. Harlem Road                  |
| 9. 1515 Fuhrmann Blvd.     | 19. South Buffalo Charter School |
| 10. Union Ship Canal       |                                  |

#### Additional Notes:

1. Refer to Attachment 01, for zoomed-in maps for additional information.

Table 1: Site Locations and Elements

Sites	PLE	NPL	SI	HR	P	KS	BS	BB	BWM	Sign	Dock	SE	P/O
Broderick Park													
LaSalle Park													
Inner Harbor - Erie Basin Marina													
Inner Harbor - Canalside													
Wilkeson Pointe													
32 Fuhrmann Blvd. (Michigan Street Pier)													
Riverworks													
Ohio Street Boat Launch, Promenade and Overlook													
South End Marina (1515 Fuhrmann Blvd.)													
Union Ship Canal													
Riverfest Park													
Mutual Riverfront Park													
Buffalo Color Area A (1037 South Park)													
Red Jacket Park													
Riverbend One													
Mungovan Park - Bailey Avenue Peninsula North													
Seneca Bluffs													
Harlem Road Fishing Access Point													
South Buffalo Charter School													

Key: PLE - Paddlesport Launch Enhancement; NPL - New Paddlesport Launch; SI - Shoreline Enhancement; HR - Habitat Restoration; P - Drop-off & Parking Location; KS - Kayak Storage; BS - Bicycle Storage; BB - Blueway Beacon; BWM - Blueway Wayfinding Marker; Sign - Interpretative Sign; FD - Fishing Dock; SE - Seating; P/O - Promenade/Overlook

**2. Timeline**

While not anticipated to be constructed in traditional phases, this project spans four years with a few sites being enhanced or constructed each year. Individual construction timelines vary between sites from less than one month to up to twelve months. The heaviest construction work: dock installation, habitat enhancement or shoreline improvements, will likely be constructed during the spring, summer and fall months, as allowable by permits or other habitat restrictions.

**3. Landowners**

All landowners have been consulted and have agreed to take part in the project but have been advised that not all sites on the list will be able to be developed with this funding and that a formal landowner agreement will need to be agreed upon between the parties at an appropriate date in the future outlining what actions can be taken on that particular site.

*Table 2: List of Landowners*

<b>Owner</b>	<b>Sites</b>
<b>Erie County</b>	Red Jacket Park Seneca Bluffs
<b>Erie Canal Harbor Development Corp.</b>	Inner Harbor- Canalside Wilkeson Pointe 32 Fuhrmann Blvd.
<b>City of Buffalo</b>	Broderick Park LaSalle Park Mungovan Park Inner Harbor- Canalside Inner Harbor- Erie Basin Marina Union Ship Canal
<b>NYS Dept. of Environmental Conservation</b>	Harlem Road Fishing Access Site Ohio Street Boat Launch
<b>Pearl St. Family of Companies</b>	Riverworks
<b>Valley Community Association</b>	Riverfest Park
<b>New York Power Authority</b>	Mutual River Front Park
<b>Buffalo Scholastic Rowing Association</b>	Ohio Street Boat Launch, Dead Man’s Creek Parcel
<b>Patrick 223, LLC</b>	Riverbend
<b>1515 Fuhrmann Blvd., LLC</b>	1515 Fuhrmann Blvd. (South End Marina)
<b>HDC Holdings, Inc.</b>	Buffalo Color Area A
<b>South Buffalo Charter School</b>	South Buffalo Charter School

**4. Funding and Approval**

Federal requirements. Any project that extends between the ordinary high water mark and into the bed of the Buffalo River that requires the movement of bottomlands may require a Section 404 permit from the United States Army Corps of Engineers. A Section 10 Rivers and Harbors Act Permit may be required, depending on ultimate scope of the Project

State of New York. Along with the Section 404 permit, Waterkeeper will obtain section 401 Water Quality Certificates from the State, as required. Additional permits discussed by topic below, as applicable.

City of Buffalo. Any sites that require planning board review will be submitted to the board as necessary. Since the special review provisions of the Green Code are not applicable, (See Section 6.1 below) there should be no vote needed by the Common Council. Common Council approval may be needed, however, for issuance of the necessary waiver required for herbicide application. Under Buffalo City Code Chap. C Article 18-58 §(9) “Municipal Pesticide Use,” herbicide use is prohibited on City property unless a waiver is obtained. Past projects along the Buffalo River have successfully utilized the products *Roundup* or *Rodeo* (glyphosate) and it is likely that should herbicide be used, these products would again be used. All herbicides will be water safe and determined by licensed consultants.

**5. Planning and Zoning (Corresponding SEQR FEAF Section C)**

The Project consists of parcels in the City of Buffalo and one in the Town of West Seneca. The parcels are located along the Buffalo River, Lake Erie Outer Harbor and two others located more directly along the Niagara River. The Project includes ecological enhancements and increased recreational opportunity through additional access points to the water. There are no significant adverse environmental impacts proposed by this project and the project comports with existing uses by right on all of the sites. In addition, the Project meets the goals of the governing city documents.

**5.1 Unified Development Ordinance (Green Code)**

In 2017, the City of Buffalo passed the Unified Development Ordinance or “Green Code” which updated the zoning code citywide. The Green Code is intended to implement the stated goals of the Comprehensive Plan. The chart below outlines each site and the associated zoning code including allowable uses. Each code would allow for the type of activities proposed by the Blueway. These sites would also contribute to open space and access to water resources.

*Table 3: Site Locations and Green Code Land Uses*

Site	Zoning Code	Overlay District	Council District	Allowable Uses
<b>Broderick Park</b>	D-OG	LWRA; C-W-100	Niagara	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>LaSalle Park</b>	D-OG	LWRA; C-W-100	Ellicott	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>Erie Basin Marina</b>	D-OG	LWRA; C-W-100	Fillmore	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>Canalside</b>	D-OG/N-2E	LWRA; C-W-100	Fillmore	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>Wilkeson Pointe</b>	D-OG	LWRA; C-W-100; Outer Harbor Special Review Area	South	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility

<b>32 Fuhrmann Blvd.</b>	N-2E	LWRA; C-W-25; Outer Harbor Special Review Area	South	Open space; bicycle parking; marinas recreational; pedestrian or bike path;
<b>Riverworks</b>	D-IL	LWRA; C-W; 100	South	Open space; community garden; bicycle parking; marina recreational; pedestrian or bike path
<b>Ohio St. Boat Launch</b>	D-ON	LWRA; C-W-100	Fillmore	Open Space; Public safety facility; Community Garden; pedestrian or bicycle path;
<b>1515 Fuhrmann Blvd.</b>	D-C	LWRA; C-W-100	South	Community garden; bicycle parking; marina recreational; pedestrian or bike path; open space
<b>Union Ship Canal</b>	D-C	C-W-100	South	Community garden; bicycle parking; marina recreational; pedestrian or bike path; open space
<b>Riverfest Park</b>	D-OG	LWRA; C-W-100	Fillmore	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>Mutual Riverfront Park</b>	D-IL	LWRA; C-W-100	Fillmore	Open space; community garden; bicycle parking; marina recreational; pedestrian or bike path
<b>Buffalo Color Area A</b>	D-IL	LWRA; C-W-100	Fillmore	Open space; community garden; bicycle parking; marina recreational; pedestrian or bike path
<b>Red Jacket Park</b>	D-OS Open Space	LWRA; C-W-100	Lovejoy	Bicycle Parking Station; pedestrian path; Open space; public safety facility
<b>Riverbend I</b>	D-IL	LWRA; C-W-100	South	Open Space; Bicycle Parking facility; Marina; Community Garden; pedestrian or bicycle path;
<b>Mungovan Park</b>	D-OG	LWRA	Lovejoy	Bicycle parking; community garden; marina recreational; bike or pedestrian path; open space; public safety facility
<b>Seneca Bluffs</b>	D-ON	LWRA; C-W-100	Lovejoy	Open Space; Public safety facility; Community Garden; pedestrian or bicycle path;
<b>Harlem Road Fishing Access</b>	R-65 (residential)	N/A	West Seneca	
<b>South Buffalo Charter School</b>	N-3R	LWRA; C-W-25	Lovejoy	Open Space; Community or Bike Path; community garden

## 6. Special Districts (Corresponding SEQR FEAF Section C)

### 6.1 Outer Harbor Special Review District

Two sites are located in the Outer Harbor Special Review District. The Special Review District extends from the mouth of the Buffalo River, south along City Ship Canal and ends just south of Terminals A & B. No special use permit will be needed however because the enhancements proposed consist only of signage or installation of trail makers.

### 6.2 Waterfront Yard Standards: Encroachments

The Green Code does not allow for any encroachment that is within 40 feet of the mean high water line of any navigable water in the City of Buffalo without written permission from the Commissioner of Public Works (DPW) (Green Code Sec. 5.3.3.A). Four sites have potential encroachments into the Buffalo River as new fishing docks and overlooks will be built. This will require the written permission of DPW.

### 6.3 Signage Requirements

Additional standards exist for signage that is located in C-W-100 zone. (Green Code 9.3.1.b) All potential project sites identified are subject to either the C-W-25 or C-W-100 overlay districts. However, the signage would meet the criteria of section 9.4.1(S) as "Public Information Sign" so no additional standards will be required. Waterkeeper will adhere as necessary to the required state, city, or county signage requirements as well as the size restrictions existing for those sites zoned as D-OG and N-2E.

### 6.4 Coastal Zone Assessment

Almost all of the projects sites are in the Coastal Zone as the zone encompasses the shore of Lake Erie as well as the Buffalo River. This project is grant funded through the State and it is anticipated that Empire State Development serve as Lead Agency. Therefore, the Coastal Assessment Form is included above immediately following the Full Environmental Assessment Form.

## 7. Project Details (Corresponding SEQR FEAF Section D)

### 7.1 Structures and Bottom Sediments

The project will not include any excavation or dredging. The only disturbance to bottom sediments will stem from the installation of pilings required for docks or minimal transition grading for the ramp itself. The disturbance from this installation will be minimal and pilings, in fact, can serve as habitat features. There are a total of four structures anticipated: three fishing docks and the promenade/overlook. Installation of these structures may disturb the sediments. The expected disturbance is 12 cubic feet per pile based upon a pile with a twelve-foot diameter, driven into the sediment to a depth of 15 feet and assuming that piles exist on each side of the dock and at eight-foot intervals. The number of piles project per site is based upon the size of the dock. Projected sizes are as follows:

- Broderick park: Dock 10' x 50' requiring ~14 piles, disturbing 168 sq. ft. of sediment (.003 acre)
- Ohio Street Boat Launch: Dock 10' x150' requiring about 42 piles; 504 sq. ft. of sediment (.011 acre)
- Buffalo Scholastic Rowing Association: 40' X 40' platform and potential dock structure; disturbing ~675 sq. ft. of sediment (.002) acre.
- Buffalo Color Area A: ~22 piles for fishing dock and if needed for kayak launch support; 264 sq. ft.; (.006 acre)



It is again important to note that these projects are based on best available information based upon site size and distance between the shoreline and navigation channel. These are subject to change but the impact at these projected amounts is minimal, total projected combined area of disturbance is .12 acre, and changes would not be substantial. Therefore, even with potential changes, no significant adverse environmental effects will result.

**7.2 Submerged Aquatic Vegetation (“SAV”) and Emergent Vegetation (“EV”)**

Submerged aquatic vegetation (“SAV”) and emergent vegetation (“EV”) was installed through the Buffalo River Restoration Partnership, funded by the Great Lakes Legacy Act and by Waterkeeper throughout the Buffalo River corridor. We do not anticipate damaging any SAV or EV. However, if any is damaged, it will be replaced.

**7.3 Encroachments**

Any reference to an encroachment in the Full Environmental Assessment Form refers to a dock installation for fishing or a kayak launch that would be structural and not a soft graded shoreline. The sites that could have encroachments include: the same as those listed above requiring docks (Ohio Street Boat Launch; Buffalo Scholastic Rowing Association; Buffalo Color Area A and Broderick Park). Any necessary city permits for encroachment into City property will be obtained.

**7.4 Herbicide Use**

Only limited herbicide use is anticipated. It will only be used if alternative methods are not viable, and as needed to treat invasive species and only if a waiver from City of Buffalo is granted, as necessary. There are four sites that may require herbicide use: LaSalle Park, Mungovan Park; South Buffalo Charter School site and Harlem Road Fishing Access site.

**7.5 Transportation**

This project is intended to create a water based trail encouraging movement by kayak or similar paddle craft. Therefore, the intended increase in traffic is minimal, if existent. Many of the paddle sport launches to be installed will be at locations where an existing establishment or public space already exists. However, to accommodate three of the proposed paddlesport launch locations (Riverbend, Buffalo Color Area A and Mungovan Park), additional vehicular access and/or parking may be added. The additional gravel areas, if created, would be small, accommodating only 4-6 cars. Therefore, there are no anticipated significant adverse environmental impacts on either air quality or traffic implications created by the addition of new parking areas.

**8. Site and Setting of Proposed Action (Corresponding SEQR FEAF Section E)**

**8.1 Facilities Serving Children or Elderly Proximate to the Project Sites**

*Table 4. Nearby Facilities serving Children or Elderly populations*

<b>Project Site</b>	<b>Facilities</b>
Broderick Park	Edukids Daycare
Harlem Road	Promise House; Buffalo Club of the Deaf; Greenwood Residences
LaSalle Park	Waterfront Elementary School BPS #95 ; Ellicott Center for Rehabilitation and Healthcare (nursing home); Neighborhood Health Center (hospital);

	Holy Cross Headstart (school); The Belle Center (community center); D'Youville College
Mungovan	Southside Jr. High School; Southside Elementary School
Riverfest Park	Valley Community Association
Seneca Bluffs	Harvest House of South Buffalo; Southside Junior High School; Southside Elementary School
South Buffalo Charter School	Hillery Elementary School; South Buffalo Charter School

### 8.2 Impervious Surface

This project will not result in a significant net change in acreage, as the impervious surface included will be footers for signs, access and parking lots, and potentially poured concrete pads for benches. Parking areas, as stated above, are anticipated to be small. Ideally, they will be made of gravel, however, they may be paved in order to accommodate Americans with Disability Act regulations.

### 8.3 Contamination History

The Buffalo River and Outer Harbor of Lake Erie have a rich industrial heritage. They were the backbone of Buffalo's prosperity but also have a legacy of contamination. The land is mostly comprised of unconsolidated fill so it is implausible to undertake any development, restoration or earth moving activity within the Buffalo River corridor and Outer Harbor without potentially encountering some type of polluted material. Specifically, there are nine sites that have come up directly on the site remediation database and at least nine others that are within 2000 feet of a potential historical spill. None of these present risks to the project nor are there public health or environmental effects that would stem from the creation of the Buffalo Blueway Project.

#### 8.3.1 Outer Harbor

32 Fuhrmann (Michigan St. Pier), Wilkeson Pointe, 1515 Fuhrmann (South End Marina)

Although there is known sediment contamination, the site was remediated (capped) and no hazardous materials were encountered. NFTA and ECHDC commissioned a study in 2012 to determine the health exposure and related level of risk for recreational visitors to the Outer Harbor and found that no risks to human health are posed by recreational activities at that location.<sup>1</sup> There is no risk posed by the proposed Blueway enhancements at sites on the Outer Harbor since the enhancements consist of only signage, trail markers and bench installation. These additions only enhance existing recreational uses.

The enhancements to be made or installed at 1515 Fuhrmann Blvd (South End Marina) are intended to enhance future development on that site. Any potential contamination risks will likely be discovered through the proposed project at that site which is much more robust than the Blueway enhancements.

#### 8.3.2 Inner Harbor and Buffalo River

Erie Basin Marina; Red Jacket Park; Riverbend I; Riverworks

<sup>1</sup> URS Corporation, 2012, *Limited Human Health Exposure Assessment for Portions of the Buffalo Outer Harbor*, prepared for the Niagara Frontier Transportation Authority and the Erie Canal Harbor Development Corporation, Buffalo, NY.

Four of the proposed sites on the Buffalo River are listed in the Site Remediation database. The rest are within 2000 feet of a spill. Further information about specific locations within the 2000-foot radius is available in the individual FEAF for each parcel. The proposed site enhancements will not disturb contaminated soils or the control systems and pose no significant adverse environmental impacts

Each of these sites refers to Site Remediation Database reference number V00734. That is a reference to the Buffalo River's status as an Area of Concern. Buffalo Niagara Waterkeeper also serves as the Coordinator for the Remedial Action Committee who implements the Remedial Action Plan. The Restoration thus far, coupled with a complimentary Great Lakes Legacy Act Project (referred to on the database as Buffalo River-GLNPO Dredging Project) has removed 100,000/cy of contaminated sediment. Thirteen sites have undergone restoration under the AOC program, restoring 20,861 linear feet of shoreline along the lower 6.2 miles of the Buffalo River. Literal tons of invasive species have been removed and hundreds of native species and trees have been planted. The Buffalo River is currently undergoing final testing and analysis. It is anticipated that the river will be delisted by 2022. Many of the Blueway sites proposed will enhance these previously disturbed sites where habitat was restored.

### 8.3.3 Buffalo Color Peninsula Area A

The Buffalo Color Peninsula has a robust industrial history. Once home to the Buffalo Color Plant, the site held a prosperous business that unfortunately left the sediment and groundwater laden with chemicals of concern. Area D is the inactive Hazardous Waste site (Superfund Site) and is subject to a Site Management Plan managed by the NYSDEC. Area D is the only area of the site listed as a contamination hazard in the LWRP.<sup>2</sup> The control elements on the site include an environmental easement and the following types of engineering controls: Ground Water Use Restriction, Groundwater Treatment System, Soil Management Plan, Cover System, Groundwater Containment, Fencing/Access Control, Land Use Restriction, Monitoring Plan, Site Management Plan, O&M Plan, and IC/EC Plan. Contaminated soil above commercial SCOs left on-site is covered by an integrated cover system suitable for commercial and industrial use of the site.

*Map 2: Detailed Map of Buffalo Color Peninsula*



<sup>2</sup> City of Buffalo Draft LWRP Map 16, Map of Contamination Hazards, page 174

The planned Blueway enhancement will be installed on Area A, which is a remediated brownfield. The brownfield remediation was completed on 12/31/2013 and a Certificate of Completion was issued by NYSDEC. The planned enhancements projected by the Buffalo Blueway project will not affect any of the engineering controls on the site. Waterkeeper will work with DEC to ensure any action taken upon the site will comport with the uses allowed by the environmental easement. The site enhancements include an accessible fishing dock/overlook as well as a paddlesport launch. It is intended that the paddlesport launch be built off a dock so that paddlers would enter from the water and therefore have no contact with soils on the site and so that there is no digging or movement of soils on site. Additional enhancements include habitat restoration that will further contribute to the mitigation of contamination and foster ecological benefits for plant and animal life to thrive. Moreover, signage, markers and a safe exit will provide paddlers another option to exit the river as well as allow the public to take advantage of this once abandoned location.<sup>3</sup>

## **9. Natural Resources on or Near the Project site (Corresponding SEQR FEA Section E.2)**

### **9.1 Geological Features**

The depth to bedrock attribute (depth to a soil restrictive layer) is not available in the USDA NRCS Web Soil Survey dataset. Estimates for average depth to bedrock at project sites was constructed using the best available data from nearby projects in similar locations. The largest construction impact is limited to the four sites with docks and piles at those sites would likely penetrate six feet of soil, well above surficial bedrock. Urban Land soils including Udorthents, smoothed (Uc), Urban Land (Ud), Urban Land-Collamer complex, 1 to 6 percent slopes (UmA), Urban Land Niagara Complex (Us), and Urban Land-Teel complex (Uw) do not include Drainage Class information in the Web Soil Survey under the Soil Properties and Qualities tab.

Subsurface bedrock for locations in the Buffalo River Corridor range from 30-70 feet as stated by the Buffalo River BOA document.

“Nearly all land in the BOA is underlain by 390-million-year-old Onondaga limestone bedrock. This solid, erosion-resistant formation spans New York State from Buffalo to Albany. The bedrock within a small area east of Elk Street is comprised of the Marcellus Formation, Oatka Creek Shale member. The depth to bedrock is generally 30 to 70 feet below grade.”

Subsurface bedrock for location on the Lake Erie/Niagara River shoreline range from 15-70 feet, as stated by the Buffalo Harbor BOA.

“The depth to bedrock in the BOA varies from 15 to 70 feet below grade. The majority of the BOA is underlain by Onondaga limestone bedrock. This consists of a 390-million-year-old formation made up of hard and erosion resistant bedrock stretching from Buffalo to Albany. The bedrock in the remainder of the BOA, south of the Small Boat Harbor, is comprised of the Marcellus Formation, Oatka Creek Shale member.”

### **9.2 Surface Water**

All project sites are located adjacent to one of the following waterbodies: Buffalo River, Niagara River, and Lake Erie. The Waterbody Inventory and Priority Waterbody List, developed by the NYS DEC,

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<sup>3</sup> Source: NYSDEC: <https://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?ProgNo=C915230>

includes information outlining recent assessments of water quality conditions for specific waterbodies in NYS.<sup>4</sup> Results from this document show the following:

- Buffalo River
  - A Class C waterway, and is classified as impaired due to: “CSOs, urban runoff, storm sewers, industrial inputs, hazardous waste sites, habitat and hydrologic modification of the stream - all typical of highly developed industrial urban waters - are concerns.”
  - The Buffalo River Remedial Action Plan, coordinated by Buffalo Niagara Waterkeeper, has led to improvement in condition of water quality
- Niagara River
  - Class listed as “A-special”
  - Also listed as impaired-habitat/hydrologic uses as well as fish consumption in the Upper Niagara River are impacted by historical contamination and habitat modifications through development, dredging, and bulk heading
  - Similar to the Buffalo River, the Niagara River is designated as an Area of Concern and a Remedial Action Plan has been developed and is in the process of being implemented in order to restore the condition of this waterway
- Lake Erie
  - Project sites under this project fall under both the North and South Outer Harbor assessments of Lake Erie completed as part of this study
  - Outer Harbor North (South Pier Light at US Coast Guard Station to Tiff Street) is listed as a Class B waterway, and Outer Harbor South (Tiff Street south to the Outer Harbor break wall at Stony Point) is listed as Class C
  - Both listed as impaired for fish consumption (PCB contamination to be exact), from industrial discharges that occurred historically

### 9.3 State and Federal Wetlands

The project sites themselves do not contain any state regulated wetlands, but Times Beach Nature Preserve, adjacent to Wilkeson Pointe, is a State regulated wetland (BU-3) Federal Wetlands. The Buffalo River itself is classified as a Riverine Wetland. Seneca Bluffs has two areas of Freshwater Forested/Shrub Wetland (2.5 acres, and 1.7 acres). South Buffalo Charter School has two acres of Freshwater Forested/Shrub Wetland.<sup>5</sup> The actions associated with this project will not have any adverse impacts to wetlands or surface waters of surrounding waterbodies. All actions will comply with required laws and permit requirements including Sections 401 and 404 of the US Clean Water Act, and joint applications will be submitted and reviewed by USACE and NYS DEC, along with any other required agencies.

As noted above, the work completed through these projects will not significantly increase impervious surface or cause increased stormwater inputs into adjacent waterways. Moreover, native plantings and habitat elements will help to absorb runoff that previously would have entered Niagara/Buffalo Rivers and/or Lake Erie. The design process for each project site will thoroughly consider and include all stormwater and sediment control methods applicable to prevent the discharge of any stormwater to adjacent waterbodies both during and after construction. Further, a Stormwater Pollution Prevention Plan (SWPP) will be developed for any site that must meet the state requirements for control of stormwater during construction.

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<sup>4</sup> Priority waterbodies list available here: [http://www.dec.ny.gov/docs/water\\_pdf/pwlniag10.pdf](http://www.dec.ny.gov/docs/water_pdf/pwlniag10.pdf)

<sup>5</sup> US Fish and Wildlife Service: <https://www.fws.gov/wetlands/data/Mapper.html>.

#### 9.4 Flooding

Generally, the Special Flood Hazard/100-year floodplain is the area designated by the Federal Emergency Management Agency that would be inundated by the 100-year flood, or has 1% or greater chance of experiencing a flood in a given year.<sup>6</sup> Almost all the projects sites are within the 100-year flood plain but no sites are within the 500-year flood plain. The following sites are categorized by their associated flood risk.

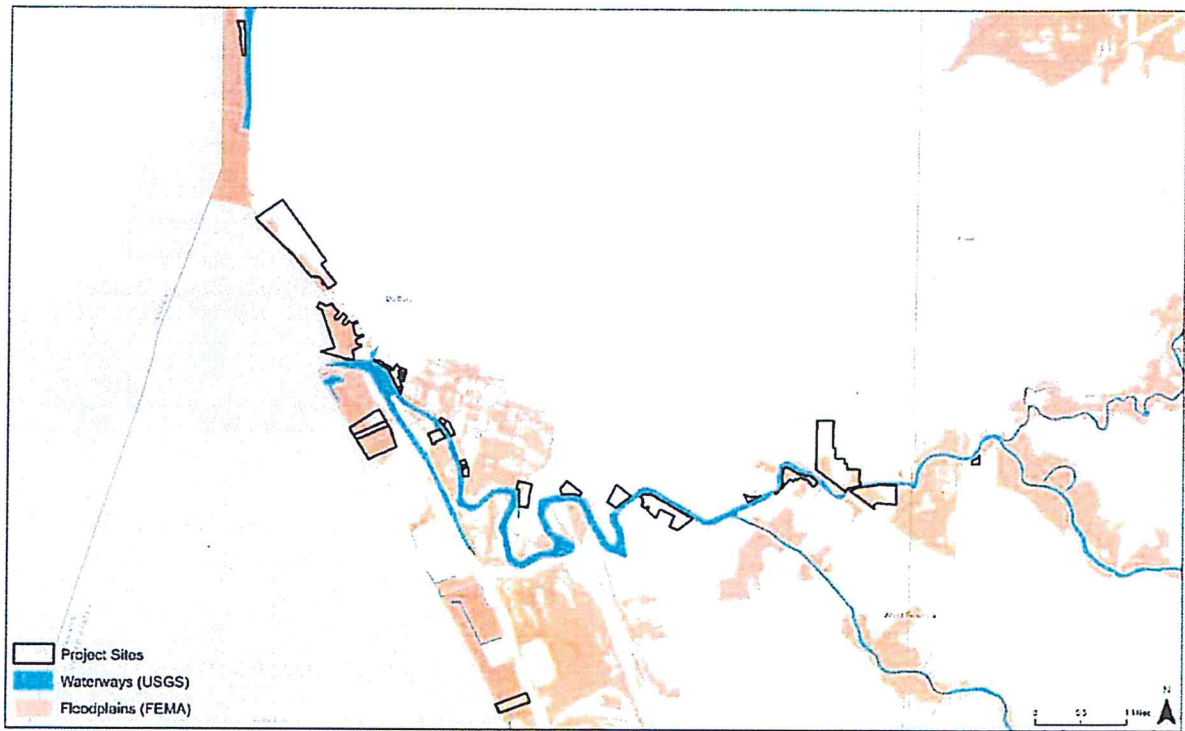
In addition to the traditional floodplains, there is also the Designated Floodway. According to the DEC website, a floodway is, “the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

*Table 5: Floodplain Locations*

<b>Sites in the 100-year floodplain (most likely to be impacted)</b>	<b>Sites with less than ½ the site is in the 100-year floodplain</b>	<b>Sites in the Floodway</b>
Broderick Park	LaSalle Park	Mutual Riverfront Park
Wilkeson Pointe	Riverfest Park	Buffalo Color A
32 Fuhrmann Boulevard	Riverbend I	Riverbend One
1515 Fuhrmann Boulevard	Mutual Riverfront Park	Mungovan Park
Canalside	Harlem Road	Seneca Bluffs
Erie Basin Marina	Buffalo Color Area A	South Buffalo Charter School
Ohio Street Boat Launch		Harlem Road
Riverworks		
Red Jacket Park		
Mungovan Park		
Seneca Bluffs		
South Buffalo Charter School		

<sup>6</sup> NYS DEC: [http://www.dec.ny.gov/docs/water\\_pdf/floodplainconstruction.pdf](http://www.dec.ny.gov/docs/water_pdf/floodplainconstruction.pdf)

Map 3: FEMA Floodplains and Project Sites



### 9.5 Plants and Animals

The sites along urban waterways have been degraded due to past industry leading to contaminated sediments, degraded water quality, and loss of fish and wildlife habitat. In 2013, a wildlife survey of the Buffalo River was completed in order to develop a baseline assessment of wildlife within the Area of Concern and included observations on habitat as well. The findings of that survey are below.

#### 9.5.1 Habitat

All habitats have been previously disturbed by human use, and invasive species exist in many locations. Most of the land is classified as “urban use/highly disturbed” however small amounts of woodland, successional field, and grassland do exist. Sites in the Outer Harbor and along the Niagara River reflect similar land use compositions, as well as park settings that consist primarily of mowed turf grass.

#### 9.5.2 Wildlife

Species observed were mostly generalist/urban adapted species. Detailed tables of species observed are listed in the following tables.<sup>7</sup>

<sup>7</sup> Tables 5-8: FINAL 2012 Terrestrial Vertebrate Wildlife Survey of the Buffalo River, Applied Ecological Services (2013)

Table 6: Herpetofauna Observed During 2012 Wildlife Survey

Herpetofauna Observed During 2012 Wildlife Survey		
Faunal Assemblage	Common Name	Taxonomic Binomial
Reptiles	Common snapping turtle	<i>Chelydra serpentina</i>
	Eastern painted turtle	<i>Chrysemys p. picta</i>
	Eastern spiny softshell	<i>Apalone s. spinifera</i>
	Northern brown snake	<i>Storeria d.dekayi</i>
	Eastern garter snake	<i>Thamnophis s. sirtalis</i>
	Shorthead garter snake	<i>Thamnophis brachystoma</i>
Amphibians	American toad	<i>Anaxyrus Americana</i>
	Northern spring peeper	<i>Pseudacris c. crucifer</i>
	Northern gray tree frog	<i>Hyla versicolor</i>
	Northern leopard frog	<i>Lithobates pipiens</i>
	Northern green frog	<i>Lithobates clamitans melanota</i>
	Bullfrog	<i>Lithobates catesbeiana</i>

Table 7: Total Mammal Species Observed within LBR AOC in 2012

Total Mammal Species Observed within LBR AOC in 2012		
Common Name	Taxonomic Binomial	Notes
Eastern red bat	<i>Lasiurus borealis</i>	Riverbend, Porkpie, Bailey Woods and Reference Site
Hoary bat	<i>Lasiurus cinereus</i>	Riverbend, Porkpie, Bailey Woods and Reference Site
House mouse	<i>Mus musculus</i>	At locations close to residential development
White-footed/deermouse	<i>Peromyscus sp.</i>	Abundant in fields
Short-tailed shrew	<i>Blarina brevicauda</i>	Fields and forest near buildings
Meadow vole	<i>Microtus pennsylvanicus</i>	Fields
Eastern chipmunk	<i>Tamias striatus</i>	Bailey Peninsula and Reference Site
Eastern gray squirrel	<i>Sciurus carolinensis</i>	Abundant
Eastern cottontail rabbit	<i>Sylvilagus carolina</i>	Common in shrubby fields throughout site
American mink	<i>Mustela vison</i>	Along naturalized shorelines (Tracks, burrows) at Bailey Woods and Reference Site
Muskrat	<i>Ondatra zibethicus</i>	In Smith Street created pond
American beaver	<i>Castor Canadensis</i>	Recent evidence (tree girdling) at Reference Site
Opossum	<i>Didelphium virginianum</i>	4 DOR on South Park Ave.
Striped skunk	<i>Mephitis mephitis</i>	Porkpie
Groundhog	<i>Marmota monax</i>	Numerous
Raccoon	<i>Procyon lotor</i>	Abundant on site, tracks on naturalized shorelines
Red fox	<i>Vulpes Vulpes</i>	Den near BUF 102
Eastern coyote	<i>Canis latrans var.</i>	Scat and tracks at Riverbend
White-tailed deer	<i>Odocoileus virginianus</i>	Abundant, mostly Riverbend, Porkpie and Katherine Street
Feral cat	Feral cat	abundant



Table 8: Anecdotally Observed Invertebrates During 2012 AOC Wildlife Study

Anecdotally Observed Invertebrates During 2012 AOC Wildlife Study			
Faunal Group	Common Name	Taxonomic Binomial	Notes
<b>Butterflies and Skippers (Lepidoptera)</b>	Black swallowtail	<i>Papilio polyxenes</i>	Riverbend
	Cabbage white	<i>Pieris rapae</i>	Multiple Sites
	Clouded sulphur	<i>Colias philodice</i>	Multiple Sites
	Orange sulphur	<i>Colias eurytheme</i>	Multiple Sites
	American copper	<i>Lycaena phlaeas</i>	Riverbend
	Eastern tailed blue	<i>Cupido comyntas</i>	Riverbend
	Spring azure	<i>Celastrina ladon</i>	Riverbend
	Grerat spangled fritillary	<i>Speyeria Cybele</i>	Ship Canal
	Pearl crescent	<i>Phycoides tharos</i>	Multiple Sites
	Question mark	<i>Polygonia interrogationis</i>	Bailey Woods Edge
	Mourning cloak	<i>Nymphalis antiopa</i>	Riverbend
	Painted lady	<i>Vanessa atalanta</i>	Seneca Bluffs
	Red admiral	<i>Vanessa cardui</i>	Riverbend, Porkpie
	Common buckeye	<i>Junonia coenia</i>	Riverbend
	Monarch	<i>Danaus plexippus</i>	Seneca Bluffs
	Common wood-nymph	<i>Cercyonis pegala</i>	Not confirmed
	Common ringlet	<i>Coenonympha tullia</i>	Not confirmed
	Silver-spotted skipper	<i>Epargyreus clarus</i>	Seneca Bluffs
	Cloudywing spp.	<i>Thorybes spp.</i>	Seneca Bluffs
	European skipper	<i>Thymelicus lineola</i>	Seneca Bluffs
Skipper spp.	<i>Hesperia spp.</i>	Seneca Bluffs	
<b>Dragonflies and Damselflies (Odonata)</b>	Darner	<i>Aeshna sp.</i>	Riverbend, Seneca Bluffs
	Eight-spotted skimmer	<i>Libellula forensis</i>	Riverbend, Seneca Bluffs
	Common whitetail	<i>Plathemis Lydia</i>	Riverbend, Seneca Bluffs
	Eastern pondhawk	<i>Erythemis simplicicollis</i>	Riverbend, Seneca Bluffs
	Dragonfly spp.		Riverbend, Seneca Bluffs
	Damselfly spp.		Riverbend, Seneca Bluffs
<b>Orthoptera</b>	Grasshopper spp.		Fields, especially Riverbend
<b>Coleoptera</b>	Numerous beetle species		Entire site
<b>Unionids</b>	Asiatic clam	<i>Corbicula fluminea</i>	Invasive, In-River at Bailey Woods
	Zebra mussel	<i>Dreissena polymorpha</i>	Invasive, In-River at Bailey Woods
<b>Arthropoda</b>	Pillbug	<i>Armadillidae</i>	Abundant
	Centipede spp.		In areas with other insects

<b>Araneae</b>	Many spider spp.		Abundant, speciose
<b>Gastropoda</b>	English garden snail	<i>Cepaea nemoralis</i>	Brilliantly colored, ringed shells. Highly variant. Abundant at Riverbend, but present throughout AOC.
<b>Other</b>	Earthworms		Invasive, abundant

### 9.5.3 Aquatic Species

The heavily channelized Buffalo River lacks spaces where fish may rest, spawn and finding food sources is difficult. Overhanging vegetation and softening shorelines will help fish communities. In addition, installation of habitat features such as rocks can provide areas for fish to hide or rest.

### 9.5.4 Threatened and Endangered Species

According to the Information for Planning and Consultation (IPAC) from US Fish and Wildlife Service, only one federally listed species occurs within the project area.<sup>8</sup> The Northern Long-Eared Bat is predicted to exist within this range, however no critical habitats for this species are located in project sites. The main activity of concern for this species is tree cutting during roosting season, which is not a part of the project scope.

A number of species noted in the 2013 Wildlife Survey are listed as threatened, endangered, or of concern under the New York State designation. Not included on the table but present is the eastern spiny softshell turtle. Due to the urbanized nature of the upland sites, the sites do not contain any significant plant resources or animal habitat.

Table 9: New York State Protected Species Observed During 2012 Wildlife Survey

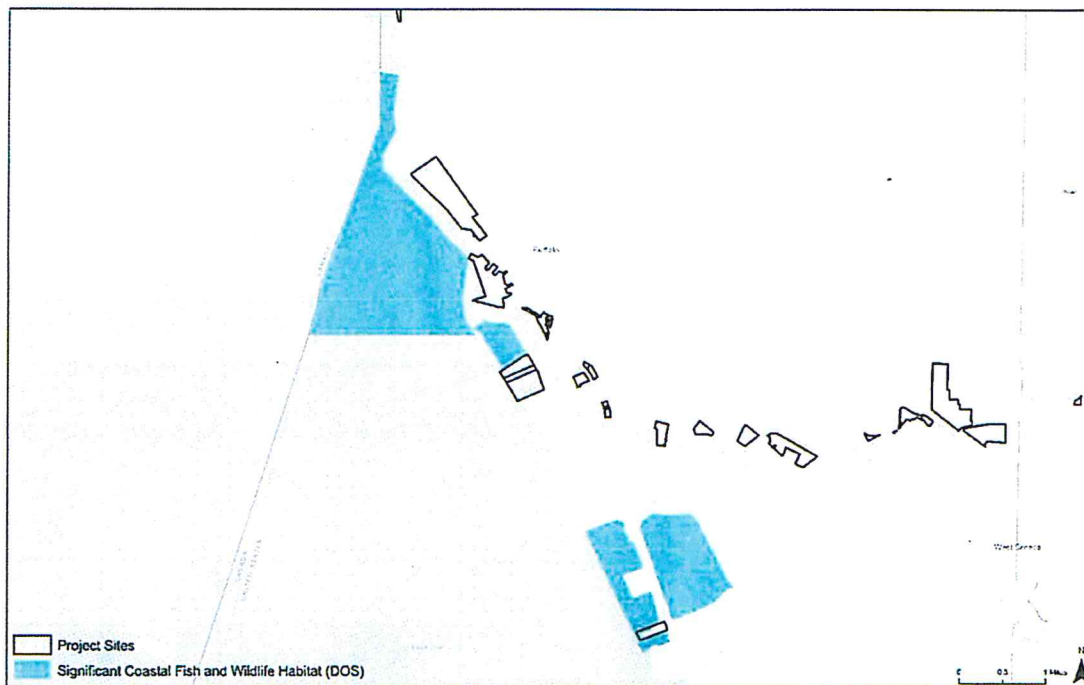
New York State Protected Species Observed During 2012 Wildlife Survey							
Species		NYS Endangered	NYS Threatened	NYS Special Concern	Onsite?	Offsite?	Breeding?
Common Name	Taxonomic Binomial						
Black Tern	<i>Chlidonias niger</i>	X				X	N
Peregrine Falcon	<i>Falco peregrinus</i>	X			X		N
Pied-billed Grebe	<i>Podilymbus podiceps</i>		X		X		N
Bald eagle	<i>Haliaeetus leucocephalus</i>		X		X	X	N
Common Tern	<i>Sterna hirundo</i>		X		X	X	Y – Offsite
Common Loon	<i>Gavia immer</i>			X		X	
Osprey	<i>Pandion haliaetus</i>			X	X	X	N

<sup>8</sup> Information available through the US FWS IPAC website: <https://www.fws.gov/southeast/conservation-tools/information-for-planning-and-consultation/>

Sharp-shinned Hawk	<i>Accipiter striatus</i>			X	X	X	N
Cooper's Hawk	<i>Accipiter cooperii</i>			X	X		Y
Common Nighthawk	<i>Chordeiles minor</i>			X	X	X	Unknown
Horned Lark	<i>Eremophila alpestris</i>			X	X		Y
Vesper Sparrow	<i>Pooecetes gramineus</i>			X	X		N
Grasshopper Sparrow	<i>Ammodramus savannarum</i>			X	X		Y

The Outer Harbor however, is a significant coastal habitat as listed by NYS Department of State for Lake Sturgeon. Other notable species known to be present in the Outer Harbor include Muskellunge and Lake Trout. The nearly complete destruction or alteration of riparian and nearshore habitat by humans in Buffalo Harbor is the most likely factor influencing differences in fish densities and assemblage structure between the Buffalo Harbor and the Niagara River. Both ecosystems should benefit from habitat enhancement efforts, but the need is greater in Buffalo Harbor as a larger percentage of habitats have been destroyed and degraded.<sup>9</sup> Map 4 below shows how the areas of potential habitat correspond to proposed project sites.

Map 4: NYS DOS Significant Coastal Habitat for Sturgeon and Proposed Blueway Sites



<sup>9</sup> Kapuscinski et al, 2013

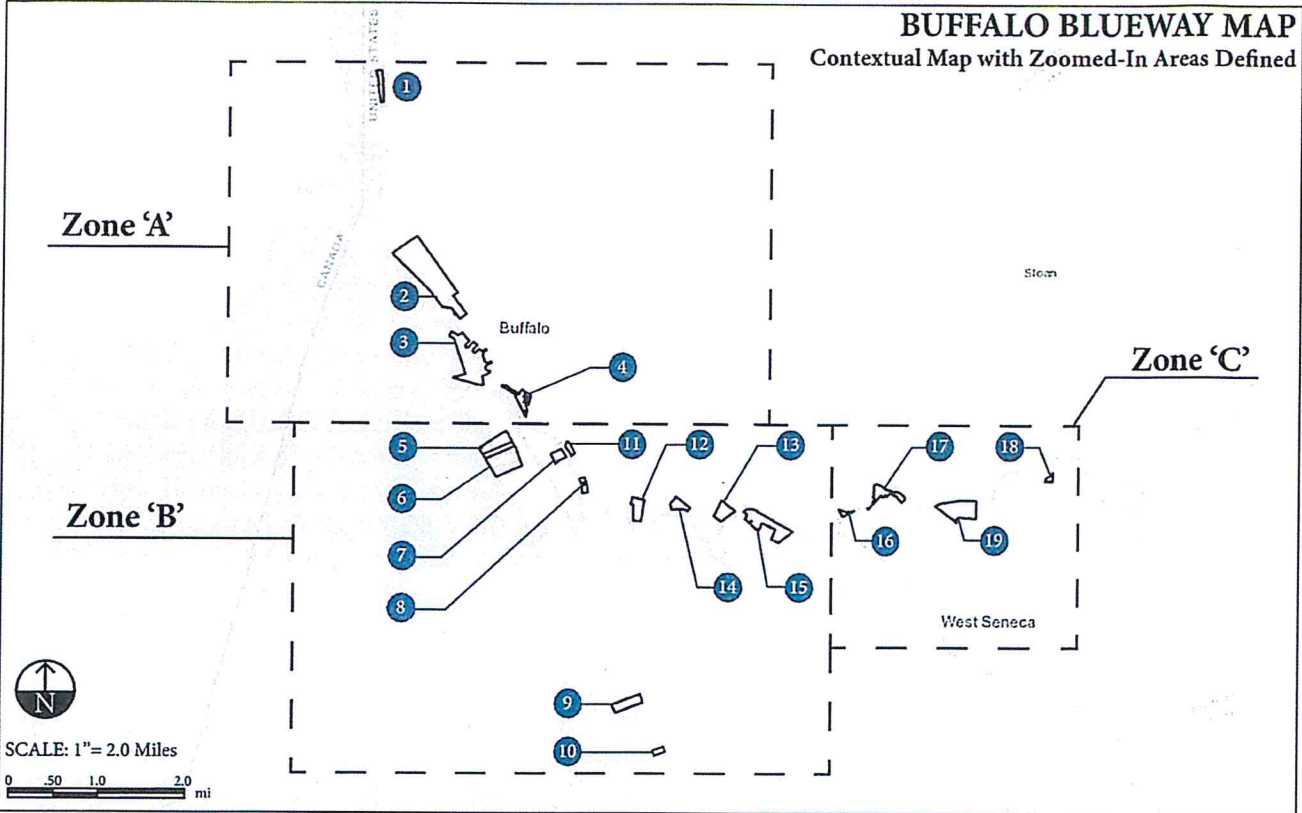
The enhancements to be made under the project will have a significant benefit to plants and animals. None of the projects enhancements would impair habitat as they include sign installations on land. Moreover, the paddlesport installation and shoreline improvements to be made at 1515 Fuhrmann (South End Marina) would add nearshore habitat features, resulting in an increase of habitat and biodiversity.

**10. Designated Public Resources on or near the Project Site** (Corresponding SEQR FEAF Section 10)

The entire Buffalo River is within an archeologically sensitive area, due to the presence of previously identified archaeological sites within the area. However, per correspondence with the New York State Parks, Recreation and Historic Preservation, Division for Historic Preservation, having a project within an area sensitive for archaeological sites does not automatically require that an archeological survey must be completed. Whether a survey is required depends upon the nature of the project and factors such as earth moving and whether the area has been subject to prior ground disturbance. Final site decisions have not been made and most of the sites proposed in this project have been previously disturbed. Therefore, once the project sites are chosen and site plans developed, Waterkeeper will contact the NYS Parks Division for Historic Preservation again for their recommendation. There are no adverse impacts anticipated for any historic or archeological resources, state or federal. Nearby historic resources include attractions such as the USS The Sullivans at the Buffalo and Erie County Naval Museum and the fireboat, The Cotter.

**11. Attachments**

11.1 Attachment 1: Detailed Project Site Maps



**BUFFALO BLUEWAY SITES: Contextual Map with Zoomed-In Areas Defined**

**Zone 'A':**

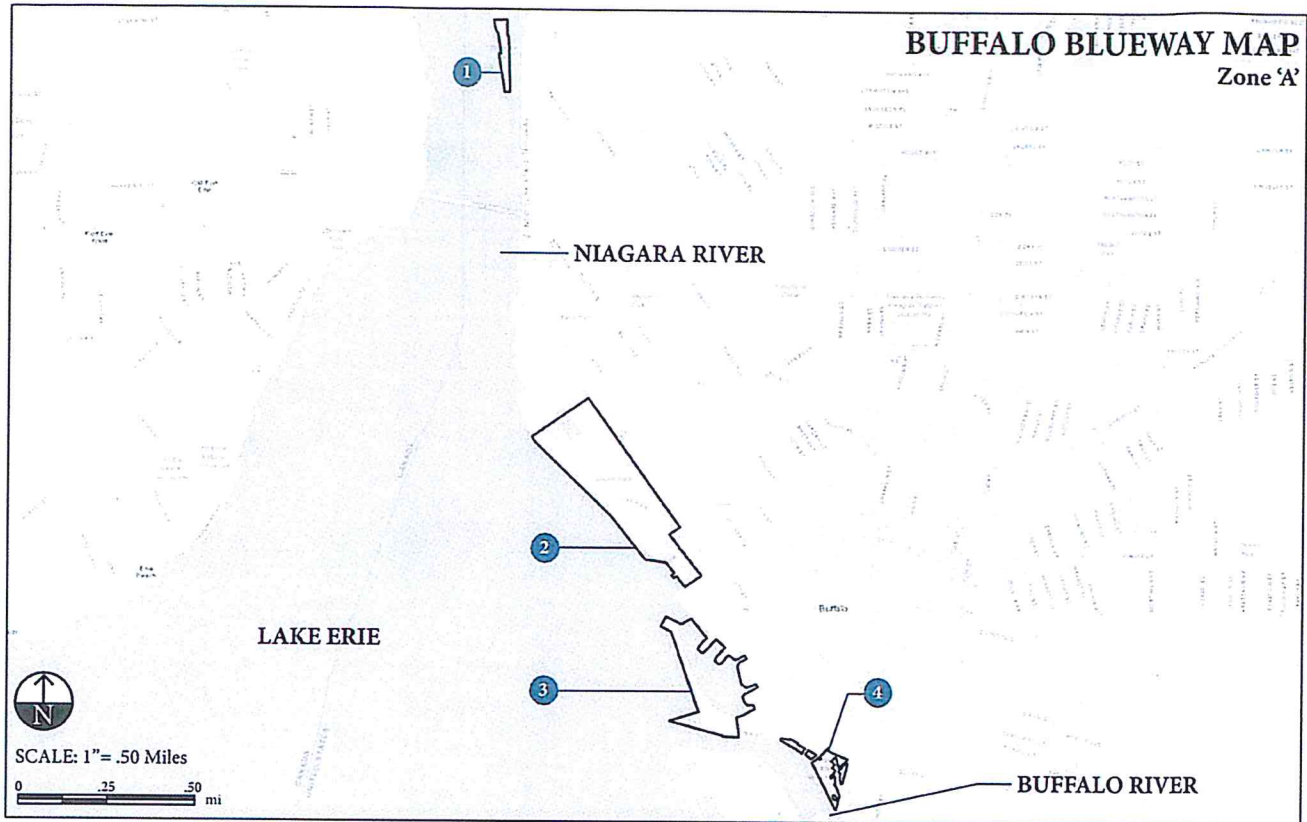
- 1. Broderick Park
- 2. LaSalle Park
- 3. Erie Basin Marina
- 4. Canalside

**Zone 'B':**

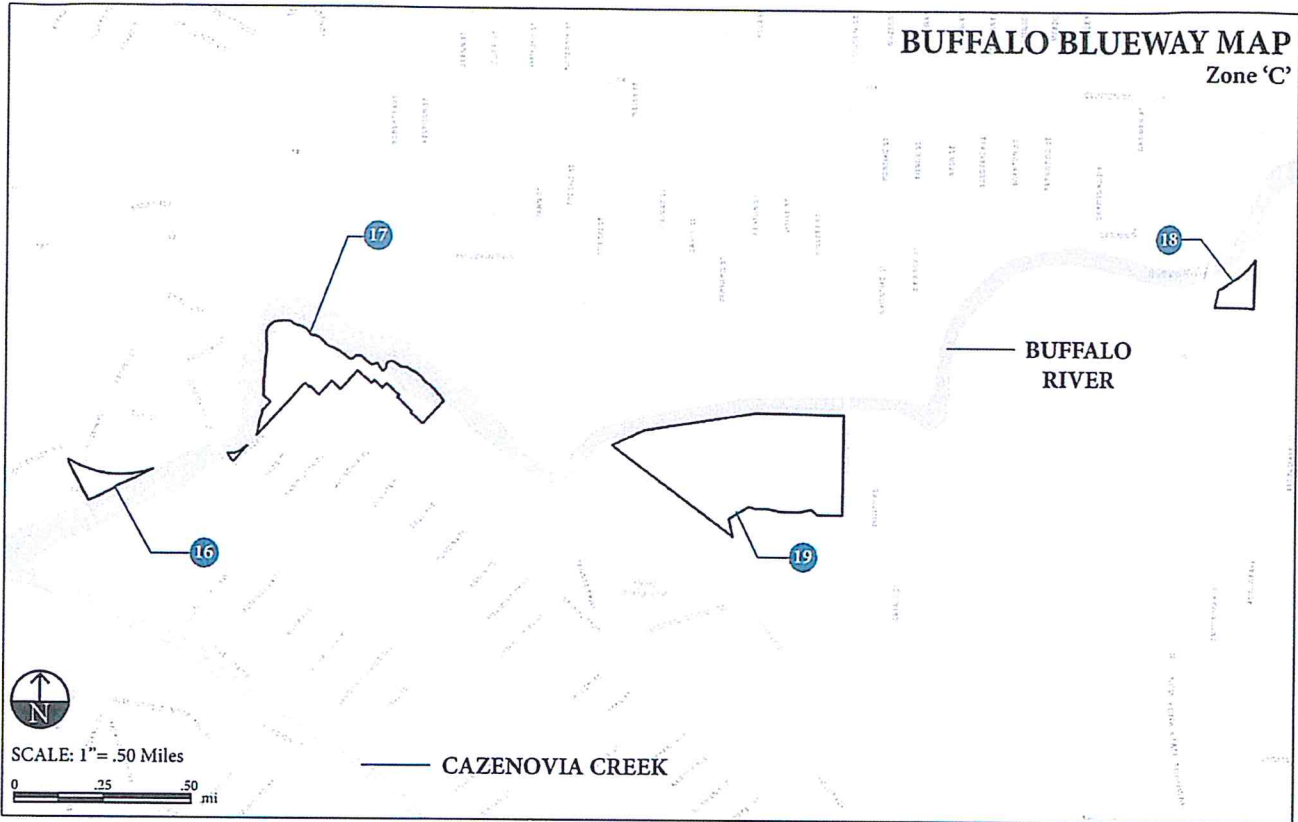
- 5. Wilkeson Pointe
- 6. 32 Fuhrmann Blvd.
- 7. Riverworks
- 8. Ohio Street Boat Launch
- 9. 1515 Fuhrmann Blvd.
- 10. Union Ship Canal
- 11. Riverfest Park
- 12. Mutual Riverfront Park
- 13. Buffalo Color 'A'
- 14. Red Jacket Park
- 15. Riverbend One

**Zone 'C':**

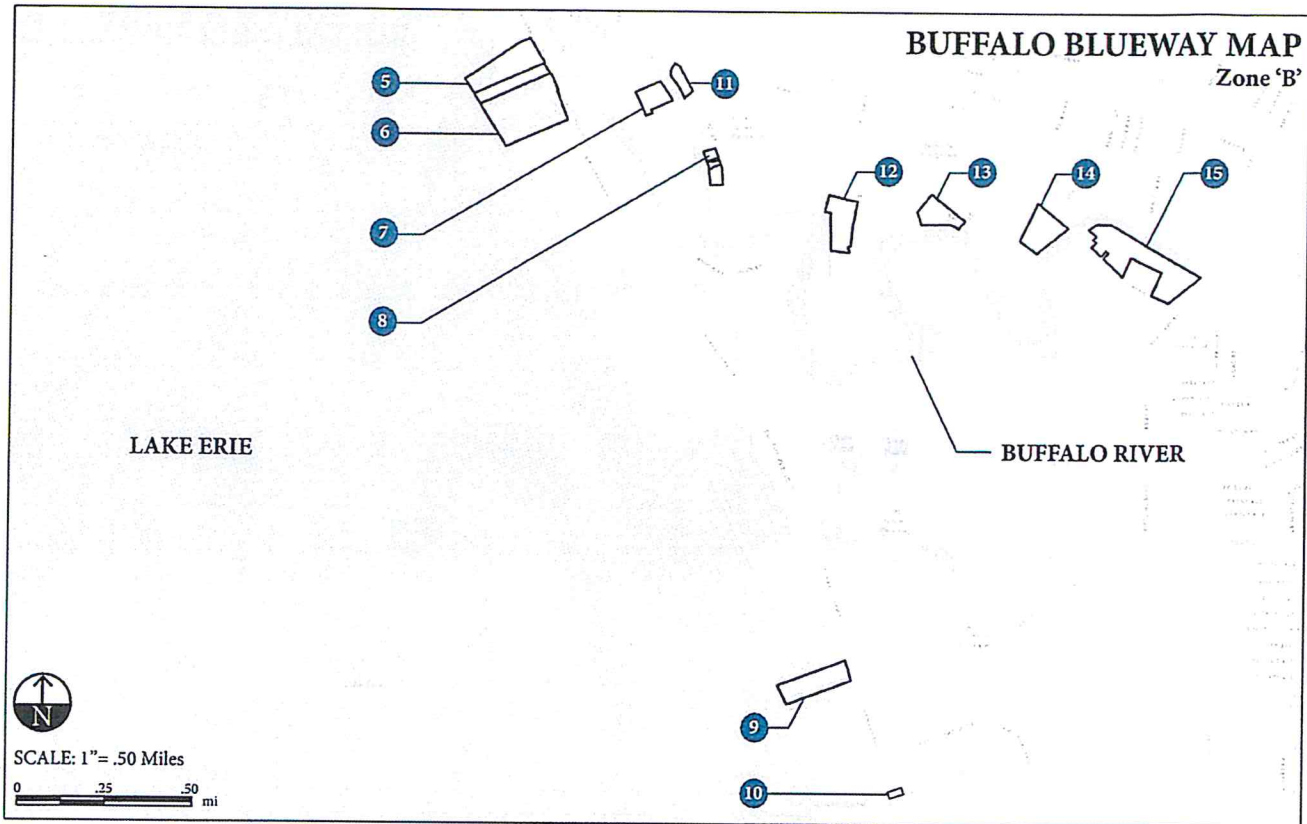
- 16. Mungovan Park
- 17. Seneca Bluffs
- 18. Harlem Road
- 19. South Buffalo Charter School



Number (ID)	Site Location	Project Enhancements
1	Broderick Park	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Fishing Docks, Benches
2	LaSalle Park	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Shoreline Improvements, Habitat Restoration, Signage, Benches
3	Erie Basin Marina	Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
4	Canalside	Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches



Number (ID)	Site Location	Project Enhancements
16	Mungovan Park	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Drop-off Parking, Shoreline Improvements, Habitat Restoration, Benches
17	Seneca Bluffs	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
18	Harlem Road	Paddle Sport Enhancement, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Shoreline Improvements, Habitat Restoration, Signage, Benches
19	South Buffalo Charter School	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Drop-off Parking, Shoreline Improvements, Habitat Restoration, Benches, Kayak/ Bike Storage



Number (ID)	Site Location	Project Enhancements
5	Wilkeson Pointe	Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
6	32 Fuhrmann Blvd.	Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
7	Riverworks	Paddle Sport Launch Enhancement, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
8	Ohio Street Boat Launch	Paddle Sport Launch Enhancement, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Fishing Dock, Blueway Overlook and Promenade, Shoreline Improvements, Habitat Restoration, Benches, Drop-off and Pathway Improvements
9	1515 Fuhrmann Blvd.	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Drop-Off Parking, Habitat Restoration, Benches and Kayak/ Bike Storage
10	Union Ship Canal	Paddle Sport Launch Enhancement, Signage
11	Riverfest Park	Paddle Sport Launch Enhancement, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
12	Mutual Riverfront Park	Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Bench
13	Red Jacket Park	Paddle Sport Launch Enhancement, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Benches
14	Buffalo Color Area 'A' (1037 South Park)	New Paddle Sport Launch, Fishing Dock, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Drop-off Parking, Habitat Restoration, Benches, Kayak/ Bike Storage
15	Riverbend One	New Paddle Sport Launch, Blueway Beacon, Blueway Wayfinding Marker, Interpretive Signage, Drop-Off Parking, Benches