

**Attachment B – Re-Evaluation Report Erie Canal Harbor Project  
(December 2006)**

---

# Re-Evaluation Report for Project Refinements Erie Canal Harbor Project

December 2006



Prepared for:



Prepared by:



On behalf of:



Niagara Frontier Transportation Authority

---

## Table of Contents

Chapter 1:	Introduction.....	1-1
<b>1.1</b>	<b>Background .....</b>	<b>1-1</b>
<b>1.2</b>	<b>Organization of the Document .....</b>	<b>1-2</b>
Chapter 2:	Proposed Refinements to the Project.....	2-1
<b>2.1</b>	<b>Purpose and Need.....</b>	<b>2-1</b>
<b>2.2</b>	<b>Description of the Project .....</b>	<b>2-1</b>
<b>2.3</b>	<b>Proposed Refinements to “Phase Two” Plan .....</b>	<b>2-3</b>
Chapter 3:	Re-evaluation of Environmental Consequences.....	3-1
<b>3.1</b>	<b>Land Use, Zoning, and Community Facilities.....</b>	<b>3-1</b>
<b>3.2</b>	<b>Social and Economic Issues .....</b>	<b>3-1</b>
<b>3.3</b>	<b>Cultural Resources .....</b>	<b>3-2</b>
<b>3.4</b>	<b>Coastal Zone Management and Navigable Waters.....</b>	<b>3-2</b>
<b>3.5</b>	<b>Air Quality .....</b>	<b>3-3</b>
<b>3.6</b>	<b>Noise .....</b>	<b>3-4</b>
<b>3.7</b>	<b>Water Resources.....</b>	<b>3-4</b>
<b>3.8</b>	<b>Site Contamination .....</b>	<b>3-5</b>
<b>3.9</b>	<b>Physical and Ecological Resources .....</b>	<b>3-5</b>
<b>3.10</b>	<b>Visual Quality .....</b>	<b>3-5</b>
<b>3.11</b>	<b>Utilities .....</b>	<b>3-6</b>
<b>3.12</b>	<b>Safety and Security.....</b>	<b>3-6</b>
<b>3.13</b>	<b>Section 4(f) of the Department of Transportation Action .....</b>	<b>3-6</b>
<b>3.14</b>	<b>Section 6(f) of the Land and Water Conservation Fund Act.....</b>	<b>3-6</b>

3.15	<b>Consistency with Federal Policies on Environmental Justice in Minority and Low Income Populations .....</b>	<b>3-6</b>
3.16	<b>Irreversible and Irretrievable Commitments of Resources .....</b>	<b>3-7</b>
3.17	<b>Unavoidable Adverse Impacts .....</b>	<b>3-7</b>
3.18	<b>Relationship between Short-Term Uses of the Environment and Enhancement of Long-Term Productivity.....</b>	<b>3-7</b>
3.19	<b>Growth-Inducing Impacts .....</b>	<b>3-7</b>
3.20	<b>Effects on Solid Waste Management.....</b>	<b>3-8</b>
3.21	<b>Effects on the Use and Conservation of Energy Resources .....</b>	<b>3-8</b>
3.22	<b>Required Permits/Approvals .....</b>	<b>3-8</b>
3.23	<b>Cumulative Impacts .....</b>	<b>3-8</b>
3.24	<b>Relationship to Federal Statutes, Policies, and Controls.....</b>	<b>3-9</b>
Chapter 4:	<b>Re-evaluation of Transportation Effects .....</b>	<b>4-1</b>
4.1	<b>Intermodal Relationships .....</b>	<b>4-1</b>
4.2	<b>Transit and Charter Bus Access.....</b>	<b>4-2</b>
4.3	<b>Vehicular Access/Traffic .....</b>	<b>4-2</b>
4.4	<b>Parking.....</b>	<b>4-3</b>
4.5	<b>Pedestrian Access .....</b>	<b>4-5</b>
4.6	<b>Bicycle Access .....</b>	<b>4-5</b>
Chapter 5:	<b>Conclusions.....</b>	<b>5-1</b>
Chapter 6:	<b>References .....</b>	<b>6-1</b>

## List of Figures

<u>Figure No.</u>	<u>Title</u>	<u>Follows Page</u>
Figure 1:	Project Master Plan – 2004 .....	2-2
Figure 2:	Project “Phase Two” Interim Plan – 2004 .....	2-3
Figure 3:	Proposed Refinements to Project’s “Phase Two” Program .....	2-6
Figure 4:	Relationship of Project Refinements to Connectivity.....	4-1
Figure 5:	1999 “Original Project” Layout Showing Perry/Main Street Intersection .....	4-3

## List of Tables

<u>Table No.</u>	<u>Title</u>	<u>Page</u>
Table 1:	Projected 2021 Design Year Traffic – PM Peak Hour Proposed Intersection at Main and Perry Street .....	4-4

# Chapter 1: Introduction

## 1.1 Background

The New York Urban Development Corporation d/b/a Empire State Development Corporation (ESDC) has prepared this re-evaluation to document the implications of design refinements for a portion of the Erie Canal Harbor Project (the “Project”). The Project, located in the City of Buffalo, Erie County, New York, involves the reconfiguration and redevelopment of a new commercial harbor with multimodal transportation access on a 12-acre site along the Buffalo River at the location of the historic western terminus of the Erie Canal. In addition, the Project includes the construction of a series of landside improvements to interpret the site’s Erie Canal history, while facilitating public access to the water; connecting existing pedestrian and bicycle path systems; and providing opportunities for future private development.

The Project is being financed through a combination of funds from a series of sources, including the Federal Transit Administration (FTA), Federal Highway Administration (FHWA), U.S. Army Corps of Engineers (USACE), ESDC, New State Thruway Authority/Canal Corporation (NYSTA), Erie County, City of Buffalo (the “City”), and the Buffalo Sewer Authority (BSA).

An earlier version of the Project containing similar programmatic elements (i.e., the Inner Harbor Development Project or the “Original Project”) was the subject of a final environmental impact statement (FEIS) in February 1999 and a federal Record of Decision (ROD) in June 1999. The FEIS complied with the National Environmental Policy Act (NEPA) and its implementing regulations. FTA is the lead federal agency pursuant to NEPA; ESDC is the Project applicant on behalf of the Niagara Frontier Transportation Authority.

Following the receipt of extensive comments and a federal lawsuit (i.e., that was ultimately settled) on the public’s desire to better interpret the site’s Erie Canal history, the Project underwent an additional master planning effort as part of a final supplemental environmental impact statement (SFEIS) process, culminating in December 2004. A portion of the Project (Phase One) was allowed to continue through construction while revisions to the balance of the Project Master Plan were developed. A new ROD outlining findings on these revisions was issued by FTA in March 2005.

Final design, contracting, and construction activities are being undertaken by ESDC in conjunction with the City. ESDC is undertaking the majority of on-site improvements (most of the marine facilities<sup>1</sup>, site landscaping/urban design elements, historic interpretation elements, and construction of a new facility to house the Buffalo and Erie County Naval and Military Museum). The City (using FHWA funds administered by the NYS Department of

---

<sup>1</sup> ESDC is responsible for all marine elements with the exception of the “South Basin” intended to provide permanent mooring for touring vessels and the City of Buffalo fireboat *Cotter*, which was supposed to be designed/funded by the USACE. However, construction funding for this Project component has been delayed for an indefinite time period (see Section 2.3.2).

Transportation [NYSDOT]) is responsible for final design and construction of the on-site street network (i.e., interpretation of historic cobblestone streets on the Project site). Some of these street segments would serve all transportation modes (i.e. vehicular, bicycle, and pedestrian access), while some segments would be limited to non-vehicular access. The City and NYSDOT have satisfied their FHWA NEPA documentation requirements through assessments contained in the 1999 FEIS, 2004 SFEIS, and subsequent 2005 ROD<sup>2</sup>.

Issues arising during the final design process have prompted the need to refine specific elements of the next phase (Phase Two) of the Project, including:

- Elimination of components in the southern portion of the Project site, including one of the originally-proposed marine facilities, the proposed “South Basin”, that was to be funded and implemented by the USACE;
- Minor refinements to surface treatments along the former Prime Slip corridor through the site; and
- Minor changes to on-site street network, in terms of the ultimate extent of roads to be constructed and the organization of the planned system of vehicular access on this network.

To date, ESDC has awarded all construction contracts associated with the components of the Project for which they are responsible; conversely, the City has placed the final design of the street network, pending FTA review/approval of necessary refinements to the on-site circulation network.

Under U.S. Department of Transportation/FTA regulations to implement NEPA at 23 Code of Federal Regulations (CFR) 771.23, a re-evaluation report is required to be submitted to FTA by the Project applicant (in this case, ESDC, on behalf of NFTA) to determine whether the subject SFEIS remains valid for the requested refinements to the Project.

This document is intended to satisfy the FTA’s informational requirements under 23 CFR 771.23 to determine whether the 2004 SFEIS and ROD remain valid to document/mitigate the anticipated social, economic, and environmental impacts of the Project. In turn, this determination will permit the City of Buffalo to satisfy their respective re-evaluation responsibilities for use of FHWA funds for the on-site street network, which is the last remaining, fully-funded component of the Phase Two program left to be let for construction.

## **1.2 Organization of the Document**

This document contains six chapters – generally following the outline of the 2004 SFEIS. Following this introduction, Chapter 2 describes the proposed refinements to the Project,

---

<sup>2</sup> The City and NYSDOT/FHWA (as well as USACE for the proposed South Basin) were Cooperating/Involved Agencies during the FTA NEPA process for the Project.

comparing these to components of those documented in the 2004 SFEIS. Chapter 3 then outlines the implications of the proposed refinements to social, economic, and environmental impacts documented in the 1999 FEIS and subsequent 2004 SFEIS. Chapter 4 outlines the implications of the refinements on transportation systems on and around the Project site, similarly comparing them to assessments in the prior NEPA documents. Finally, Chapter 5 provides conclusions regarding the continued validity of this prior documentation to support the proposed refinements to the Project and Chapter 6 presents references/sources for information in this document.

## Chapter 2: Proposed Refinements to the Project

This chapter summarizes the purpose/need, components, and phasing of the Project that were defined as part of the 2004 SFEIS. It also describes the components and reasons for the proposed refinements that are the subject of this re-evaluation.

### 2.1 Purpose and Need

As noted in Chapter 2 of the 2004 SFEIS, the Project is intended to enhance and facilitate public transit access to the water's edge; to augment ridership on the NFTA Metro Rail system; and to encourage intermodal opportunities between waterborne, transit, pedestrian, vehicular, and bicycle route systems. Additionally, the Project is expected to spur private investment by capitalizing on multimodal connectivity that could be offered. The overall goal is to foster the creation of a hub of activity that supports increased economic development opportunities in the Erie Canal Harbor area as well as a livable community environment that provides year-round entertainment and recreational activities. In addition, this goal would be achieved as part of a defined heritage interpretation program associated with the Project site's location at the historic western terminus of the Erie Canal.

The Project follows a series of goals to guide its design and implementation, derived from the public involvement process, commencing with the Public Scoping Process, through the development of alternatives and the 2004 *Erie Canal Harbor Master Plan* (i.e., from which the Proposed Project assessed in this SFEIS is an outgrowth), and to the issuance of the 2004 SFEIS. These include the following:

- **Goal 1:** Incorporate Erie Canal Harbor Heritage Interpretation in the Project
- **Goal 2:** Facilitate Balanced Erie Canal Harbor Activity/Land Use Relationships
- **Goal 3:** Foster Erie Canal Harbor Economic Development
- **Goal 4:** Coordinate Erie Canal Harbor Public Access and Transportation Relationships

### 2.2 Description of the Project

The Project involves the reconfiguration and redevelopment of a new commercial harbor with intermodal transportation emphasis at the foot of Main Street, along the Buffalo River near its mouth at Lake Erie. In addition, the Project includes the construction of a series of landside improvements to facilitate and enhance public access to the water; to connect existing pedestrian and bicycle path systems; and to provide opportunities for private development.

The elements that constitute the Project are presented and illustrated in **Figure 1**. They are an outgrowth of the 2004 *Erie Canal Harbor Final Master Plan* (Flynn Battaglia Associates, et. al. 2004). The key historic interpretation element upon which the Project is organized is a full re-watering of the Commercial Slip, along its historic right-of-way, as a navigable harbor feature. The Commercial Slip was a feeder canal that connected the Erie Canal with the Buffalo River and the Buffalo Harbor. It is recognized as the original western terminus of the Erie Canal.

A number of other elements were included in the 2004 Master Plan:

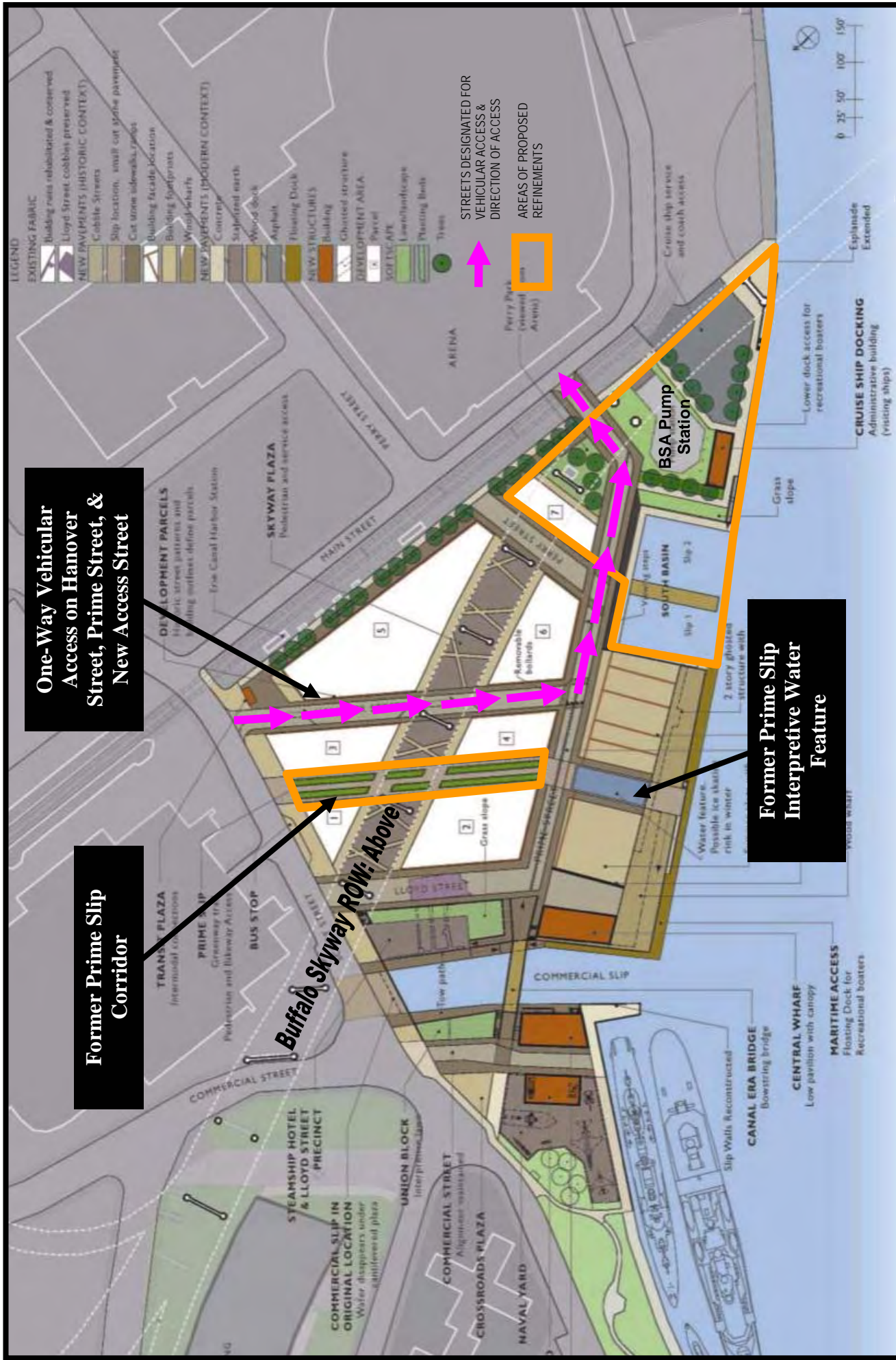
- A new museum building for the Buffalo and Erie County Naval and Military Park (that previously occupied a large portion of the Project site), sited to allow for a re-watering of the Commercial Slip;
- Truncating the Hamburg Drain (a combined sewer overflow drain operated by the BSA that runs through the former Commercial Slip right-of-way) and installation of re-circulation and other outflow treatment systems to allow for the re-watering of the Commercial Slip;
- Interpreting the location of the former Prime Slip<sup>3</sup> through the creation of an interpretative walkway/bikeway;
- Using/reconstructing portions of the former cobblestone street pattern on the Project site as part of its circulation system;
- Reconfiguring the public plaza along the water's edge to better interpret the former location of Buffalo's Central Wharf;
- Instituting a system of interpretative elements designed to educate visitors about the site's history; and
- Configuring a series of seven "future development parcels" that would ultimately contain approximately 200,000-250,000 square feet of mixed-use development (e.g., museum, retail, hotel, residential, etc.).

It should be noted that the full completion of elements of the Master Plan, particularly some of the future mixed-use development, would be predicated on coordination and/or approval of NYSDOT with regard to proximity to the supporting piers of the Buffalo Skyway, a high-level bridge passing ~100 feet above the project site. The land upon which the piers sit is controlled by NYSDOT, either through ownership in fee or permanent easement.<sup>4</sup> Further, the ability to fully develop the southernmost portion of the Project would be constrained by the presence of an

---

<sup>3</sup> The Prime Slip was an additional feeder canal that paralleled the Commercial Slip to the east. A much smaller harbor feature, it existed for only about 30 years after the opening of the Erie Canal in 1825.

<sup>4</sup> Since 1997, ESDC and the City have been attempting to negotiate with NYSDOT the transfer the lands constituting the Skyway right-of-way to the City to allow for private development, in exchange for a permanent easement to NYSDOT with provisions intended to protect the structural integrity of the Skyway and to preserve sufficient areas for future Skyway maintenance activities. To date, NYSDOT Real Estate Division has not been open to such a transfer of rights.



**One-Way Vehicular Access on Hanover Street, Prime Street, & New Access Street**

**Former Prime Slip Corridor**

**Buffalo Skyway ROW: Above**

**Former Prime Slip Interpretive Water Feature**

**Figure 1**  
**Project Master Plan – 2004**  
 Source: Erie Canal Harbor SFEIS, December 2004

existing pump station owned by BSA for the Kelly Island force main. In addition to how this industrial-appearing structure would impair development opportunities immediately adjacent to it, the venting equipment periodically emits objectionable odors.

Given the scale of the proposed improvements compared to available funding, together with aforementioned site constraints, the 2004 Master Plan envisioned the components of the Project to be implemented in three phases as follows:

- **Phase One**, involving components that were completed in July 2003 (and documented in the 1999 FEIS for the Original Project), such as the Naval Basin, relocation of the naval vessels, and landscape improvements to Veteran’s Memorial Park;
- **Phase Two** (for which funding is already committed through FTA, FHWA, ESDC, NYSTA, Erie County, City, and BSA resources), involving completion of the majority of the major infrastructure elements (e.g., harbor elements, street systems, utilities, etc.), selected heritage interpretation elements recommended in the Master Plan, and the new museum building for the Naval and Military Park; and
- **Phase Three** (for which funding is not yet programmed), involving completion of the entire program of infrastructure and heritage interpretation included in the Master Plan and full build-out of all the future development parcels on the Project site completion.

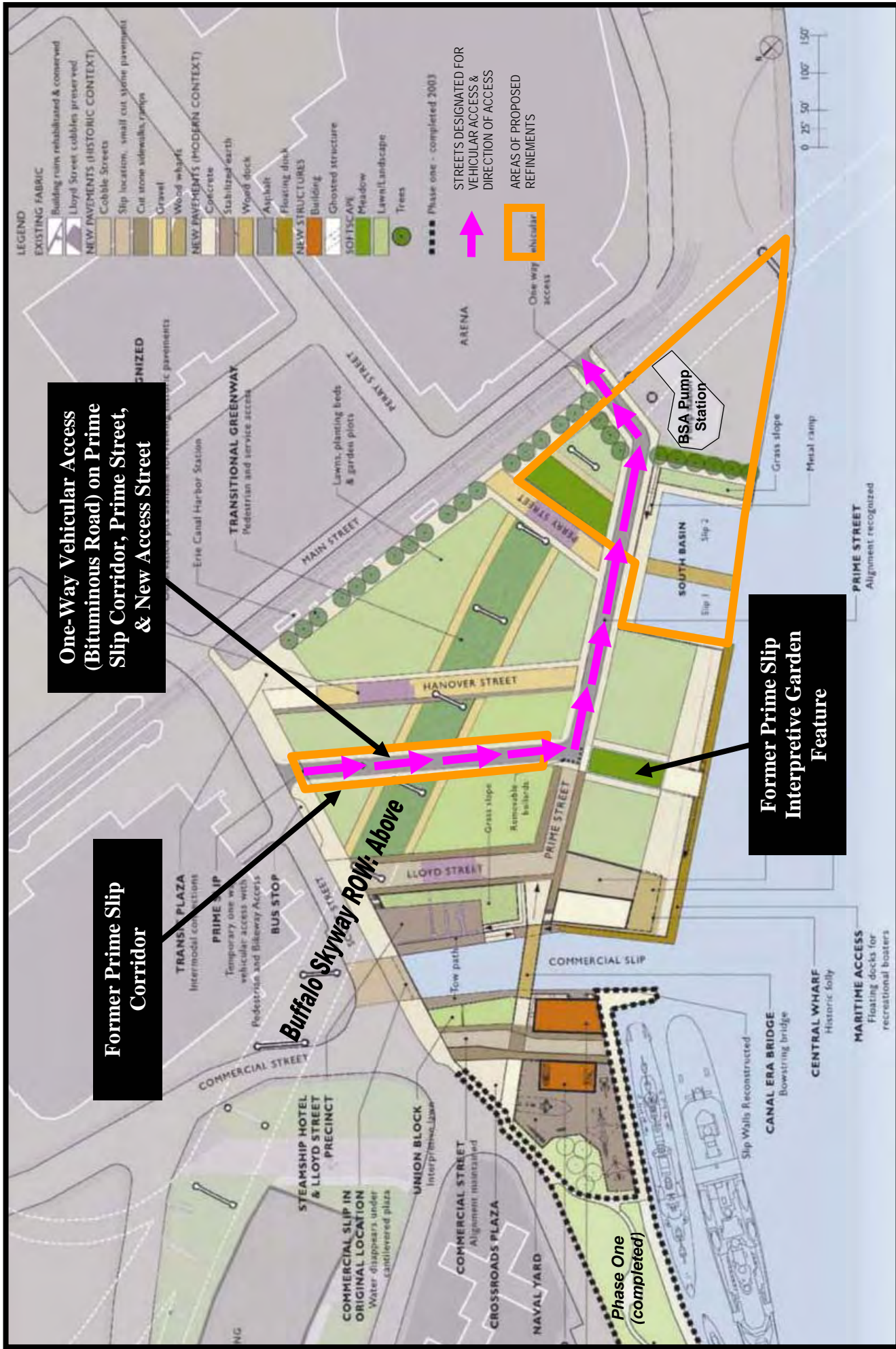
The 2004 SFEIS assessed the assumed full build-out of the Proposed Project site (i.e., completion of Phases Two and Three) as outlined in the *Erie Canal Harbor Final Master Plan*.

## 2.3 Proposed Refinements to “Phase Two” Plan

### 2.3.1 The 2004 Phase Two Plan

As noted above, the 2004 SFEIS included a site plan for to be implemented as part of Phase Two of the Project (see **Figure 2**). The Phase Two program was largely based upon completing as much as the 2004 Master Plan that was possible with available funding and the permitted uses of that funding. It had a goal of achieving a site that appeared/operated as a “complete” unit, while setting the stage for infill of other components set forth in the Master Plan in the future.

The Phase Two program was focused primarily on fully completing infrastructure features on the northwestern portion of the Project site, including the Commercial Slip and components immediately surrounding this marine feature (e.g., Museum Building for Naval and Military Park, reconstruction of Commercial Street and Lloyd Street, interpretation of adjacent building foundations, and a small portion of the Central Wharf feature). Concurrently, it was anticipated that the USACE would secure \$2.7 million in funding and design/construct the South Basin.



**Figure 2**  
**Project 'Phase Two' Interim Plan - 2004**  
 Source: Erie Canal Harbor SFEIS, December 2004

The balance of the site under the Phase Two program was to have involved a series of landscape treatments to suggest the future site elements in the Master Plan. For example, the treatment of Hanover Street and Perry Street as pedestrian corridor through the site was to have involved the use of colored gravel with small insets of existing cobbles to suggest the location of the former streets. Also, vehicular access thought the site was to have included a conventional bituminous-paved roadway along the former Prime Slip corridor, a portion of the Prime Street right-of-way, then terminating at Main Street in an existing driveway location.

### 2.3.2 Occurrences during the Final Design Process

Following the issuance of the FTA's 2005 ROD on the Project, there were a number of occurrences that affected the extent of the scope of the Phase Two program. First the previously anticipated federal funding for the South Basin was delayed from being fully programmed by the USACE Buffalo District project. At this point, prospects for re-initiating this USACE funding are highly unlikely in the aftermath of Hurricane Katrina and a shift of Federal attention to improvements in Louisiana.

Contrasting this loss was the ability of the City and ESDC to secure additional FHWA funding under the 2005 federal transportation reauthorization (i.e., the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU]) to fully undertake the entire Erie Canal Harbor cobblestone street system. As previously noted, these funds are being administered to the City through NYSDOT; all associated environmental review requirements have been satisfied through FTA's previously issued SFEIS and ROD.

Most notably, in 2005 a new subsidiary of ESDC, the Erie Canal Harbor Development Corporation (ECHDC) was established to administer the future development parcels and other large parcels surrounding the Project site. While a subsidiary agency, ECHDC has its own board of directors made up primarily of local representatives, allowing a greater level of focus specifically on future development projects in this area. To facilitate and conceptualize ECHDC's vision for future development in the area (i.e., that would be supported by the infrastructure investments under the Project), the agency developed the initial draft of a *Foot of Main* plan in early 2006.

Unlike the 2004 Master Plan for the Erie Canal Harbor, the *Foot of Main* plan encompassed a much wider area beyond the Project site and focused more on the actual future private development as opposed to infrastructure improvements. For example, the plan calls for a full reuse of the Memorial Auditorium site for a new Bass Pro Outdoor World store as a new anchor of retail in the area. Leveraged by this anchor in later rounds of development, mixed use complexes consisting of office, retail, hotel, residential, and structured parking uses are envisioned for the Webster and Donovan Office Building sites. On the Erie Canal Harbor site itself, a grand public market building is planned on one of the development parcels, with various types of museum, residential and retail uses on other parcels.

While the *Foot of Main* plan primarily identifies desired types of new development in the area, it did include some recommendations regarding enhancements to infrastructure and heritage interpretation elements on the Erie Canal Harbor site. The largest of these involved re-visioning of the proposed “South Basin” as a much larger facility, encompassing the majority of the current land on the Project site south of Perry Street. Such a larger facility is proposed to bring “the water’s edge” up to Main Street, and accommodate permanent mooring facilities for both tourist-oriented vessels, as well as smaller private watercraft. The other main change involves the final interpretative treatment of the former Prime Slip corridor. Rather than the proposed interpretative walkway/bikeway, the Foot of Main plan called for a “re-watering” of the corridor with a non-navigable water feature (i.e., reflecting pond/pool) that evokes this other former canal slip on the site.

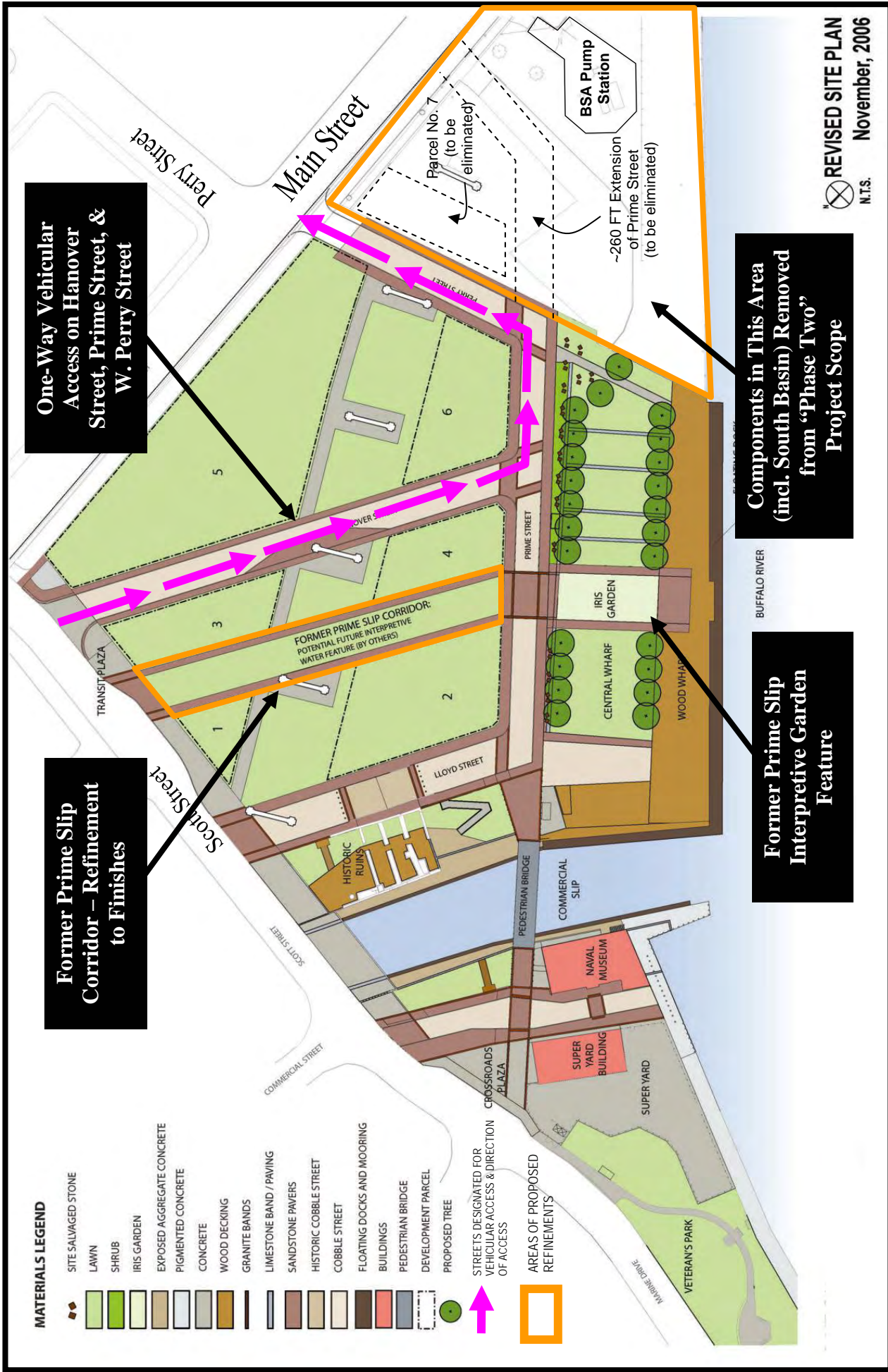
It must be stressed that at this point in its development, the envisioned changes in the *Foot of Main* plan regarding the South Basin and Prime Slip areas are overall concepts, rather than site-specific plans that are ready for implementation. A number of significant regulatory, funding, and environmental review issues require resolution before such elements could be designed and/or implemented. For example, similar to the 2004 Master Plan, elements in the southern portion of the site would be constrained by the presence of the Skyway piers and the BSA pump station. The envisioned large South Basin concept would encompass Skyway lands currently controlled by NYSDOT, would require extensive design coordination with NYSDOT to ensure the continued structural integrity of the Skyway, and would require the relocation of the BSA Pump Station (i.e., which would also require land acquisition for its new site). In addition, such changes (along with proposed private development) would be subject to environmental review documentation requirements.

However, in light of the loss of funding for the South Basin and the above-noted constraints presented by the Skyway Piers and BSA Pump Station, ESDC coordinated with ECHDC to develop refinements to the Phase Two program—such refinements are intended to better focus available funds in areas where such constraints do not exist. It was considered most prudent to take such an approach, which while not entailing major changes to elements such as the South Basin at this time, would not preclude such changes from occurring in the future, after resolution of aforementioned land control, design issues and all necessary environmental reviews.

### 2.3.3 Proposed Refinements

ESDC’s proposed refinements to the Phase Two program are illustrated in **Figure 3**. These changes include:

- An elimination of components in the Southeast portion of the site;
- Minor refinements to surface treatments along the former Prime Slip corridor through the site; and
- A slight reconfiguration of vehicular access through the Project site.



**Figure 3**  
**Proposed Refinements to Project’s “Phase Two” Program**  
 Source: Mathews Nielsen Landscape Architects, November 2006

Details on these refinements are presented in the following sections.

#### 2.3.4 Project Components in Southeast Portion of Site

A series of components in the Southeast portion of the Project site are proposed for elimination from the Phase Two program. These include the following:

- **South Basin.** Given the loss of USACE funding and potential for possible future changes to its configuration (i.e., which would be subject to subsequent review/approval), the previously-proposed South Basin would be removed from the Phase Two program.
- **Development Parcel No. 7.** This small, 5,653 sq. ft. parcel was projected to be served with utilities for future development. This was the only parcel located underneath the Skyway Bridge, which precludes it from future development until NYSDOT land control issues are addressed.
- **Southernmost Portion of Prime Street.** This 260-foot planned segment of Prime Street (i.e., a two-lane segment extending east from Perry Street) would not be constructed because more direct connections to the surrounding street network are available (see Section 2.3.6 and Section 4.3). This area would also coincide with that envisioned for a future reconfigured South Basin noted above.

The Southeast portion of the Project site would be seeded and maintained as lawn area under the proposed refinements to the Phase Two program. It would function as additional passive open space, which is permitted under the City's Waterfront Urban Renewal Plan, which governs land use on the Project site (see Section 3.1).

#### 2.3.5 Prime Slip Corridor

The 2004 Phase Two program called for the Prime Slip corridor to be used as part of an interim site access road system. Insofar as additional federal SAFETEA-LU funding has been secured to complete the entire cobblestone street system, this element is proposed to be eliminated. The corridor would be improved to add new sidewalks and a more-modest paved path suitable for bicycle access, with the center portion seeded to serve as maintained lawn area. This change would leave open the possibility of realizing a linear water feature interpreting the former Prime Slip in the future.

#### 2.3.6 Street Network Refinements

Given the new funding for the cobblestone street network, together with the elimination of elements in the southern portion of the site, the system for vehicular through-access is proposed for refinement. The street system proposed would involve a one-way access pattern using Hanover Street, a portion of Prime Street, and Perry Street, with a new intersection at Main and Perry. This vehicular access pattern would permanently replace the formerly-planned access

road segment/intersection further south along Main Street (i.e., the 260-foot segment of Prime Street noted in Section 2.3.4).

## Chapter 3: Re-evaluation of Environmental Consequences

This chapter provides a description of environmental implications of proposed refinements to the Phase Two program of the Project presented in Chapter 2. These were identified on the basis of comparison of the anticipated effects of these refinements with projected conditions that were documented in the 2004 SFEIS.

### 3.1 Land Use, Zoning, and Community Facilities

The proposed refinements to the Phase Two program would still be consistent with all pertinent plans and policies governing land use on the Project site. The site is also governed by the City's Waterfront Urban Renewal Plan that supersedes local zoning controls. The proposed refinements to the site's circulation system are still consistent with this plan, which proposed using the site's former cobblestone street network (i.e., Lloyd Street, Hanover Street, Perry Street, and Prime Street) as the basis for the area's access network (City of Buffalo, 2005).

Not implementing the improvements in the southern portion of the site as part of the Phase Two program (South Basin, Parcel No. 7, etc.) would not be inconsistent with the plan, insofar as the urban renewal plan sets forth what is permitted to occur on the site, not required to occur. In fact, the plan includes clauses that the establishment of Parcel No. 7 (or any areas comprising the NYSDOT Buffalo Skyway right-of-way) would only be permitted if NYSDOT approved such establishment or relinquished its rights to the Skyway right-of-way. In the interim, such land areas would be controlled by the "Maritime Open Space" land use category, which permits a variety of passive and active recreational uses and other ancillary uses.

In turn, the proposed refinements to the Phase Two program would have no additional impacts on various community facilities and services, insofar as less of the Project site would be developed at this time.

### 3.2 Social and Economic Issues

As noted in Section 5.2 of the 2004 SFEIS, the Project is projected to better capitalize on economic potential associated with heritage tourism. The proposed refinements would not affect this potential. Upon the completion of the Phase Two, even with the proposed refinements, the site's historic interpretation elements will largely be implemented to the level originally anticipated. In fact, the proposed changes to the on-site street network would actually result in a greater level of cobblestone streets being restored, compared to what was anticipated in the Phase Two program outlined in the 2004 SFEIS.

### 3.3 Cultural Resources

As discussed in Section 5.3 of the 2004 SFEIS, the Project would result in a comprehensive program of interpretation to create a better appreciation and understanding of the Erie Canal's impact on the City and nation. This would involve highlighting elements of the site's historic fabric to "tell the story" of the site's evolution as the birthplace of Buffalo. Subsequent improvements beyond the Phase Two plan would further enhance the richness of the resource.

As a result of findings of the Phase II/III program for the Project (together with subsequent on-site archaeological investigations), FTA, in consultation with the NY State Historic Preservation Officer (SHPO), has determined that resources on the site comprise an archaeological district that is eligible for the National Register consisting of: the archaeological remains of the Commercial Slip; the prehistoric or pre-contact archaeological resources encountered on the Project site, potentially archaeologically sensitive areas beneath historic streets; and the additional archaeological resources (e.g., historic street/bridge remains and architectural remains such as building foundations) that contribute but are not individually eligible for the National Register. The SHPO, FTA, ESDC, and the City entered into a Programmatic Agreement to establish responsibilities and stipulations for the management of cultural resources on the Project site.

The proposed refinements to the Phase Two program would not affect cultural resources on or eligible for inclusion on the National Register beyond what is already addressed in the Programmatic Agreement. Specific protocols are included with regard to re-construction of historic streets on the Project site, these will continue to be applicable to the proposed refinements. In turn, surface treatments along the Prime Slip corridor would not elicit any additional requirements under the Programmatic Agreement, insofar as this corridor was already identified as one of the locations for Phase III data recovery, which was completed and accepted by SHPO in 2004.

### 3.4 Coastal Zone Management and Navigable Waters

As documented in Section 5.4 of the 2004 SFEIS, the Project has previously received a consistency determination with the NYS Department of State under the NYS Coastal Zone Management Program. Proposed Phase Two refinements would not affect any element of this consistency determination (NYS Department of State, 2006). Specifically, the Project would still meet Coastal Zone Management Program policies (as grouped in the Program's major categories), as follows:

- **Development.** The Project would still result in restoration, revitalization, and redevelopment of a deteriorated and underutilized waterfront area with water-dependent and water-enhanced compatible uses.

- **Fish and Wildlife.** The Project would still be implemented to ensure that important fisheries habitat around the Project site is not impaired.
- **Flooding and Erosion.** The Project would still not involve placing any habitable structure within flood hazard areas and has been designed so as not to increase any flood hazard potential on-site or in adjoining areas.
- **General Safeguards.** The Project would still not impair vital economic, social, and environmental interests of the State related to the coastal area.
- **Public Access.** The Project would still protect, maintain, and increase the level and types of access to public water-related recreational resources/facilities, in a manner that is compatible with adjoining waterfront uses.
- **Recreation.** The Project would still facilitate and give priority to water-dependent and water-enhanced recreational uses, together with reasonably-scaled compatible land uses inland on the Project site.
- **Historic and Scenic Resources.** The Project would still protect, restore, and enhance important historic and scenic resources.
- **Agricultural Lands.** Not applicable, insofar as there are no agricultural lands on or in the vicinity of the Project site.
- **Energy and Ice Management.** Not applicable, insofar as the Project does not involve the development of energy and/or ice management facilities on or in the vicinity of the Project site.
- **Air and Water Resources.** The Project still includes components, design measures, and construction methods intended to protect and/or mitigate impacts to important air and water resources related to issues including but not limited to soil erosion and sedimentation, combined sewer overflow, marine operations, and solid waste management. All necessary review and permit procedures have been followed and would not be affected by the proposed refinements to the Stage Two program.
- **Wetlands.** Not applicable, insofar as there are no wetlands on or in the vicinity of the Project site.

### 3.5 Air Quality

As noted in Section 5.3 of the 2004 SFEIS, air quality effects of the Project would be associated primarily with mobile sources associated with traffic generated by currently-programmed and future private development on the project site. The anticipated level of activity on the site and

future development would not be significantly affected by the proposed refinements. In turn, minor re-organization of the on-site vehicular access (i.e., use of West Perry for one-way, on-site vehicular access) would not result in any significant air quality effects. As noted in Section 4.2.3 of this report, a similar alignment for vehicular access was proposed in the 1999 Original Project, and was not forecasted to result in any major traffic or air quality effects.

### **3.6 Noise**

Similar to air quality effects, anticipated noise level impacts associated with the Project were discussed in Section 5.4 of the 2004 SFEIS to be mainly associated with anticipated traffic levels. Thus, proposed refinements to the Phase Two program would not result in any significant noise effects.

### **3.7 Water Resources**

As discussed in Section 5.7 of the 2004 SFEIS, the potential water quality effects of the Project involve:

- Soil erosion and sedimentation during construction, and increased runoff from the future development sites;
- Impacts that may result from harbor operations (fueling and boat maintenance activities);
- Impacts associated with truncating of the Hamburg Drain to create an outfall at the head of a re-watered Commercial Slip; during heavy storm events this would result in combined sewer overflow (CSO) discharging into the slip.

In order to mitigate effects on water quality during construction, a Soil Erosion and Sediment Control Plan has been developed and implemented, consistent with the State Pollution Discharge Elimination System (SPDES). Impacts associated with the harbor activities will be minimized through development and implementation of an Operations and Maintenance Plan, being prepared by ESDC in close coordination and concurrence with the City of Buffalo, BSA, USACE, U.S. Coast Guard and other affected agencies. Finally, the design of the Commercial Slip has been incorporated with features to mitigate CSO events, including a water re-circulation system and aeration facilities to prevent odors. In turn, the BSA is planning/designing a screening facility up line from the outfall of the Hamburg Drain to control floatable debris.

Proposed refinements to the Phase Two program of the Project would have no additional impacts on water resources. In fact these changes would result in a lesser degree of potential soil erosion/sedimentation impacts given that the South Basin would not be excavated at this time. There would also be a lesser extent of impervious coverage on the southern portion of the site (i.e., maintained lawn in lieu of paved surfaces) that would reduce storm water runoff impacts.

### **3.8 Site Contamination**

As noted in Section 5.8 of the 2004 SFEIS, impacts to the soil and sediments in the Project area are being managed through the implementation of a Soils Management Plan that was approved by the NYS Department of Environmental Conservation (NYSDEC).

Proposed refinements to the Phase Two program of the Project would have no additional impacts on site contamination, and in fact would result in a lesser need to manage/determine disposition of soils associated with the South Basin at this time. Proposed changes would not introduce the potential for any new waste streams and would require no revisions to any existing NYSDEC approvals.

### **3.9 Physical and Ecological Resources**

As noted in Section 3.9 of the 2004 SFEIS, the Project site is situated in an urban area and does not contain any Federally-listed endangered or threatened species or any critical habitat areas. Thus, proposed refinements would have no effect on such resources.

### **3.10 Visual Quality**

As noted in Section 4.10 of the 2004 SFEIS, implementation of the Project would result in overall long-term beneficial impacts to the visual quality of the Project area. The visual character would reflect a variety of experiences reminiscent of the historic development characteristics that were once present on the site. This would include new water views provided by the Commercial Slip, essentially bringing the water's edge up to Scott Street. It would also include future buildings and street walls similar in scale and massing to previous development on the site during the Erie Canal era. Urban design guidelines included in the City's Waterfront Urban Renewal Plan would regulate the design, scale, and appearance of future development.

These projected beneficial impacts would not be affected by the proposed refinements to the Phase Two program. Implementation of infrastructure improvements in the southern portion of the Project site (South Basin, extension of Prime Street) would not be implemented. However, this area of the site, now predominated by Skyway Piers and the BSA pump station, would be finished as maintained lawn, measurably improving its visual character.

### **3.11 Utilities**

As noted in Section 3.11 of the 2004 SFEIS, the site is adjacent to all available utility services. The proposed refinements to the Phase Two program would result in slight changes to the design of on-site extensions and placement of these services. This would involve not extending services or stub-outs to Parcel No. 7 (i.e., under the Skyway), relinquishing the need for on-going coordination with NYSDOT to permit such improvements. Also, the placement and elevations of utilities along the Prime Slip corridor would be refined so as not to preclude any future enhancements to this area (e.g., incorporation of reflecting pond/water element evoking the former Prime Slip by others).

### **3.12 Safety and Security**

As documented in the Section 5.13 of the 1999 FEIS for the Original Project and Section 5.12 of the 2004 SFEIS, access, lighting, and recreational improvements as part of the Project will significantly enhance safety and security on and around the Project site. The refinements to the Phase Two program would not impair such enhancements; the site would still be significantly more active and visible than under pre-Project conditions.

### **3.13 Section 4(f) of the Department of Transportation Action**

The proposed refinements to the Phase Two program do not involve the use of any additional 4(f) resources (i.e., parklands, wildlife refuges, or historic resources). Prior 4(f) evaluations in Chapter 6 of the 2004 SFEIS centered upon affects to archaeological resources on the Project site. As noted above in Section 3.3, there is currently a Programmatic Agreement in place that sets forth the protocol for dealing with these resources.

### **3.14 Section 6(f) of the Land and Water Conservation Fund Act**

The proposed refinements to the Phase Two program would not involve the use or taking of any additional resources funded in whole or part under the Land and Water Conservation Fund Act and thus are not subject to review requirements under Section 6(f) of the Act.

### **3.15 Consistency with Federal Policies on Environmental Justice in Minority and Low Income Populations**

The proposed refinements to the Phase Two program would not result in any additional disproportionately high environmental and health risks to minority/low income populations (i.e.,

primarily residing in the Marine Drive Apartment complex) as compared to the impacts discussed in the 1999 FEIS for the Original Project or the 2004 SFEIS. The SFEIS reported that adverse environmental effects of the Project would be limited to short-term construction-related impacts and periodic increases in noise levels during festival and concert events. Both would be significantly offset by improvements to setting and quality of life features in the Project area (e.g., enhanced waterfront access, recreational/open space improvements, etc.). Such impacts/offsets would not change as a result of the proposed refinements.

### **3.16 Irreversible and Irretrievable Commitments of Resources**

The proposed refinements to the Phase Two program would not result in any irreversible and irretrievable commitments of resources not already reported in the 1999 FEIS for the Original Project or the 2004 SFEIS (Chapter 9).

### **3.17 Unavoidable Adverse Impacts**

The proposed refinements to the Phase Two program would not result in any unavoidable adverse impacts not already reported in the 1999 FEIS for the Original Project or the 2004 SFEIS (Chapter 10).

### **3.18 Relationship between Short-Term Uses of the Environment and Enhancement of Long-Term Productivity**

The proposed refinements to the Phase Two program would not result in any changes to the assessment of the relationship between Short-Term Uses of the Environment and Enhancement of Long-Term Productivity reported in the 2004 SFEIS (Chapter 11).

### **3.19 Growth-Inducing Impacts**

In the context of regional growth, the proposed refinements to the Phase Two program would result in no changes to the assessment of growth-inducing impacts of the Project, insofar as they would be site-specific changes that would not alter the overall intent of the Project.

### **3.20 Effects on Solid Waste Management**

The proposed refinements to the Phase Two program would not result in any additional impacts to solid waste management and in a fact would reduce the level of construction and demolition waste generated through the elimination of the South Basin construction at this time.

### **3.21 Effects on the Use and Conservation of Energy Resources**

The proposed refinements to the Phase Two program would not result in any additional effects on the use/conservation of energy resources from that already reported in the 1999 FEIS for the Original Project or the 2004 SFEIS (see Chapter 14).

### **3.22 Required Permits/Approvals**

The proposed refinements to the Phase Two program would not require any major changes to permit requirements or approvals. Slight refinements to the on-site circulation system will require concurrent changes with City of Buffalo approvals of these systems; because the City of Buffalo is implementing the on-site street network (and has been on hold pending this re-evaluation), these permit/approval changes would be done in conjunction with final design of these systems.

### **3.23 Cumulative Impacts**

Chapter 16 of the 2004 SFEIS assessed potential cumulative impacts of the Project when added to other past, current, and reasonably foreseeable actions by other entities separate from the Project. This assessment focused upon the following:

- The City's planned Buffalo Intermodal Transportation Center (BITC);
- The State of New York's potential demolition of the General Donovan State Office Building and relocation of its functions to other sites, so the parcel could be used for redevelopment purposes;
- Anticipated development by the ultimately designated "preferred developer" of Inner Harbor properties (e.g., "Foot of Main" project – potential Bass Pro at Memorial Auditorium site and redevelopment of DL&W Terminal, Webster Block, Donovan site, etc., now being administered by ECHDC); and
- The City's planned construction of a new waterfront parking structure.

Since 2004, there have been changes and additions to projects occurring in the vicinity of the Erie Canal Harbor site. These include:

- Elimination of the BITC project and reprogramming of these funds toward a new Erie Canal/Great Lakes Transportation Museum, that while is only in concept phases, is currently anticipated to occupy one of the development parcels on the Project site;
- A proposal by the City (currently in the preliminary engineering phase) to re-introduce vehicular traffic along the Main Street corridor, sharing the right-of-way with the NFTA LRRT system; and
- The planned development of a Buffalo Creek Casino by the Seneca Nation of Indians on an eight-acre site fronting on Michigan Avenue (1/3 of a mile east of the Project site).

Cumulatively, previous documented and recently-planned development projects would not result in significant impacts when added to those of the Project, and specifically the proposed refinements to the Phase Two program. The Erie Canal/Great Lakes Transportation Museum would be regulated via the already-established design standards in the City's Waterfront Urban Renewal Plan and the assessments in the 2004 SFEIS assumed full build out of the Project site with uses such as this. Further, the proposed refinements would not affect service access to development parcels on the Project site.

ESDC has been coordinating with the City on its preliminary design for re-introducing vehicular traffic along Main Street (DiDonato, 2006). The preliminary alignment for Main Street is consistent with the proposed refinements to the Phase Two program (i.e., Perry/Main Street intersection). However, the proposed refinements are not predicated upon the re-introduction of traffic on Main Street; these changes would be fully operable with or without implementation of the City's project.

The development of The Buffalo Creek Casino would likely result in a general increase in periodic traffic, particularly during Friday and weekend PM peak periods (Seneca Nation of Indians, 2005).<sup>5</sup> However, with the exception of Friday evenings, when PM outbound commuting traffic is high, traffic levels in downtown Buffalo are drastically lower during weekend periods. Moreover, access patterns to the casino site will largely use the Michigan Avenue corridor, connecting to I-190, rather than streets in the vicinity of the Project site. Thus the proposed refinements to the Phase Two program would not significantly affect, nor be affected, by these changes.

### **3.24 Relationship to Federal Statutes, Policies, and Controls**

The proposed refinements to the Phase Two program would not result in any changes to the assessment of the Project relationship to Federal Statutes, Policies, and Controls from that already reported in the 1999 FEIS for the Original Project or the 2004 SFEIS.

---

<sup>5</sup> Based upon experience in the operation at the Seneca Niagara Casino in Niagara Falls, NY.

## Chapter 4: Re-evaluation of Transportation Effects

This chapter addresses the implications of the proposed refinements to the Phase Two program of the Project upon the transportation network in and around the Erie Canal Harbor area. The basis for this assessment involves comparison of the changes to the transportation system relationships documented in the 1999 FEIS and subsequently in the 2004 SFEIS.

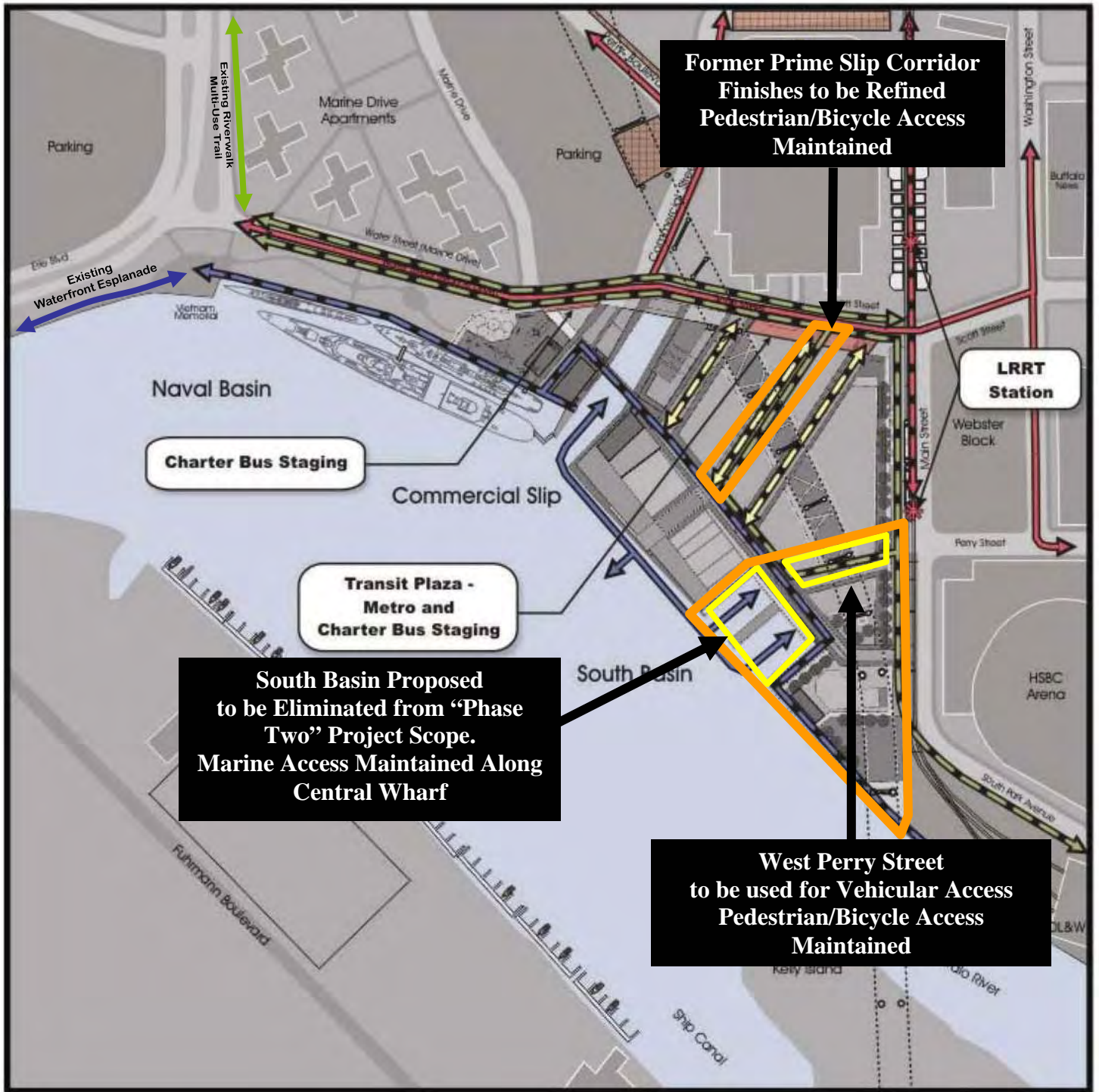
### 4.1 Intermodal Relationships

Section 4.1 of the 2004 SFEIS documented that the Project would result in increased connectivity among various transportation modes in the area, including relationships among various landside systems—NFTA Metro Rail/Bus services, private charter bus access, inland pedestrian/bicycle networks—better connecting them to waterfront/marine systems such as esplanade/trails and harbor facilities.

The proposed refinements to the Phase Two program of the Project would not significantly affect these relationships. **Figure 4** illustrates the intermodal relationships documented in the 2004 SFEIS, overlaid by locations of proposed refinements of the Phase Two program.

The primary change to the marine system would involve the elimination of the former proposed “South Basin” from the Phase Two program. This basin was targeted to provide permanent mooring and maintenance (e.g., pump-out) facilities to existing touring boat facilities such as the *Miss Buffalo* fleet, as well as a new permanent summer location for the Buffalo Fire Department’s fireboat *Cotter*. The *Miss Buffalo* fleet is moored, and would remain pending funding and completion of this program component, at an downstream location along the existing waterfront esplanade near Erie Basin Marina. The *Cotter* would remain in its current upstream location near the foot of Michigan Avenue, east of the DL&W terminal building. Both existing locations remain suitable to support these vessels respective operations.

The forestalling of the South Basin component at this time would not eliminate waterborne access at the Project site. The large majority of marine access components, such as floating dock facilities along the Commercial Slip and the Central Wharf area would still be part of the Phase Two program (i.e., for which construction bids have been awarded). From a user/visitor perspective, these facilities would still provide direct access between waterside and landside areas. For example, all dock facilities are designed to permit transient pleasure craft access. In turn, the height and loading of these facilities have been specifically structured to support larger visiting vessels. Thus, while the *Miss Buffalo* and *Cotter*, or other types of larger vessels (e.g., visiting tall ships, Great Lakes cruise vessels, etc.) would not be permanently ported at the Project site at this time, they could still be fully accommodated along the Central Wharf for periodic/transient operations (e.g., boarding/un-boarding, display, daily/weekly dockage).



**Former Prime Slip Corridor  
Finishes to be Refined  
Pedestrian/Bicycle Access  
Maintained**

**South Basin Proposed  
to be Eliminated from "Phase  
Two" Project Scope.  
Marine Access Maintained Along  
Central Wharf**

**West Perry Street  
to be used for Vehicular Access  
Pedestrian/Bicycle Access  
Maintained**

**Intermodal Relationships  
and Connectivity**

 Areas of Proposed Refinements



0' 150' 300' 600'

-  Pedestrian Connectivity
-  Bicycle Access
-  Waterfront Esplanade Access
-  Marine Access
-  Metro Rail Access
-  Metro Bus Access

**Figure 4**  
**Relationship of Project Refinements to Connectivity**  
Source: Erie Canal Harbor SFEIS, December 2004

## 4.2 Transit and Charter Bus Access

The proposed refinements to the Phase Two program of the Project would have no effect on planned public transit access; as noted in Section 4.2 of the 2004 SFEIS these would still focus upon the proposed transit plaza along Scott Street on the northern limits of the Project site. Metro Bus stops along Scott Street would be consolidated to bus cut-outs along the transit plaza to provide an easy, identifiable location to serve the Project site, as well as to interface with Metro Rail access along Main Street (at the Erie Canal Harbor Station) and the anticipated re-use of the Memorial Auditorium (e.g., potential Bass Pro Outdoor World).

Similarly, charter bus access would not change under the Project—with pick-up/drop-off access provided in two locations along Scott Street: at a bus cut-out in front of the proposed location of the Naval and Military Museum building; and at the transit plaza. As noted in the 2004 SFEIS, transient parking for charter buses is currently part of the scope of the redevelopment of the Memorial Auditorium site. Use of these locations, which are immediately north of the Project site, would provide for a coordinated system of charter bus parking for the two developments.

In the event that the Memorial Auditorium project is not advanced in time for the opening of the Phase Two portion of the Project, there are still several suitable locations in the vicinity of the Project site where the City of Buffalo would establish interim charter bus parking, including:

- At current city-owned parking facilities under the Buffalo Skyway (i.e., former Memorial Auditorium employee parking lot);
- Along city-owned land north of the Memorial Auditorium on Lower Terrace under I-190; and
- Along underutilized sections of Perry Boulevard, under on-ramps for the Buffalo Skyway.

## 4.3 Vehicular Access/Traffic

The proposed refinements to the Phase Two program of the Project would have slight implications on the way vehicular traffic circulates through the Project site. However, these changes would not have any major impact nor would they result in traffic congestion. Contrasting to the 2004 Phase Two and Phase Three program for the Project, the proposed refinements would create a new, four-way stop controlled (non-signalized) intersection at Main, Perry, and West Perry streets and eliminate a similar four-way stop controlled intersection further south along Main Street. This proposed new intersection would still be located south of the regular daily service portion<sup>6</sup> of the NFTA LRRT system; NFTA officials have reviewed the

---

<sup>6</sup> Regular daily LRRT service terminates at the Erie Canal Harbor Station at Main and Scott streets. During events at the HSBC Arena, the NFTA operates an “Events Station” that is also located north of the Main/Perry Street intersection. Nevertheless, the City’s traffic control procedures during HSBC Arena events involves closing several street segments to traffic to facilitate pedestrian access, including Main Street south of Scott Street. City officials have noted that upon their completion, the street

alignment and have expressed no concerns on the creation of a full intersection at this location (Personal communication, James Nagel, NFTA Transit Operations; and Robert Gower, NFTA Transit Planning, 2006).

It is also important to note that the 1999 Inner Harbor Development Project included a similarly aligned intersection at Main and Perry (see **Figure 5**). Section 4.2.2.4 of the 1999 FEIS included a full intersection level of service analysis resulting from future trip generation from short-term activities (e.g., Naval and Military Museum, site visitation) and long-term site uses (e.g., museum, retail, commercial and other uses on the future development parcels). At full build-out the Project site was projected to generate an additional 833 peak-hour vehicle trips in the critical peak hour.<sup>7</sup>

The traffic analysis in the 1999 FEIS excluded a full level of service assessment of the proposed Main/Perry intersection, given the nature and intended use of the on-site road network. The roads on the Project site are intended primarily to serve localized site access, rather than as major through streets. The network was never proposed to provide a connection between two or more surrounding roadways; in fact, in-bound access to the site has always been designed at mid-block locations. Further, most site-generated traffic (i.e., the 833 new trips) would be destined to/originate from major parking facilities around the Project site, rather than on the site itself. While the on-site road network would provide access for pick-up/drop-off activities and deliveries at locations on the Project site, these types of movements are anticipated to constitute a small fraction of site-generated traffic.

Nevertheless, data can be extrapolated from the operational analyses for surrounding intersections in the 1999 FEIS (see 1999 FEIS, Appendix F) to estimate peak hour movements at the proposed Main and Perry street intersection at full build-out of the Project (see **Table 1**). As is shown, no approach on the intersection is projected to exceed 200 vehicles and no large conflicts between movements are anticipated. When compared to operational analyses in the 1999 FEIS at other surrounding non-signalized intersections, this intersection is expected to operate at an acceptable level of service.<sup>8</sup>

#### 4.4 Parking

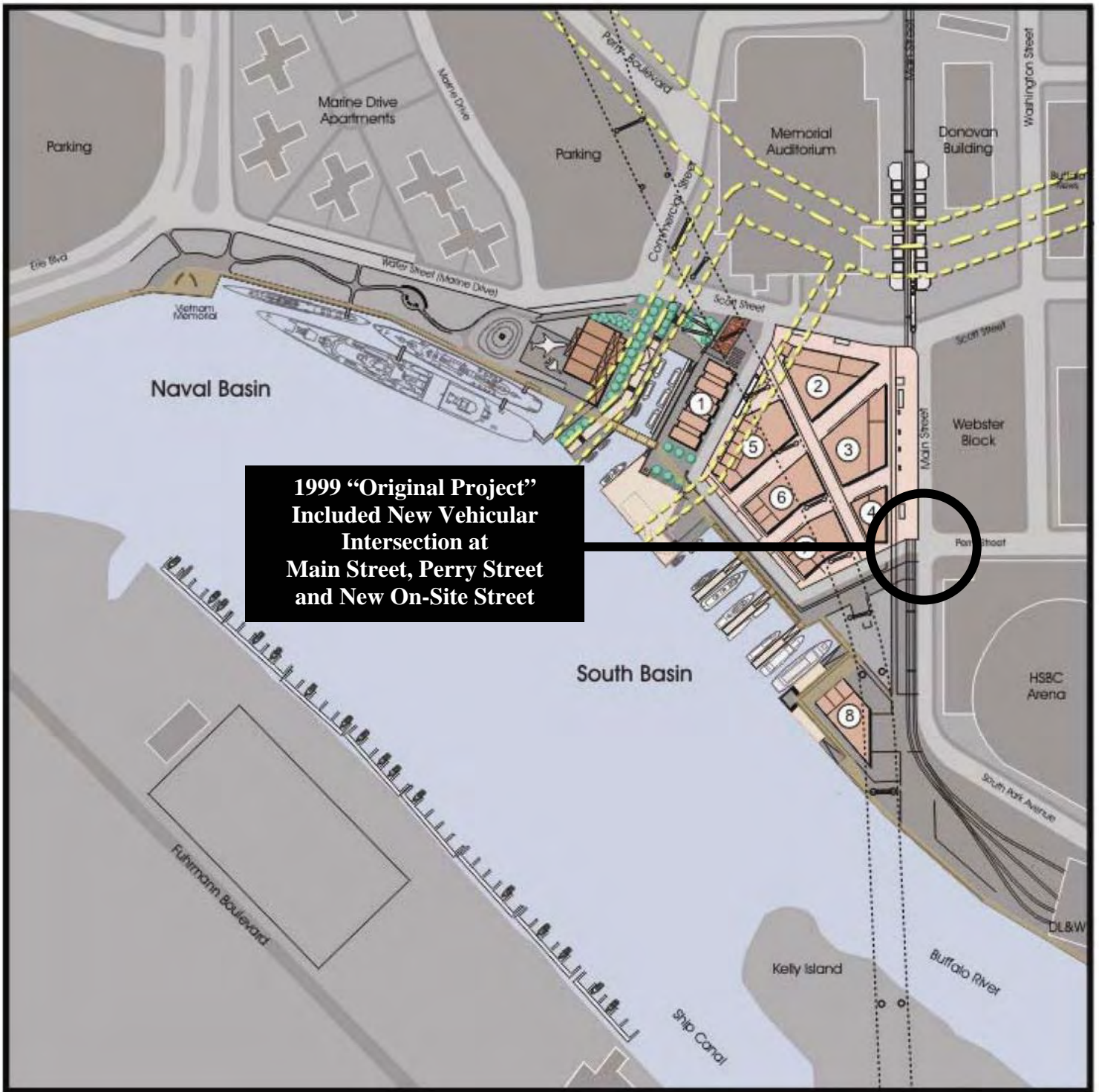
The proposed refinements to the Phase Two program of the Project would have no effect on parking availability on or around the Project site. Section 4.2.2.6 of the 1999 FEIS for the Original Project projected a long-term impact to parking supply as new development is realized

---

network on the Erie Canal Harbor site would be added to their program of event-related street closures (Giambra, 2006).

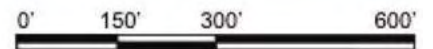
<sup>7</sup> The critical peak traffic hour is defined as the period exhibiting the highest level of potential traffic; for downtown Buffalo, this was determined to be the PM period (late afternoon/early evening), given the tendency for commuters to combine work-based trips with errands, together with periodic traffic generated by downtown events and entertainment venues.

<sup>8</sup> The only non-signalized intersection that exhibited potential level of service issues in the 2021 Design Year scenario was the intersection of Scott Street and Michigan Avenue. By way of comparison, this intersection was projected to have over 700 NB and SB through movements, which would constrain turning movements on EB and WB approaches.



**1999 "Original Project"  
Included New Vehicular  
Intersection at  
Main Street, Perry Street  
and New On-Site Street**

**1999 Master Plan  
Original Project**



**Figure 5**  
**1999 "Original Project" Layout**  
Source: Inner Harbor Development Project FEIS, March 1999

on the Project site and on surrounding parcels. The anticipated impact would be the loss of approximately 350 parking spaces at the Project site; it was determined that in the short-term (i.e., prior to the establishment of new uses upon the future development parcels or on surrounding properties currently used for surface parking) this loss would not be significant. As new development occurs, however, demand for parking would likely necessitate a new parking facility, anticipated to be addressed through the City's funded/programmed waterfront parking structure.

**Table 1**  
**Projected 2021 Design Year Traffic – PM Peak Hour**  
**Proposed Intersection at Main and Perry Street <sup>a</sup>**

Approach	Vehicle Movements
<b>Northbound (NB) Approach</b>	
Right-turn (east)	98
Left turn (west - not permitted)	-
Through movement (north)	90
<b>Total NB Approach</b>	<b>118</b>
<b>Southbound (SB) Approach</b>	
Right-turn (west - not permitted)	-
Left turn (east)	11
Through movement (south)	179
<b>Total SB Approach</b>	<b>190</b>
<b>Eastbound (EB) Approach (from Project Site)</b>	
Right-turn (south)	50
Left turn (north)	59
Through movement (east)	50
<b>Total EB Approach</b>	<b>159</b>
<b>Westbound (WB) Approach</b>	
Right-turn (north)	28
Left turn (south)	90
Through movement (west - not permitted)	-
<b>Total WB Approach</b>	<b>118</b>

<sup>a</sup> Extrapolated from projected traffic movements at surrounding intersections, as documented in the 1999 *Inner Harbor Development Project FEIS, Appendix F: Transportation Technical Analyses*.

The proposed refinements to the Phase Two program would not affect the provision of parking, insofar as there was never any large-scale on-site parking planned as part of the Project. Similarly, these changes would in no way impede site selection/development of a new waterfront parking structure by the City.

## 4.5 Pedestrian Access

The proposed refinements to the Phase Two program would not have any significant effect upon planned pedestrian accessibility. In fact, as a result of increased FHWA funding for the reconstruction of historic cobblestone street corridors on the site under Phase Two (as opposed to Phase Three as was reported in the 2004 SFEIS), the site will realize a more defined/complete pedestrian access in the near term.

Specifically, the proposed refinements would provide slightly different, but not reduced, pedestrian access patterns on site. For example, the 2004 SFEIS indicated that West Perry Street would have been a pedestrian/bicycle-only corridor; this is now proposed to accommodate shared access among all modes. This would be more traditional in the context of a typical urban street and consistent with the historic use of Perry Street. Along the former Prime Slip corridor, while finish treatments are proposed for refinements (i.e., the 2004 SFEIS reported it as a bituminous access road while the refinements show this as grassed corridor with sidewalks), a similar level of pedestrian access would be maintained.

## 4.6 Bicycle Access

Bicycle routes through the Project site would slightly change under the proposed refinements to the Phase Two program. However, these changes would not significantly reduce access to the site. The Phase Two program reported in the 2004 SFEIS included shared bicycle access along then-planned bituminous-paved access road along the former Prime Slip corridor and Prime Street (see previously-presented **Figure 2**). Ultimately, under Phase Three, the Project envisioned a dedicated bikeway along the Prime Slip corridor, leading to shared access on a portion of Prime Street, connecting to Perry Street (see previously-presented **Figure 4**).

The proposed refinements to the Phase Two program would involve elimination of the dedicated bicycle access along the Prime Slip corridor in lieu of shared access.

It should be noted that during Phase One of the project, dedicated through-access for bicyclists around the site was provided as part of a full reconstruction of Marine Drive/Scott Street and associated establishment of dedicated bicycle lanes connecting to the existing Riverwalk system, (see 1999 FEIS, Section 4.2.1), linking to a multi-use trail on Main Street, ultimately linking with bicycle lanes on South Park Avenue.

As the final design for the Phase Two program was developed, it became clear that bicycle trips to the interior of the site would involve slower speed trips terminating at specific destinations upon the Project site. Thus, it was determined that all streets/accessways would be able to accommodate shared access for bicycles, whether with pedestrians alone or with pedestrians and vehicles. The configuration of these accessways (narrow, cobblestone streets) would facilitate slower movements through the site.

## Chapter 5: Conclusions

Based upon the information and assessments presented in the previous chapters, ESDC, as the Project applicant on behalf of the NFTA, recommends that FTA conclude:

- That the proposed refinements to the Phase Two program would not significantly affect the Project's ability to meet its stated purpose and need;
- That the proposed refinements to the Phase Two program would not result in any additional significant social, economic, and environmental effects compared to what was reported in prior environmental reviews; and
- That the existing environmental documentation, culminating with the December 2004 SFEIS and March 2005 ROD, remains valid in satisfying NEPA requirements for the Project, inclusive of the proposed refinements to the Phase Two program.

## Chapter 6: References

23 CFR 771, Environmental Impact and Related Procedures, U.S. Department of Transportation, Washington, D.C.

City of Buffalo, 2005, Urban Renewal Plan, Waterfront Redevelopment Project, Erie Canal Harbor Amendment, prepared by Parsons Brinckerhoff Quade & Douglas, Inc., Buffalo, NY.

DiDonato, 2006, personal communication, personal communication with John DiDonato, Principal Engineer for both Cars Sharing Main Street preliminary engineering design and City of Buffalo final engineering design for Erie Canal Harbor streets, Buffalo, NY.

Flynn Battaglia Associates, et. al. 2004, *Erie Canal Harbor Master Plan*, prepared for ESDC, Buffalo, NY.

FTA 1999, *Inner Harbor Development Project, Final Environmental Impact Statement*, prepared by Parsons Brinckerhoff Quade & Douglas, Inc., Buffalo, NY.

FTA 2004, *Erie Canal Harbor Project, Final Supplemental Environmental Impact Statement*, prepared by Parsons Brinckerhoff Quade & Douglas, Inc., Buffalo, NY.

FTA 2005, NEPA Record of Decision for Erie Canal Harbor Project, prepared by FTA Region II, New York, NY.

Giambra, 2006, Personal communication with Joseph Giambra, City of Buffalo Commissioner of Public Works, Streets, & Parks, Buffalo, NY.

NFTA 2006, Personal communication with James Nagel, NFTA Transit Operations; and Robert Gower, NFTA Transit Planning, Buffalo, NY.

Seneca Nation of Indians, 2005, *Environmental Effects Analysis for Seneca Niagara Casino Master Plan*, prepared by URS Corporation, Buffalo, NY.