

State Environmental Quality Review

Final Scoping Report for Generic Environmental Impact Statement

Proposed Action:

Canal Side Project Buffalo, New York

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Table of Contents

1	Introduction	1
2	Project Background	2
	2.1 Erie Canal Harbor Project	2
	2.1.1 1999 Design	2
	2.1.2 Federal Lawsuit.....	3
	2.1.3 Modification of the 1999 Design.....	3
	2.2 Establishment of Erie Canal Harbor Development Corporation.....	5
	2.3 2006 Re-Evaluation Report	5
	2.4 2009 Re-Evaluation Report	6
	2.5 Sketch Planning for Canal Side Project	7
	2.6 Pre-Development Activities: Site Preparation of Memorial Auditorium and Donovan Office Building Blocks.....	8
3	Description of the Proposed Action	9
	3.1 Project Location.....	9
	3.2 Project Goals and Objectives.....	9
	3.3 External Influences on the Project.....	9
	3.3.1 Actions not included as part of the Project	9
	3.3.2 Design Constraints and Considerations	10
	3.4 Historic Street Pattern and Traffic Circulation	11
	3.5 Project Components.....	11
	3.5.1 Family Place/Central Place District (Aud Block)	12
	3.5.2 Entertainment District (North and South Donovan Block).....	13
	3.5.3 Main Street District (Webster Block)	13
	3.5.4 Riverfront District.....	13
	3.5.5 Prime Slip District (Erie Canal Harbor Parcels)	14
	3.5.6 Public Market District	14
	3.5.7 Marine Drive Parking Lot Block.....	14
	3.5.8 “Under-Thruway” Blocks	14
	3.6 Project Phasing and Timing	14
4	Environmental Review Process.....	16

4.1	What is a Generic Environmental Impact Statement?	16
4.2	Steps in the Review Process	16
5	Preliminary Scope of the Draft Generic Environmental Impact Statement	18
5.1	Description of Proposed Action, Purpose, Public Need, and Benefits of the Proposed Action	18
5.2	Cultural Resources	18
5.3	Visual Resources	19
5.4	Land Use/Development Policies	20
5.5	Social and Economic Issues	21
5.5.1	Community Character	21
5.5.2	Socioeconomic Impacts	21
5.6	Water Resources	22
5.6.1	Surface and Groundwater Resources	22
5.6.2	Floodplain Management	23
5.7	Coastal Zone Management	23
5.8	Transportation	23
5.9	Public Health and Safety	24
5.9.1	Hazardous Waste / Contaminated Materials Assessment	24
5.9.2	Public Safety	25
5.10	Community Facilities	25
5.11	Utilities	25
5.12	Air Quality	26
5.13	Noise	26
5.14	Physical and Ecological Resources	26
5.15	Open Space/Recreation	27
5.16	Construction Impacts	27
5.17	Cumulative Impacts	28
5.18	Mitigation Measures	28
5.19	Irreversible and Irretrievable Commitments	29
5.20	Growth-Inducing Aspects	29
5.21	Use and Conservation of Energy	29
5.22	Required Permits and Approvals	29
5.23	Thresholds for Future Actions	31

6	Project Alternatives	32
6.1.1	No-Build Alternative	32
6.1.2	Low Density Alternative	32
6.1.3	High Density Alternative.....	32
7	Summary of Scoping Comments	33
7.1	Introduction	33
7.2	Additional Alternatives Suggested During Scoping	33
7.2.1	No Bass Pro	34
7.2.2	Bass Pro on Donovan Block	34
7.2.3	Interpretive Elements of the 2004 Erie Canal Harbor Master Plan.....	34
7.2.4	Recreation of Historic Buildings and Canals.....	34
7.2.5	Buildings on Water's Edge.....	35
7.2.6	"Ellis Island Like" Programming	35
7.2.7	Orchard Park Bike Museum.....	35
7.2.8	Transient Boater Services.....	35
7.2.9	Cruise Ships.....	35
7.2.10	Intermodal Facility.....	35
7.3	Comments Determined to be not Relevant, not Environmentally Significant or that have been Adequately Addressed in a Prior Environmental Review	36
8	Information that Should be Included in Appendices	39
9	Preliminary List of Involved / Interested Agencies and Contacts	40

List of Figures

<u>Figure No.</u>	<u>Title</u>	<u>Follows Page</u>
Figure 3-1	Project Area	9
Figure 3-2	Pedestrian Connections.....	11
Figure 3-3	Places	11
Figure 3-4	Family Place/Central Place.....	13
Figure 3-5	Entertainment District	13
Figure 3-6	Main Street	13
Figure 3-7	Riverfront Esplanade	13
Figure 3-8	Prime Slip Shops	14
Figure 3-9	Public Market.....	14
Figure 6-1	No-Build Alternative	32

List of Appendices

- Appendix A: List of Public Notices
- Appendix B: Public Meeting Materials
- Appendix C: Written Public Comments

Note: Official Transcript of Public Scoping Meeting available at www.eriecanalharbor.com or by contacting the Erie Canal Harbor Development Corporation.

1 INTRODUCTION

The New York State Urban Development Corporation (UDC), d/b/a Empire State Development Corporation (ESDC), as lead agency on behalf of its subsidiary corporation, the Erie Canal Harbor Development Corporation (ECHDC), intends to prepare a Generic Environmental Impact Statement (GEIS) in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) to assess the economic, social and environmental effects of undertaking the proposed **Canal Side Project** (Project), a mixed-use waterfront development within the City of Buffalo's historic Erie Canal Harbor area.

In July 2007, ESDC issued notices to potentially involved agencies to solicit lead agency status for the SEQRA review of the Project. No objections to ESDC serving as SEQRA lead agency were received during the 30-day comment period for lead agency solicitation, and ESDC was properly established as the SEQRA lead agency for the Project.

ESDC issued a "Positive Declaration" for the Project in January 2009 requiring that a GEIS be prepared because the Project may have one or more significant adverse environmental impacts. The Positive Declaration indicated that Project Scoping would be conducted prior to the preparation of the GEIS. Accordingly, this Final Scoping Report has been prepared. The Positive Declaration and supporting environmental documentation are available for review at the offices of the ECHDC and at www.eriecanalharbor.com.

This environmental review is intended to comply with SEQRA only. Environmental reviews under the National Environmental Policy Act (NEPA) will be undertaken, as necessary, should individual Project components warrant such review in the future.

2 PROJECT BACKGROUND

2.1 Erie Canal Harbor Project

2.1.1 1999 Design

A portion of the area of the Project comprises the prior project boundaries of the *Erie Canal Harbor Project*, which included an area bounded by Main Street, Scott Street, Marine Drive, and the Buffalo River. This project included a series of infrastructure components to improve multi-modal waterfront access and facilitate new development along the Buffalo River waterfront. It was originally the subject of a 1999 federal/state EIS in accordance with both SEQRA and NEPA. The EIS also documented required consultation under the Section 106 of the National Historic Preservation Act and Section 14.09 of New York State Historic Preservation Law. The Federal Transit Administration (FTA) served as lead agency under the National Environmental Policy Act (NEPA), while ESDC served as the lead agency under SEQRA.

Key elements of the project included a series of marine and landside infrastructure improvements, including:

- Construction of a new “Canal Slip” paralleling the historic right-of-way of the Commercial Slip—a feeder slip at the former western terminus of the Erie Canal—to avoid the need to reconfigure the Hamburg Drain, a combined sewer overflow outfall owned by the Buffalo Sewer Authority (BSA);
- Construction of a new museum building for the Buffalo and Erie County Naval and Military Park and the establishment of a “Naval Basin” to facilitate the relocation of three naval vessels affiliated with the Naval & Military Park;
- Construction of a new “South Basin” to facilitate large tourist-oriented vessels;
- Construction of a series of transportation access improvements, including a new cobblestone access street, waterfront esplanade, transit plaza, and establishment of bicycle/pedestrian access; and
- Creation of a series of landside improvements, including the establishment of parcels for future private development and construction of an on-site utility system to service these development parcels.

A combination of FTA, New York State Thruway Authority (NYSTA), Erie County, and City of Buffalo (City) funding sources were secured to fund elements of the Erie Canal Harbor Project. Federal Highway Administration (FHWA) funds were programmed for the cobblestone street.

ESDC issued its SEQRA Finding Statement for the project in March 1999. On June 22, 1999, the FTA issued a Record of Decision (ROD), which documented its decision and findings on the landside and marine improvements. In addition, as part of the historic resources consultation

process for the EIS, the New York State Historic Preservation Officer (SHPO) issued a Determination of No Adverse Effect on December 18, 1998, conditioned upon the completion of a Phase III archaeological data recovery program along with other actions/procedures to be followed by ESDC should remnants of the Commercial Slip be encountered during the Phase III Program or project construction.

While no evidence of intact remnants of the historic Commercial Slip were encountered during archaeological investigations conducted during the EIS process, an 80-foot segment of canal wall was encountered in May 1999 as part of Phase III program. In accordance with the conditions of the No Adverse Effect determination, a subsequent consultation process and alternative assessment was conducted with the SHPO.

2.1.2 Federal Lawsuit

In October 1999, the Preservation Coalition of Erie County (PCEC) filed a lawsuit in the U.S. District Court for the Western District of New York against FTA, ESDC, and other involved agencies, seeking a preliminary injunction to halt the construction of the project from proceeding, pending the completion of a Supplemental Environmental Impact Statement (SEIS) that considered the effects on all of the historic resources present at the site.

On March 31, 2000, the Court issued a decision in the matter ordering that a SEIS be prepared on a fast track schedule, specifically focusing upon and documenting additional consultation and alternatives examined with the SHPO regarding the discovered 80-foot wall section of the Commercial Slip, which occurred after the issuance of the 1999 ROD. FTA and ESDC issued a draft SEIS in May 2000, followed by a public hearing and comment period.

At the request of Erie County and the City of Buffalo during this public comment period, ESDC agreed to reconsider certain design elements of the original project and thereafter implement the same. Accordingly, the Federal lawsuit was settled, and the May 2000 SEIS was never issued as a final document.

2.1.3 Modification of the 1999 Design

In October 2000, then Governor George Pataki announced that the State of New York would provide additional funds to the Erie Canal Harbor Project to address reconfiguration of the Hamburg Drain and to allow for a re-watering of the Commercial Slip along its historic right-of-way. Following discussions through June 2002, ESDC, the City of Buffalo, Erie County, and the Buffalo Sewer Authority entered into a Memorandum of Understanding (MOU) that allowed a portion of the project to continue (i.e., known as “Phase I”; limited to the new Naval Basin and other park improvements) while planning for modifications was undertaken. It also outlined expectations associated with such modifications, including:

- Relocating the new museum building for the Naval & Military Park and truncating the Hamburg Drain to allow for the re-watering of the Commercial Slip as a navigable harbor feature;

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- Providing a greater emphasis on Erie Canal interpretation;
 - Examining the potential to use portions of the former street pattern on the project site as part of the site’s cobblestone street circulation system; and
 - Reconfiguring a planned public plaza along the water’s edge to interpret the former location of the City’s Central Wharf.

To facilitate the agreements in the MOU, ESDC undertook a subsequent public planning process and new federal/state SEIS with agencies and local stakeholders. This led to the development of the 2004 *Erie Canal Harbor Project Master Plan*, from which the proposed action for the new SEIS was an outgrowth.

The SEIS generally focused upon what was termed “Phase II” of the project—involving completion of various marine/landside infrastructure improvements and limited heritage interpretation components—for which FTA, ESDC, and other federal/state funding was committed or programmed. It also set a basis for environmental assessment for what was termed “Phase III” of the project, which involved full build-out on all of the established future development parcels and completion of the entire program of heritage interpretation. The design of future projects on these parcels was to be guided by urban design and architectural guidelines set forth in the *Erie Canal Harbor Project Master Plan* and later codified in land use regulations in an amendment to the urban renewal plan for the City’s 1963 Waterfront Redevelopment Project (the “Erie Canal Harbor Amendment to the Waterfront Urban Renewal Plan”).

On February 6, 2005, based upon the final SEIS for the modifications to the Erie Canal Harbor Project, ESDC issued its SEQRA Findings Statement. Similarly, on February 16, 2005, FTA issued a new ROD outlining its decision on the project, its anticipated impacts, and planned mitigation measures to address such impacts. Among the mitigation measures listed in the Findings Statement and the ROD were those related to archaeological resources assessed under a subsequent Section 106/Section 14.09 historic resources consultation process with SHPO. Two agreements were entered into with regard to management of archaeological resources.

- A Programmatic Agreement between FTA, ESDC, the City, and SHPO regarding the management of resources related to “Phase II” infrastructure components. ESDC has since satisfied all of its responsibilities under this agreement.
- A Letter of Resolution (LOR) between ESDC, the City, and the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP)¹ regarding “Phase III” activities related to future build-out of established future development parcels in the Erie Canal Harbor. FTA specifically excluded itself from this agreement because it provided no funding nor had any involvement in future development on the Erie Canal Harbor site. Because no development

¹ OPRHP serves as the designated “SHPO” under federal Section 106 regulations for activities involving federal agencies. However, the term “SHPO” is not used for activities or actions undertaken by State agencies under Section 14.09 of the New York State Historic Preservation Law.

has yet occurred on the established parcels, future archaeological investigation responsibilities for the agencies that signed the LOR remain in place.

The above documents are available for review at the offices of the ECHDC.

2.2 Establishment of Erie Canal Harbor Development Corporation

In response to local calls for a development agency with a singular focus on Buffalo's waterfront (i.e., contrasting to the statewide focus of ESDC), in August 2005, at the direction of Governor Pataki, ESDC established ECHDC as a subsidiary corporation to UDC to focus upon redevelopment of Buffalo's waterfront. Its first tasks were taking over management of the Erie Canal Harbor Project construction from ESDC and facilitating the negotiations and planning to locate a Bass Pro Outdoor World Store (Bass Pro) in the Erie Canal area.

ECHDC representatives engaged an urban design/architectural consultant and, after a substantial design effort, agreed with Bass Pro to identify Benderson Development as the preferred developer for portions of the Project. The focus of its development efforts included:

- The block containing the former Memorial Auditorium (Aud Block), bounded by Main Street, Marine Drive/Scott Street, Pearl Street, and Lower Terrace Street, which had sat vacant since the opening of the HSBC Arena;
- The block containing the General Donovan State Office Building (Donovan Block), bounded by Main, Scott, Washington and the CSX railroad right-of-way, which was vacated by the State of New York agencies for redevelopment purposes;
- The Webster Block, bounded by Main, Scott, Washington, and Perry Streets; and
- The Marine Drive Parking Lot, bounded by Marine Drive, Pearl Street, the on-ramp to NYS Route 5 (Skyway) and Erie Street.
- The area termed as Phase III of the Erie Canal Harbor Project (i.e., build-out of previously established future development parcels).

2.3 2006 Re-Evaluation Report

Early on in ECHDC's discussions with Bass Pro and Benderson representatives, it became apparent that certain planned Phase II infrastructure components of the Erie Canal Harbor Project needed to be refined in response to lack of funding and/or to provide flexibility in the build-out of future development parcels. These refinements included:

- Delaying and/or eliminating the construction of the South Basin, in response to the apparent national re-programming of federal U.S. Army Corps of Engineers funding in the wake of resources needed for the Hurricane Katrina disaster that occurred in 2005;

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- Reconfiguring the interim Phase II plan for street access on the Erie Canal Harbor site, from construction of an interim access road along the Prime Slip corridor and limited restoration of portions of certain streets as interpretive elements to full reconstruction of all former cobblestone streets (i.e., Lloyd, Prime, Hanover, and West Perry streets); and
 - Elimination of a planned access road connecting to South Park Avenue in lieu of the use of West Perry Street for equivalent access through the Erie Canal Harbor site.

In December 2006, ECHDC and ESDC submitted a “Re-Evaluation Report” to FTA on these proposed refinements to the Phase II infrastructure program. This report documented that the changes would not affect the Erie Canal Harbor Project in fulfilling its purpose and need, and would not result in any new social, economic or environmental impacts that were not accounted for in the 2004 Final SEIS or the FTA’s February 16, 2005 ROD. In its response letter of January 2007, FTA concurred that the proposed refinements were sufficiently addressed by the prior environmental documents. The December 2006 Re-Evaluation Report and January 2007 FTA concurrence letter are available for review at the offices of the ECHDC.

2.4 2009 Re-Evaluation Report

As part of the City’s final design process for the Erie Canal Harbor on-site street program, a number of site-specific engineering design issues were further vetted and evaluated beyond that considered in the Erie Canal Harbor Master Plan process.

The first of these involved the alignment of Lloyd Street, given the presence of a Skyway pier essentially in the middle of the former right-of-way. During the 2004 Master Plan process, uncertainty regarding the constructability of acceptable access around this constraint resulted in a decision to designate this street for pedestrian/bicycle and limited vehicular service access only until such time when/if the Skyway is removed. However, during the final design process, it was determined that an approach to aligning access around this constraint was available that would be acceptable to the City and NYSDOT (which controls the Skyway).

The second design issue involved the planned intersection at Hanover Street and Marine Drive. During final design, it was determined that strict replication of the former Hanover Street alignment would create an angled intersection with Marine Drive, which is generally avoided where possible in modern street design. Moreover, such an alignment would conflict with the existing Main Street/Marine Drive/Scott Street intersection, particularly with existing sidewalks and bicycle paths along Main Street.

To address these issues, the following changes were proposed to the Phase Two street program. These include:

- Realignment of Lloyd Street to create access lanes around the Skyway pier to create vehicular access on Lloyd Street and provide for easier Skyway pier maintenance access;

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- Use flush curbs and paving materials to interpret the historic street path of Lloyd Street north of the Skyway pier; and
 - A slight reconfiguration of the western corner of future development Parcel No. 1 to accommodate the Lloyd Street/Marine Drive intersection; and Creation of a “T” intersection where Hanover Street would meet Marine Drive to avoid an angled intersection and conflicts with the Marine Drive/Main Street intersection and associate sidewalk and bike path.

Where the proposed alignment would deviate from strict replication of the historic alignments of each street, the road segments would be constructed out of modern materials rather than cobblestone to inform the visitor that this was not part of the historic street path.

Prior planned approaches to material selection and street management would remain unchanged.

In March 2009, ESDC submitted an additional Re-Evaluation Report to FTA on these proposed changes to the Phase II street program. This report documented that the changes would not affect the Erie Canal Harbor Project in fulfilling its purpose and need, and would not result in any new social, economic or environmental impacts that were not accounted for in the 2004 Final SEIS or the FTA’s February 16, 2005 ROD.

2.5 Sketch Planning for Canal Side Project

Concurrent with the construction phase for various Phase II infrastructure elements, ECHDC conducted sketch planning activities with Bass Pro, Benderson Development Company, LLC, other stakeholders and the public to structure a conceptual development plan for the Project. These schematic planning exercises sought to identify a site configuration and associated infrastructure components to realize a mixed-use redevelopment consistent with the 2004 *Erie Canal Harbor Project Master Plan* anchored by the following features:

- A Bass Pro Outdoor World Store and associated support facilities;
- A cultural/experience facility;
- A Public Marketplace providing opportunities for smaller retail and entertainment establishments to locate in a shared setting;
- Additional interpretive elements celebrating the historic features that once crossed the Project Area (e.g., Prime Slip, Erie Canal, Hamburg Canal, etc.);
- A variety of mixed-use support facilities such as housing, hotel, and retail developments to help facilitate the creation of a new downtown neighborhood along the Buffalo River waterfront; and
- Various water features and other public amenities.

This effort resulted in a series of conceptual site configurations, each with its associated strengths and challenges. For instance, early on, this process focused upon techniques to allow for an adaptive reuse of the Memorial Auditorium (Aud) structure to house the proposed Bass Pro Outdoor World Store. After a series of engineering, asbestos, and structural evaluations of the Aud, it was concluded that the single-purpose design of the structure as an arena would not sufficiently facilitate such an adaptive reuse without substantial reconstruction and re-engineering of the structure. Therefore, in light of the conclusions of this effort and roughly a decade of previous re-use evaluations of the Aud, it became apparent that the Aud would need to be razed to facilitate new development upon the site. This assumption was carried forward to the balance of the planning process.

ECHDC's schematic planning process ultimately led to the proposed Project (see **Section 3 - Description of the Proposed Action**) as well as feasible alternatives for the Proposed Action (see **Section 6 – Project Alternatives**).

2.6 Pre-Development Activities: Site Preparation of Memorial Auditorium and Donovan Office Building Blocks

As a result of the engineering evaluations conducted during the sketch planning efforts, ECHDC concluded that pre-construction activities for site preparation on the Aud and Donovan Blocks had to be conducted in order to facilitate a reasonable construction schedule for the Project. This decision was made in light of the long lead times necessary for items like extensive asbestos abatement and demolition efforts to allow new development on each block.

To facilitate these efforts, ECHDC led a SEQRA documentation process covering only pre-development and site preparation activities on the Aud and Donovan Blocks to facilitate the Project. Because these activities would occur prior to both final planning and SEQRA review of the full Project, this environmental review fully documented the reasons that these activities needed to occur sooner and how conducting such early actions would be no less protective of the environment. In December 2007, ECHDC issued a SEQRA “Negative Declaration” on these pre-development activities, indicating that they would result in no significant environmental impacts. The ECHDC Negative Declaration and supporting environmental documentation are available for review at the offices of the ECHDC.

Consistent with the above actions, ECHDC implemented a comprehensive asbestos abatement program for both the Aud and Donovan Buildings, and is in the process of razing the Aud.

3 DESCRIPTION OF THE PROPOSED ACTION

3.1 Project Location

The Project is located on approximately 20 acres of land (Project Area) in downtown Buffalo, and is generally bounded by the following streets (See **Figure 3-1 Project Area**):

- On the north by Upper Terrace and Exchange Streets and Perry Boulevard;
- On the west by Erie Street, Marine Drive, and Pearl (Commercial) Street;
- On the south by the Perry Street and Buffalo River; and
- On the east by Main and Washington Streets.

3.2 Project Goals and Objectives

Subject to refinement in the GEIS by the Project Sponsor, the following goals and objectives have been identified for the Project:

- Revitalize approximately 20 acres of Buffalo's Erie Canal Harbor and restore economic growth to Western New York, based on a combination of residential, commercial, open space and cultural elements;
- Foster a livable community environment through the creation of a setting for year-round, family-oriented sports, entertainment, cultural and recreational usages;
- Enhance and facilitate public access to the water's edge, including intermodal connections among waterborne, transit, pedestrian and bicycle route systems;
- Facilitate and promote private investment that contributes to the creation of a year-round destination attraction by capitalizing on multi-modal opportunities in the Project Area; and,
- Promote and incorporate design elements that celebrate the historical significance, character and uniqueness of Buffalo's famous canal district.

3.3 External Influences on the Project

The following are Project Area considerations that have shaped Project Area planning and construction.

3.3.1 Actions not included as part of the Project

- The Project would not include the installation of four historic streets (i.e., Lloyd, Hanover, Perry and Prime streets), insofar as these have been previously designed and approved under the Erie Canal Harbor Project. The streets are assumed to be constructed by the City in 2009,

as per the 2009 Re-Evaluation Report. This new street network will serve as an organizing feature for the Project.

- The Project would not include any component of the Michigan Avenue Bridge Replacement Project, which is intended to connect Buffalo's downtown with the Outer Harbor. This project, which is currently in the scoping phase to identify/explore alternative river crossing locations (i.e., no preferred crossing location has not yet been selected), has independent utility from the Canal Side Project. It will be considered in this Project's assessment of cumulative impacts.
- The Skyway traverses the Project Area approximately 100 feet above street level. Its removal is not part of this Project.
- The Project would not include the construction of a floatable control facility for the Hamburg Drain (see Section 3.3.2), which the BSA is addressing as a mitigation measure arising out of the 2004 Erie Canal Harbor Master Plan.

3.3.2 Design Constraints and Considerations

- The Hamburg Drain, an underground combined sewer overflow (CSO) conduit with an opening size of 16 feet wide and 13 feet high, a 48" water main, and additional water and sewer lines, are located within the Project Area. During construction, the operation of the Hamburg Drain, sanitary sewer and water mains must be maintained.
- The Kelly Island Sewer Pump Station, a sanitary sewer lift station, owned and operated by the Buffalo Sewer Authority, is currently located within the Project Area. The pump station would require access for daily servicing until relocated to a suitable location out of the Project Area.
- Skyway and its support piers (cast-in-place concrete on steel sheet piles) require perimeter access of 15 feet for regular maintenance. All construction under the Skyway will be subject to consultation with and approval by the NYSDOT.
- The New York State Thruway (I-190) and its support piers (steel beams) require perimeter access of 15 feet for regular maintenance. All construction under the Thruway will be subject to consultation with and approval by the NYSTA.
- Design measures must take Buffalo's weather into account – providing protection from the hot sun during summer months and from cold wind and snow during winter months.
- The NFTA Metro Rail system runs through the Project Area along Main Street. The City, in conjunction with Buffalo Place and the NFTA, is in the process of restoring two-way vehicular traffic on Main Street between Scott Street and Goodell Street. The redesign of Main Street, including relocation of the existing train station within the Project Area, is not a part of this Project, but must be taken into account and integrated with the Project design. Also, station access and rail operations must be maintained during construction activities.

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- Marine Drive Apartment residents have access to a surface parking lot along the east side of Marine Drive. Temporary/replacement parking must be maintained for Marine Drive Apartment residents during construction activities and Project operation.
 - Several entertainment and cultural venues are located within or in close proximity to the Project Area (i.e., Naval & Military Park, HSBC Arena). Pedestrian and vehicular access must be maintained to such venues during construction activities.
 - Amtrak rail services pass beneath Lower Terrace Street at the north end of the Aud Block. Rail service operations must be maintained during Project construction activities.

3.4 Historic Street Pattern and Traffic Circulation

The street pattern within the Project Area would remain largely unchanged. Where feasible, all streets would facilitate two-way vehicular traffic. In conjunction with the traffic study to be conducted for the GEIS, a new connection between Marine Drive and Erie Street/Lakefront Boulevard will be evaluated. In addition, Lower Terrace (between Pearl and Main Streets) would be abandoned by the City, and subsequently closed to traffic and incorporated into the Bass Pro development site.

An important feature of the Project would be its ease of pedestrian movement. Main Street would act as a tree-lined boulevard running through the Project Area where pedestrians could stroll past shops, cafes and apartment buildings. Marine Drive would offer access across the Commercial Slip and Prime Slip water elements. **Figure 3-2 Pedestrian Connections** depicts a diagram of pedestrian movement through the Project.

3.5 Project Components

The Project would consist 725,000 - 950,000 square feet of retail, cultural, residential, and office space on 18 development parcels within the Project Area that would be designed to evoke Buffalo's heritage as a "gateway to the west" for commerce, transportation and immigration. The Project would include approximately 2,500 to 3,000 parking spaces within the Project Area. The Project would emphasize downtown Buffalo's connection to the waterfront and Lake Erie with the construction of a network of interpretive water elements evoking the location of historic canals that once crossed the area, including segments of the Erie Canal, the Commercial Slip and the Prime Slip. Overall, the Project would provide various year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces, and increased access to Lake Erie and the Buffalo River, appealing to a wide demographic of visitors and residents.

The Project would create a series of walkable "neighborhood districts" which would be defined by the historical street grid, expansive public-access areas, and convenient, yet unobtrusive, vehicle parking options. These neighborhood districts, described in detail below, are summarized as follows (see **Figure 3-3 Places**):

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- **Family Place/Central Place** – located at the heart of the Project, this area would be anchored by Bass Pro and would include canal water features, recreational attractions, parking, and public access space for visitors;
 - **Entertainment** – home to proposed waterfront restaurants, barges and towpaths, this area would be situated between the North and South Donovan Block;
 - **Main Street** –the Project would seek to restore a vibrant Main Street corridor with shops, cafes and loft apartment residential offerings;
 - **Riverfront** – positioned on the banks of the Buffalo River, this area would respect the historic traditions of Erie Canal Harbor and the Central Wharf, while providing additional public spaces, lodging, maritime opportunities and boat docking space;
 - **Prime Slip** – this “feeder” canal would be home to an intimate environment of small-scale shops, restaurants, offices and residential apartment units, infused with local flair; and
 - **Public Market** – utilizing canopy-like protection under the Skyway overpass, seasonal vending kiosks would provide merchants and visitors space to display and peruse various goods.

In addition, two other areas in the concept plan (i.e., “Marine Drive Parking Lot Block” and “Under Thruway Blocks”) would include supporting uses.

3.5.1 Family Place/Central Place District (Aud Block)

This District would be bounded by Lower Terrace, Pearl Street, Main Street and Marine Drive. Where the Aud once stood would be Bass Pro, the anchor tenant of the Project. The outdoor sporting goods store would be designed to resemble a canal-era warehouse. Design features, in line with architectural guidelines that will be developed for the Project, would include the Bass Pro signage and peaked roofs. In front of Bass Pro would be an above-grade, water feature evoking the alignment of the Erie Canal and Commercial Slip (i.e., which once crossed the Block). The canal would be constructed above-grade to avoid impacting operation of the Hamburg Drain.

A landmark of the Project would be near the intersection of Pearl Street and Perry Boulevard with cascading water reminiscent of canal era locks that would flow into the canal, and include a billboard. This would become a central point of circulation providing vehicular drop-off, connecting the various levels of the Project, and access to a bridge connecting to parking on the Marine Drive parcel.

Across from Bass Pro and the canal, the cultural facility would be built at grade with Pearl and Scott streets and covered by a large public green along the canal features. The green would provide direct access to Bass Pro and Marine Drive. Also, a subterranean corridor (“water tube”) between Bass Pro and the cultural facility would be installed where visitors could be surrounded

by an underwater interpretive display. Next to the cultural facility would be a retail development anchoring the start of the Prime Slip (See **Figure 3-4 Family Place/Central Place**).

3.5.2 Entertainment District (North and South Donovan Block)

The Entertainment District, largely made up of the Donovan Block, would be bounded by the I-190, Washington Street, Main Street, and Scott Street (See **Figure 3-5 Entertainment District**). This block would feature a reconfigured Donovan Building, which would be augmented and clad in a style consistent with Project design guidelines (being developed), and would be reused to house retail, office, and possibly hotel space. The remodeled Donovan Building would have the ground story extended to eliminate most of the setbacks that currently surround the building. The existing surface parking spaces along Washington Street, adjacent to the North Donovan Block, would remain.

South of the remodeled Donovan Building would be a water element evoking the former Erie Canal serving as the focal point of the Entertainment District, where waterfront restaurants and nightlife would be located. This canal would appear to flow under Main Street and connect to the canal west of Main Street. Surrounding the canal on this block would be boardwalks for pedestrian and commercial use. Located at the terminus of the canal would potentially be one of the historical highlights of the Project, a Liberty Pole reminiscent of the original constructed in 1838 that symbolized American independence. On the South Donovan Block, across the canal from the Donovan Building, would be an additional development parcel with first-floor retail space.

3.5.3 Main Street District (Webster Block)

This District would be bounded by Scott Street, Washington Street, Perry Street and Main Street. The Webster Block would be dominated by structures that front on Main Street and Perry Street to create a pedestrian-friendly atmosphere of boutiques, cafes and loft apartments. With the Metro Rail easily accessible, this district would provide a welcoming gateway into the Project Area to those coming from other areas of Buffalo to work, live and play. A parking structure would be situated behind the buildings, thus hidden from Main Street and accessible from Washington Street. The buildings would house residential and office space with first-floor retail space. (See **Figure 3-6 Main Street**).

3.5.4 Riverfront District

This District would front on the Buffalo River, and is located on the south end of the Riverfront Esplanade. This District would potentially have a hotel/office/residential building. (See **Figure 3-7 Riverfront Esplanade**). The District would include ample open public space for a variety of recreational activities and public events as well as additional boat docking space along the Buffalo River. Some or all of this additional dock space, as well as support spaces, may be allocated to Bass Pro, which would require 30 to 40 boat slips as part of the Project. It is possible that some of these boat slips may be located in the Commercial Slip.

3.5.5 Prime Slip District (Erie Canal Harbor Parcels)

This district would be centered on a water element evoking a re-watered Prime Slip and would be bordered by Lloyd Street, Marine Drive, Main Street and Prime Street. (See **Figure 3-8 Prime Slip Shops**). “Streets” would cross the Prime Slip water element at Prime Street and Scott Street to facilitate vehicular and pedestrian movement, offering a “bridge-like experience”. Small-scale shops and community gathering space would dominate the area, along with covered walkways over the Prime Slip to enhance the year-round use and enjoyment of the Project.

On the block between Lloyd and Hanover streets, two complexes to be devoted to ground-level retail with office or residential above would straddle the Prime Slip on each side of the Skyway. They would form a cohesive space, potentially covered, with glass roofs over the Prime Slip for the benefit of pedestrians strolling along the canal’s boardwalks.

Similarly, the development on the block between Hanover and Perry streets would house ground-floor retail with residential or office space above. On the other side of the Skyway would be a complex of buildings with peaked roofs which would contribute to the Main Street District’s neighborhood atmosphere by housing a mix of uses with ground-floor retail. It is anticipated that on-street parking spaces would be located on Prime, Hanover and Main (between Scott and Perry) Streets.

3.5.6 Public Market District

Stretching from Pearl Street to the terminus of Main Street, the Public Market District would utilize the cover of the Skyway deck to provide a year-round marketplace for vendors to sell goods and produce at kiosks (See **Figure 3-9 Public Market**). Also, the underbelly of the Skyway offers artistic opportunities with the potential to install lighting displays or murals. NYSDOT will be consulted with respect to all uses and improvements under the Skyway.

3.5.7 Marine Drive Parking Lot Block

This block is located at the juncture of Pearl Street and Marine Drive. At that corner, fronting on Pearl Street and Marine Drive, would be a development parcel. Behind that structure would be a parking structure.

3.5.8 “Under-Thruway” Blocks

Underneath I-190 at the northern-most end of the Project Area are two parcels on either side of Main Street that would provide opportunities for additional parking and retail use. On the parcel at Main Street and Lower Terrace would be a small structure for retail use and an adjoining surface parking lot. On the opposite side of Main Street there would be another small structure for retail use with an adjoining surface parking lot.

3.6 Project Phasing and Timing

The initial phase of the Project would be the build-out of the Aud, Donovan and Marine Drive blocks. It is anticipated that this phase would include: 1) on the Aud Block: construction of Bass Pro with associated parking, the cultural facility, the adjacent retail complex, and public

environment; and 2) on the Donovan Block: renovation and redesign of the Donovan Building, the public environment, and retail/office structure; and 3) on the Marine Drive Block: the parking structure (retail to follow). The Erie Canal water features, not including the Prime Slip, would be constructed during the initial phase. Subsequent phases would be the market-driven build-out of the Webster Block, Erie Canal Harbor Parcels, Main Street Harbor Block and “Under Thruway” Blocks.

Assuming that appropriate funding would be available and there would not be any unanticipated delays, the initial phase of the Project would be completed by Memorial Day, 2011 with the exception of the interior space of the cultural facility which would be completed by the end of Fall 2011. The remainder would be built out in accordance with a schedule to be agreed to by ECHDC and, in part, would be based on market demand and other economic factors.

4 ENVIRONMENTAL REVIEW PROCESS

4.1 What is a Generic Environmental Impact Statement?

Agencies may prepare a GEIS when there is a need to assess a wide variety of impacts at a more conceptual level on a larger geographic area, often including cumulative impacts, rather than on a more project-specific or site-specific basis in a conventional EIS. GEISs that are prepared before development or other activities are proposed give agencies an opportunity to plan their future courses of action to avoid or mitigate such impacts. A GEIS may include site-specific analyses for components of a proposed project that are well defined, and establishes thresholds for impacts of project elements that are more conceptual and/or are not fully developed at the time of the assessment.

By addressing cumulative impacts and adopting mitigation measures and thresholds for future development and actions upfront, the use of a GEIS at the planning stage can establish a framework that fully addresses potential environmental impacts and substantially reduces SEQRA documentation requirements as new construction actually comes on-line.

Because the Project is based upon a conceptual development plan involving both well defined elements (e.g., Bass Pro, cultural facility, public infrastructure) and certain components that would be designed and developed in the future as part of a market-based build-out, it was determined that a GEIS was the most appropriate way of addressing the environmental review.

4.2 Steps in the Review Process

The SEQRA process for the Project will involve the following steps:

- A Scoping Process was initiated to identify the issues/methodologies to be used to evaluate potential impacts resulting from the Project (i.e., the “Proposed Action”). As part of this process, Agency and Public Scoping Meetings were held to solicit comments and concerns from various agencies, interest groups and individuals regarding the Proposed Action. In addition to comments received at the scoping meeting, a written comment period was opened. Comments received during the Scoping Process are addressed, as appropriate, in this Final Scoping Document and the Draft GEIS (DGEIS).
- ESDC will prepare a General Project Plan (GPP) in accordance with its public review requirements under the NYS Urban Development Corporation Act. The GPP will set forth, in detail, the components for the Project (i.e., consistent with the descriptions outlined in this document), funding sources, and expected results from development of the Project.
- ESDC and ECHDC will facilitate the preparation of the DGEIS to analyze potentially significant adverse impacts that may result from the Proposed Action, and will address issues identified during the Final Scoping Document. In addition, the DGEIS will document assumed thresholds and review procedures for assessing environmental impacts for less-

defined project elements, as well as measures designed to mitigate any potential significant adverse impacts.

- After the ESDC Board of Directors determines that the DGEIS is complete, a Notice of Completion for the DGEIS will be distributed by ESDC in accordance with SEQRA requirements and published in ENB. Copies of the DGEIS will be made available pursuant to 6 NYCRR 617.12(b) and placed on the internet. One or more public hearings will be held to solicit comments on the DGEIS and GPP, upon the provision of statutorily mandated notice (notice will be published in appropriate local newspapers at least 14 days in advance), thereby initiating a minimum 30-day-long public comment period on the GPP and DGEIS. Such notice will also indicate the time and location of a Public Hearing that will be held to receive comments on the documents. Written comments in addition to or in lieu of comments received at the Public Hearing will be accepted during a comment period.
- Following the close of the comment period on the GPP and DGEIS, all comments received in writing and at the public hearing will be reviewed and incorporated into the Final GEIS (FGEIS) for the Proposed Action, including all necessary revisions, additions, and clarifications to the document, as well as categorized responses to comments received.
- Once deemed completed by the ESDC Board of Directors, a Notice of Completion of an FGEIS will be distributed by ESDC, and published in the ENB.
- Following a minimum 15-day period after the publication of the Notice of Completion for the FGEIS, a Statement of Findings in accordance with SEQRA will issued by the ESDC Board of Directors and filed with all involved state/local agencies completing the SEQRA documentation on the Proposed Action. In turn, the ESDC Board will affirm the GPP with any necessary refinements and/or revisions, if necessary.
- Following the issuance of a Statement of Findings and affirmation of the GPP, the Project will be reviewed by the NYS Public Authorities Control Board (PACB).
- Assuming PACB approval, final design and construction of the first phase of funded Canal Side components will commence.
- As future development components envisioned under the Project are fully defined and designed, they will be reviewed against the thresholds and assumptions outlined in the FGEIS and Findings Statement. If the scale and characteristics of such future development is consistent with such standards or thresholds, no further documentation will be required under SEQRA. Should a particular component, when fully designed, exceed any threshold or standard established in the FGEIS or be determined to potentially result in a impact not considered in the FGEIS or Finding Statement, an Environmental Assessment (EA) or a Supplemental EIS will be prepared to address such issues.

5 PRELIMINARY SCOPE OF THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

The DGEIS will provide a clear and concise overview of the Proposed Action and its purpose; the underlying public need and benefits; the existing environmental setting; potential environmental impacts and mitigation measures; and alternatives considered in defining the Project. The following sections outline the key information to be addressed in the DGEIS. As appropriate, this section identifies the potentially significant adverse impacts associated with the Project, the extent and quality of information needed to address each impact, and the initial identification of mitigation measures.

5.1 Description of Proposed Action, Purpose, Public Need, and Benefits of the Proposed Action

In this section, the DGEIS will review the background and history of the Project, focusing upon the conditions and circumstances that led to consideration of the Proposed Action and its preferred form.

This section will include a statement of the goals and objectives underlying the efforts of the ECHDC to sponsor, undertake, and fund the activities associated with the Project. It will also describe the public need for the Project, including an overview of the social, economic and/or environmental benefits anticipated to occur from the proposed action.

5.2 Cultural Resources

Because the Project would involve the expenditure of State funds, it must be evaluated for its potential effects to cultural resources (i.e., historic structures and archaeological resources) that are on or eligible for the State and National Registers of Historic Places (S/NRHP) in accordance with Section 14.09 of the NYS Historic Preservation Law. Preliminarily, it has been determined that the Project may have a significant adverse impact upon cultural resources. The SEQRA process will jointly serve as the framework for required consultation with OPRHP for these efforts.

Based upon prior consultation with OPRHP, it has been determined that there are no standing structures within the Project Area that are on or eligible for the S/NRHP. However, two S/NRHP-Listed structures are in near proximity to the Project Area, including the USS The Sullivans moored just west of the Commercial Slip, and the Edward M. Cotter Fireboat situated on the Buffalo River at Michigan and Ohio Streets. One S/NRHP-eligible structure exists in an adjoining area, the Phoenix Die Casting property at South Park Avenue and Illinois Street. In addition, the area adjoining the east side of the Project site is the Cobblestone District, a locally designated historic district. The DGEIS will document the compatibility of the Project with these adjoining areas.

With regard to archaeological resources, a number of past investigations have been conducted on various portions of the Project Area. Previous consultations with the SHPO have determined that resources on certain parcels comprise an archaeological district that is eligible for the S/NRHP consisting of: the archaeological remains of the Commercial Slip; the prehistoric or pre-contact archaeological resources encountered within the Project Area; 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 S/NRHP.

ECHDC has submitted a draft Phase IA Cultural Resources Investigation to OPRHP that assimilates and compiles the information from various past investigations and identifies sensitive areas in the Project Area with regard to archaeological resources. The DGEIS will summarize the results of this report (upon acceptance by OPRHP) and identify future efforts to manage S/NRHP-eligible resources in the Project Area.

As previously discussed, ESDC and the City are parties to a 2004 Letter of Resolution (LOR) that outlines archaeological management issues regarding build-out of future development parcels on the Erie Canal Harbor Project site (i.e., which comprises a portion of the Project). To mitigate any potential impacts to archaeological resources, the DGEIS will discuss undertaking construction activities according to procedures outlined in the LOR, which are tailored to the types of archaeological resources that may be impacted.

In terms of impacts to historic structures, as noted above, there are no standing structures within the Project Area that are on or eligible for the S/NRHP. Nonetheless, programming that is inconsistent with historical design features of the Erie Canal could have an adverse impact upon historical resources. In order to mitigate any such potential adverse impacts, architectural design guidelines would be developed consistent with the principals set forth in the 2004 *Erie Canal Harbor Project Master Plan* and the Erie Canal Harbor Amendment to the Waterfront Urban Renewal Plan, adopted by the Buffalo Common Council in March 2005. The intention of such guidelines would be to define characteristics, relationships, and coherence of Project features with adjoining downtown development in order to create a lively, mixed-use, urban environment. In addition to the design guidelines, ECHDC would establish an architectural design review committee to evaluate final Project designs and ensure that private investments adhere to the spirit of the design guidelines.

5.3 Visual Resources

The Project has the potential for a significant visual impact. The DGEIS visual impact assessment will describe building heights, scale, bulk and design elements of surrounding structures as well as their relationship to Lake Erie and the Buffalo River. Any potential changes to physical attributes or view corridors resulting from the Project will be described. The analyses will reference the forthcoming design guidelines noted in Section 3.5, and use the following techniques to help understand potential impacts to visual resources.

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- Photographic documentation of specific locations in the Project Area that may be impacted, including the Marine Drive Apartments, Donovan Office Building and development parcels in the Erie Canal Harbor site.
 - Graphic simulations of the identified alternatives depicting potential visual impacts that may affect the specified view corridors;
 - Written descriptions of visual relationships between each alternative and its impact to surrounding areas; and
 - Visual impacts will be assessed using NYSDEC guidelines, *Assessing and Mitigating Visual Impacts* (2000).

Preliminarily, it is anticipated that implementation of the Project would result in overall long-term beneficial impacts to the visual quality of the Project Area. These improvements would build upon those realized in earlier phases of Erie Canal Harbor development. The visual character would reflect a variety of experiences reminiscent of the historic development characteristics that were once present on the site. It would also include new buildings and street walls similar in scale and massing to previous development on the site during the Erie Canal era. In order to ensure this outcome and to mitigate against development that could be inconsistent with historic programming, all development will be evaluated against Project Area architectural design guidelines.

5.4 Land Use/Development Policies

ESDC is in discussions with the City of Buffalo to determine whether the Project would be exempt from local land use controls. Whether the Project is exempt or not, the DGEIS will document the Project's consistency with established land use policies and plans. This will include an assessment of the components of the Project with the overall policies of documents including, but not limited to the following:

- *The Master Plan for the Erie Canal Harbor Project, 2004;*
- *The City of Buffalo 1963 Urban Renewal Plan for the Waterfront Development Project, as amended through 2005;*
- The City of Buffalo Zoning Ordinance;
- *The City of Buffalo Queen City Hub Plan, Volumes 1 and 2;*
- *The City of Buffalo Comprehensive Plan;*
- *The City of Buffalo Waterfront Corridor Initiative;*
- *Niagara River Greenway Plan;* and
- *Draft Buffalo Olmsted Park and Parkway 20 Year Management and Restoration Plan.*

The DGEIS also will assess how implementation of the Project would result in long-term changes to on-site land uses and development controls. Overall, the land development pattern that would be established with the Project would logically arrange uses into mutually supportive elements. This arrangement of uses in initial Project phasing would allow for redevelopment of the balance of the Project Area in later phases for a mix of uses with a complementary theme commemorating the location as the original terminus of the Erie Canal.

5.5 Social and Economic Issues

5.5.1 Community Character

Currently, the Project Area is largely undeveloped. The Project has potential to fill a role that is lacking in the community: to attract people to the waterfront year-round and to capitalize on the crowds already coming to the waterfront for events at the HSBC Arena and Coca-Cola Field, visitors to existing waterfront attractions such as the Naval & Military Park, and workers at area businesses such as HSBC Bank and The Buffalo News.

The Project is intended to create an urban design plan that supports a lively, mixed-use neighborhood. The urban design plan would create an authentic sense of place that builds on the history of the Project Area and reinforces design guidelines established for the Erie Canal Harbor Project. According to the 2004 Master Plan, the uses proposed in the Project, such as museum facilities, restaurants, retail, offices and housing would add to the character and vitality of the Erie Canal Harbor. The DGEIS will analyze the beneficial impacts on community character likely to result from the Project's establishment of walkable, livable neighborhoods that provide year-round activities and amenities.

5.5.2 Socioeconomic Impacts

The DGEIS will provide a demographic/socio-economic characterization of the region, including trends in population and households, as well as employment and income data, largely pulled from prior area EISs. This data will be supplemented with 2000 Census data to reflect the entire Project Area.

Expenditure of funds for planning and construction of the Project would have two types of effects on the economy: direct effects and indirect effects. Direct effects would include the jobs created by the construction efforts, the earnings of the contractors that are hired to do the work or supply the materials to be used, and the earnings of their employees. Indirect effects, also known as multiplier effects for their wider impacts, occur as construction workers, managers, and owners make purchases with their new income, and as the materials suppliers purchase more raw materials and perhaps hire additional workers, and so on. Many of these new purchases would be made locally, others would occur outside the region. Additionally, after construction, the Project would provide jobs, economic stimulus and tourism.

These direct and indirect impacts of the Project will be estimated based on the Project's anticipated construction cost and construction employment. An estimate of these secondary effects will be made using a national economic input-output model developed by the Bureau of

Economic Analysis, customized for the Erie/Niagara County region. In addition, operational impacts will be projected based upon the number of jobs and the salary levels derived from anticipated build-out. This impact analysis will be based on Project usage, not specific retailers, except for Bass Pro which is the only confirmed retailer for the Project.

By enhancing the appeal of the Erie Canal Harbor area, particularly if completed in conjunction with other development efforts in the vicinity, a synergy can be created that could lead to growth in economic activity from both tourism and from property value increases.

Lastly, the DGEIS will evaluate whether the Project will have any disproportionately high human health or environmental effects on minority and/or low-income populations. Demographic information will be used for the analysis. Appropriate mitigation measures, if required, will be formulated and discussed in the DGEIS.

5.6 Water Resources

5.6.1 Surface and Groundwater Resources

The DGEIS will generally describe surface and groundwater resources within the Project Area based on available public information, including any known instances of groundwater contamination. The DGEIS will locate and describe all surface water features within the Project Area (i.e., Buffalo River, Lake Erie). The primary water body in the Project Area is the Buffalo River. The Project Area is located along the lower portion of the Buffalo River near its point of discharge into Lake Erie. The river generally flows from east to west and its watershed drains an area of almost 446 square miles. It has three main tributaries, Cazenovia Creek, Buffalo Creek, and Cayuga Creek.

The Project could result in potential water quality impacts to the Buffalo River that may result from fueling and boat maintenance activities, soil erosion and sedimentation during construction. The Project would also include construction of boat slips and the installation of floating docks. Impacts related to these features will be discussed.

In addition, the DGEIS will explore ways to communicate to residents and the visiting public restrictions on swimming in and consuming fish from the Buffalo River.

The Project also calls for the create of man-made water elements throughout the Project Area. The DGEIS would include details on the water features, including construction, maintenance, dimensions, the source of water (lake water or City water) for the water features as well as how the water would be serviced and/or recycled.

To analyze these potential impacts, the DGEIS will describe and illustrate existing site drainage conditions in regards to storm water management and any floodplain areas. The DGEIS will further describe effects and applicable procedures/permitting requirements to ensure that future development does not adversely affect such resources.

In order to mitigate effects on water quality during construction, a Soil Erosion and Sediment Control Plan will be developed, consistent with the State Pollution Discharge Elimination System (SPDES). The permitting process for the Project will include the filing of a joint permit application with USACE and NYSDEC, if necessary, to address potential impacts associated with the installation of additional floating docks and marine facilities (e.g., pump out, fueling). As part of the overall permitting process required for implementation of the Proposed Action, NYSDEC will review the construction and operational procedures associated with the plan to ensure that it is consistent with the policies contained in the Buffalo River Remedial Action Plan.

5.6.2 Floodplain Management

A narrow portion of the Project Area is located within the 100-year floodplain as delineated by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRM). To mitigate potential increased flood risks given the Project Area's waterfront location, all development would be done in accordance with established City of Buffalo floodplain regulations.

5.7 Coastal Zone Management

A portion of the Project Area, including the Marine Drive Apartments parking lot and Erie Canal Harbor site, lies within the New York State Coastal Zone Boundary. The DGEIS will include an assessment of the consistency of Project components within the coastal zone with State of New York Coastal Policies. The DGEIS will not evaluate the Project's consistency with the City of Buffalo's draft Local Waterfront Revitalization Program, as it has not yet been adopted.

5.8 Transportation

The Project has the potential to adversely impact the traffic network. The DGEIS will include a comprehensive analysis of the roadway network within the Project Area that will determine potential traffic patterns and intersection operations that would result from the traffic flows generated by the Project. The analysis will account for traffic origins and destinations within the Project Area roadway network, and will include an analysis of various roadway directional patterns (including an assumption that Pearl Street will be converted to two way traffic north of Upper Terrace Street) to identify an operational scenario that best serves the traffic circulation needs. The traffic analysis will qualitatively analyze four peak period scenarios including Weekday PM, Weekday PM with an event, Saturday PM, and Saturday PM with one event. The analysis will include a discussion of areas with potential traffic impacts (if any), and will include potential mitigation measures aimed at best facilitating traffic access to, from and within the Project Area.

Given the Project's goals to support the existing urban street grid and the desire to create a more "urban setting," a higher volume to capacity traffic Level of Service (LOS), or degree of traffic congestion, may be acceptable as a trade-off for enhanced character in the Project Area. The ECHDC will coordinate with the Greater Buffalo Niagara Regional Transportation Committee (GBNRTC) to ensure that the most current data is utilized for modeling purposes. Also, ECHDC

will consult with the NYSDOT and City Department of Public Works, Streets and Parks (DPW), as necessary, to ensure acceptable traffic operational levels are met. ECHDC will also consult with the NFTA regarding potential impacts to the LRRT, which runs along Main Street. In addition, relevant traffic studies from adjacent projects and developments will be utilized to assist in the analysis of future traffic patterns and impact identification. The DGEIS will evaluate any proposed street improvements for consistency with the City's Complete Streets Ordinance .

The DGEIS will review proposed Project needs against parking requirements in applicable regulatory documents. The DGEIS will qualitatively address pedestrian circulation in and through the Project Area, and will take into account the various levels of pedestrian movement through Project features such as the proposed tunnel underneath the water feature and the pedestrian bridge connecting the Marine Drive parking structure to Bass Pro on the Aud Block.

5.9 Public Health and Safety

5.9.1 Hazardous Waste / Contaminated Materials Assessment

Prior investigations associated with the Erie Canal Harbor Project and other prior projects indicated the need for soils management programs to address disposal of landside excavation. These documents indicated the presence of contaminated, but not hazardous, soils on sites in the Project Area. The DGEIS will review and summarize publicly-available hazardous materials reports prepared that are relevant to the Project Area including:

- *Buffalo Inner Harbor Soil Characterization Study, 1994*
- *Final Site Investigation, Buffalo Inner Harbor Development Project, 1998*
- *Draft Hazardous Waste/Contaminated Materials Screening Report, Inner Harbor and Waterfront Development Transportation Infrastructure Facility, 2003;*
- *Phase II Environmental Site Assessment, Webster Block Property, August 2000;*
- *Summary of Test Pit Investigation Findings, Webster Block Property, Buffalo, New York, July 2001;*
- *Environmental Record Site Preparation Activities at 125 & 140 Main Street, Buffalo, New York, December 2007;*
- *Phase I Environmental Site Assessment for the Buffalo Memorial Auditorium, 130 Main Street, Buffalo, New York, August 2006; and*
- *Survey for Asbestos Containing Materials for Buffalo Memorial Auditorium, 140 Main Street, Buffalo, New York, September 2006.*

Potential impacts of the Project would be limited to the construction phase, and would result from potential exposure to on-site workers and disposal of contaminated fill materials. The DGEIS will outline future procedures for the investigation and/or management of soils associated with subsequent development, such as implementation of a Soils Management Plan approved by NYSDEC to deal with fill materials in the Project Area during construction. Such processes will be derived from applicable procedures under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), regulations/guidance promulgated by the Occupational Health and Safety Administration (OSHA), as well as New York State Department of Environmental Conservation (NYSDEC) regulations.

5.9.2 Public Safety

Several Project elements would be located under or in close proximity to elevated highway structures (i.e., Skyway, I-190). A potential exists for debris (e.g., snow, hubcaps) to fall from elevated highway structures. As part of the DGEIS, coordination will be conducted with the NYSDOT and NYSTA to identify best practices for mitigating or minimizing potential safety risks to workers and visitors in these areas of concern.

5.10 Community Facilities

The DGEIS will discuss the potential for significant adverse impacts generated by the Project on community facilities and services (i.e., police, fire, solid waste management, etc.) and the resources of the entity providing the services. The ECHDC will consult with the City of Buffalo Police Department, Fire Department and Department of Public Works, Parks & Streets to address the adequacy and capacity of existing services and facilities. The results of these consultations will be documented.

5.11 Utilities

The DGEIS will discuss the potential for significant adverse impacts, if any, as a result of improvements necessary to connect the Project elements to existing public utilities. Impacts to the following utilities will be described: gas, electric, telephone, cable, fiber optics, public water, and sanitary/storm sewers. In particular, the DGEIS will analyze Project-related sewer flow data to determine impact on sewer system capacity.

Impacts of the Project to utilities would also be associated with the relationship of new underground facilities to existing infrastructure on the Project site, particularly the Buffalo Skyway and I-190. Placement of any underground utility lines should not come closer than three feet from footers of Skyway and I-190 piers. The existing drainage system for the Skyway and I-190 (downspouts piping into storm sewer) will be incorporated into any changes associated with the final drainage design for the Project. Also, because the Hamburg Drain will not be moved for this Project, it must not be impacted by Project construction and the ability to maintain this infrastructure must be sustained.

Any required mitigation measures or future review procedures to offset or lessen potential impacts will be identified.

5.12 Air Quality

The Project would likely result in land uses that are less intensive with regard to air quality than those that would be permitted under existing Project Area land use regulations; particularly those that permit industrial uses. The DGEIS will document and qualitatively assess the implications of the proposed land use changes on air quality.

Given the development of the Project and associated vehicular traffic, there may be a potential for air quality effects at key intersections associated with ground-level concentrations of carbon monoxide (CO) associated with vehicular exhaust. The DGEIS will include an air quality mobile source analysis using guidelines provided in the NYSDOT Environmental Procedures Manual (EPM). The analysis will evaluate whether the Proposed Action will require a quantitative CO intersection analysis using screening procedures outlined in the NYSDOT EPM. If the results of the screening analysis indicate that detailed analyses are required, the DGEIS will include a CO microscale analysis at the “worst-case” intersections comparing future Proposed Action and No Build conditions.

Global climate change is emerging as one of the most important environmental issues of the 21st Century and greenhouse gas (“GHG”) emissions are an important environmental concern. NYSDEC recently issued a draft policy addressing the assessment of GHG emissions in environmental impact statements (“Draft Policy”). As explained in the Draft Policy, there are six main GHGs: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Fuel combustion accounts for approximately 88% of total GHG emissions. Additional GHG sources include electricity distribution, refrigerant substitutes, the management of municipal waste, municipal waste water and agriculture, and natural gas leakage. Most of these are not relevant to the Project. In addition, fuel efficiency, sustainability and low impact development approaches will be analyzed in the energy consumption section of the DGEIS. Thus, the Project will not be a significant source of GHGs and the DGEIS will not include a GHG assessment.

5.13 Noise

The DGEIS will summarize applicable NYSDEC and City of Buffalo noise ordinances as well as performance measures specifically contained in existing City of Buffalo regulations governing the Project Area. The implications of proposed land uses and associated performance measures related to noise will be documented and qualitatively assessed.

5.14 Physical and Ecological Resources

The Project Area is situated in an urban area. Based on an earlier survey documented in the SFEIS for the Erie Canal Harbor Project, the Project Area does not contain any Federally-listed endangered or threatened species or any critical habitat areas.

The Project Area is located within one mile of a New York State Significant Coastal Fish and Wildlife Habitat area, the now-closed Times Beach confined disposal area (CDF) (now a proposed nature preserve located 1,500 feet to the southwest) and the North Buffalo Harbor Area (within 3,500 feet of the site).

The DGEIS will assess any potential impacts to fisheries and fish habitat due to the construction of the water features, boating facilities and boat slips.

5.15 Open Space/Recreation

Portions of the Project Area are currently used for recreational purposes or as public open space. This includes the public plaza adjacent to the Commercial Slip, constructed in an earlier phase of the Erie Canal Harbor Project to interpret the former location of Buffalo's Central Wharf. The DGEIS will evaluate the Project's impacts upon recreational and open spaces in, and in the vicinity of, the Project Area. The Project may have positive impacts to open space and recreational resources because it would create additional open space and public access areas, particularly along the water features and waterfront.

5.16 Construction Impacts

Construction impacts, though usually temporary, can result in noticeably disruptive effects. Estimation of their significance and whether mitigation would be required is generally based on the duration and magnitude of the impact. Likely construction-phase impacts could include localized and temporary noise and air quality impacts, and traffic congestion and re-routing traffic to the nearby street network.

Construction period impacts of the project alternatives will be described based on construction phasing and scheduling assumptions, and reasonable and feasible mitigation measures will be identified in the DGEIS. Many of these impacts can be mitigated to a great extent in accordance with state and federal regulations. For example, short-term noise impacts associated with construction-related vehicles will be mitigated through adherence to local and Federal regulations and standards during the construction phase. Construction noise is regulated by Chapter 293-4(I) of the Charter and Code of the City of Buffalo, and by EPA emission standards for construction equipment. Also, construction-related air quality impacts would be limited to short-term increases in fugitive dust and mobile source emissions. In order to minimize the amount of carbon monoxide (CO) generated from motor vehicles emissions, every effort will be made during the construction phase to limit disruption to traffic, especially during peak travel periods. Discussion will be provided of site inspection procedures to be implemented to assure that construction activities are being completed in accordance with permit requirements.

All construction activities will be coordinated with the NYSDOT and NYSTA to ensure the continued integrity and access to the Buffalo Skyway and I-190 piers. Activities will be administered through NYSDOT and NYSTA Temporary Occupancy/Use and Highway Work

Permit Programs. In addition, ECHDC will consult with NYSDOT and NYSTA regarding the development parcels under the Skyway and I-190 to resolve maintenance and liability issues.

5.17 Cumulative Impacts

A cumulative impact is an impact on the environment that could result from incremental impacts of a proposed action when added to other past, present, or reasonably foreseeable future actions by other entities separate from the proposed action. Cumulative impacts can result from individually minor but collectively significant actions that take place over time.

In the case of the Project, certain concurrent yet independent initiatives are in various stages of planning that would be considered in the DGEIS as part of the cumulative impact assessment. These would include but are not be limited to:

- Planning for a potential local-access bridge over the Buffalo River connecting the Inner and Outer Harbor areas;
- The City of Buffalo’s *Main Street Multi-Modal Access and Revitalization Project* (aka, “Returning Cars to Main Street” project);
- The Seneca Nation’s development of the Buffalo Creek Casino complex (construction currently on hold);
- The City of Buffalo’s planned re-aligning of Erie Street west of Lakefront Boulevard;
- The City of Buffalo’s potential extension/connection of Marine Drive to the Erie Street-Lakefront Boulevard intersection;
- City of Buffalo development projects in the Erie Basin Marina/Waterfront Village area (i.e., proposed hotel adjacent to Erie Basin Marina);
- Various current or future development projects in the Cobblestone Historic District; and
- Adaptive reuse of the NFTA’s Delaware Lackawanna & Western terminal building at Main Street and South Park Avenue.

The cumulative impact assessment will include a qualitative analysis of the relationship and implications of such projects when added to the Project, noting any future environmental documentation efforts to be conducted with such foreseeable projects when substantially defined. Elements included in this assessment will only involve projects which have advanced to an appropriate level of detail to warrant consideration.

5.18 Mitigation Measures

Preliminary mitigation measures are identified throughout the discussion above. Additional reasonable and feasible measures may also be identified in the DGEIS to avoid, mitigate, or lessen the severity of anticipated adverse environmental impacts identified through the analyses for each impact category. The assessment of potential mitigation measures will include:

-
- A concise description of the manner in which each measure would be anticipated to mitigate the targeted impact;
 - Quantification, to the extent practical, of the degree to which each measure would mitigate the targeted impact;
 - Assignment of responsibility to implement the identified mitigation measures;
 - A preliminary estimate of the incremental cost to implement each measure, if applicable; and
 - An assessment of the overall feasibility of mitigation implementation.

In particular, the Project proposes to establish and design review committee and design guidelines to ensure development would follow appropriate urban form/design as well as be compatible with historic programming within the 12.5-acre area of the Erie Canal Harbor site.

5.19 Irreversible and Irretrievable Commitments

The DGEIS will identify any irreversible and irretrievable commitments of environmental resources that cannot be avoided or adequately mitigated.

5.20 Growth-Inducing Aspects

The DGEIS will discuss any growth-inducing aspects of the Project.

5.21 Use and Conservation of Energy

The DGEIS will discuss the impacts of the Project on the use and conservation of energy. Also, sustainability and energy efficient features will be considered in Project development and implementation consistent with Executive Order 111 which is applicable to the public spaces within the Project Area and directs state agencies including ECHDC to consider design guidelines for the construction of "Green Buildings" and, to the extent applicable, Executive Order 4 which addresses green procurement.

5.22 Required Permits and Approvals

Permits, approvals and other discretionary actions may be required from the following governmental agencies for Project implementation:

U.S. Army Corps of Engineers

- Permit for structures and work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act
- Clean Water Act 404 Permit for discharging of dredged or fill material in waters of the United States

New York State Department of Environmental Conservation

- SPDES General Permit for Construction Activities

-
- Floodplain Development Permit, 6 NYCRR 500
 - Section 401 Water Quality Certification
 - Petroleum and/or Chemical Bulk Storage Permits

New York State Department of State, Division of Coastal Resources

- Coastal Zone Consistency Certification, 19 NYCRR 600

New York State Office of General Services

- Grant of an easement, lease, permit or lesser interest for structures such as docks and piers located in navigable waters in accordance with 9 NYCRR 270

New York State Department of Transportation

- Highway Work Permit authorizing work within NYS highway right-of-way, Highway Law, Article 3, Section 52
- Transfer of Real Property interests to ECHDC or other Project participant

New York State Thruway Authority

- Highway Work Permit authorizing work within NYS highway right-of-way, Highway Law, Article 3, Section 52
- Transfer of Real Property interests to ECHDC or other Project participant

New York State Office of Parks, Recreation, and Historic Preservation

- Consultation in compliance with Section 14.09 of State Historic Preservation Law

New York State Public Authorities Control Board

- Approval of Project financing and construction, Public Authorities Law Section 51

Empire State Development Corporation

- Approval of General Project Plan

Erie County Health Department

- Approval of all water and sewer installations and connections

City of Buffalo Common Council

- Transfer of Real Property interests to ECHDC or other Project participant
- Approval of right-of-way encroachment

City of Buffalo Planning Board

- Review and Recommendation of General Project Plan

City of Buffalo Sewer Authority

- Approvals for design of sewer lines and connections

City of Buffalo Department of Public Works, Streets and Parks

- Approval of street modifications, utility, sidewalks, curb cuts, etc.

City of Buffalo Water Board

- Approvals for design of water lines and connections

Buffalo Urban Renewal Agency

- Approval for use of land for temporary parking at Waterfront Village

Buffalo Municipal Housing Authority

- Transfer of Real Property interests to ECHDC or other Project participant

Note: This list does not include potential approvals for governmental funding sources for the Project.

5.23 Thresholds for Future Actions

The DGEIS will set forth specific conditions under which future actions must be undertaken or approved, including requirements for any subsequent SEQRA compliance. This will include thresholds and criteria for supplemental environmental review to reflect specific significant impacts that were not adequately addressed or analyzed in the GEIS. For example, should a subsequent proposed action be carried out in conformance with the conditions and thresholds established in the GEIS, no further SEQRA compliance would be required. Conversely, if a subsequent proposed action was not addressed or its components would exceed defined thresholds or criteria set forth in the GEIS, then the appropriate environmental review documentation would be required to comply with SEQRA.

6 PROJECT ALTERNATIVES

The DGEIS will describe and evaluate a range of reasonable alternatives to the Project that are feasible considering the goals, objectives and capabilities of the ECHDC. Alternatives that will be considered during the DGEIS are described below.

6.1.1 No-Build Alternative

The No-Build Alternative is considered in order to establish a base line to help qualitatively and quantitatively assess the benefits and impacts associated with identified feasible alternatives. The No-Build Alternative (See **Figure 6-1 No-Build Alternative**) assumes the following:

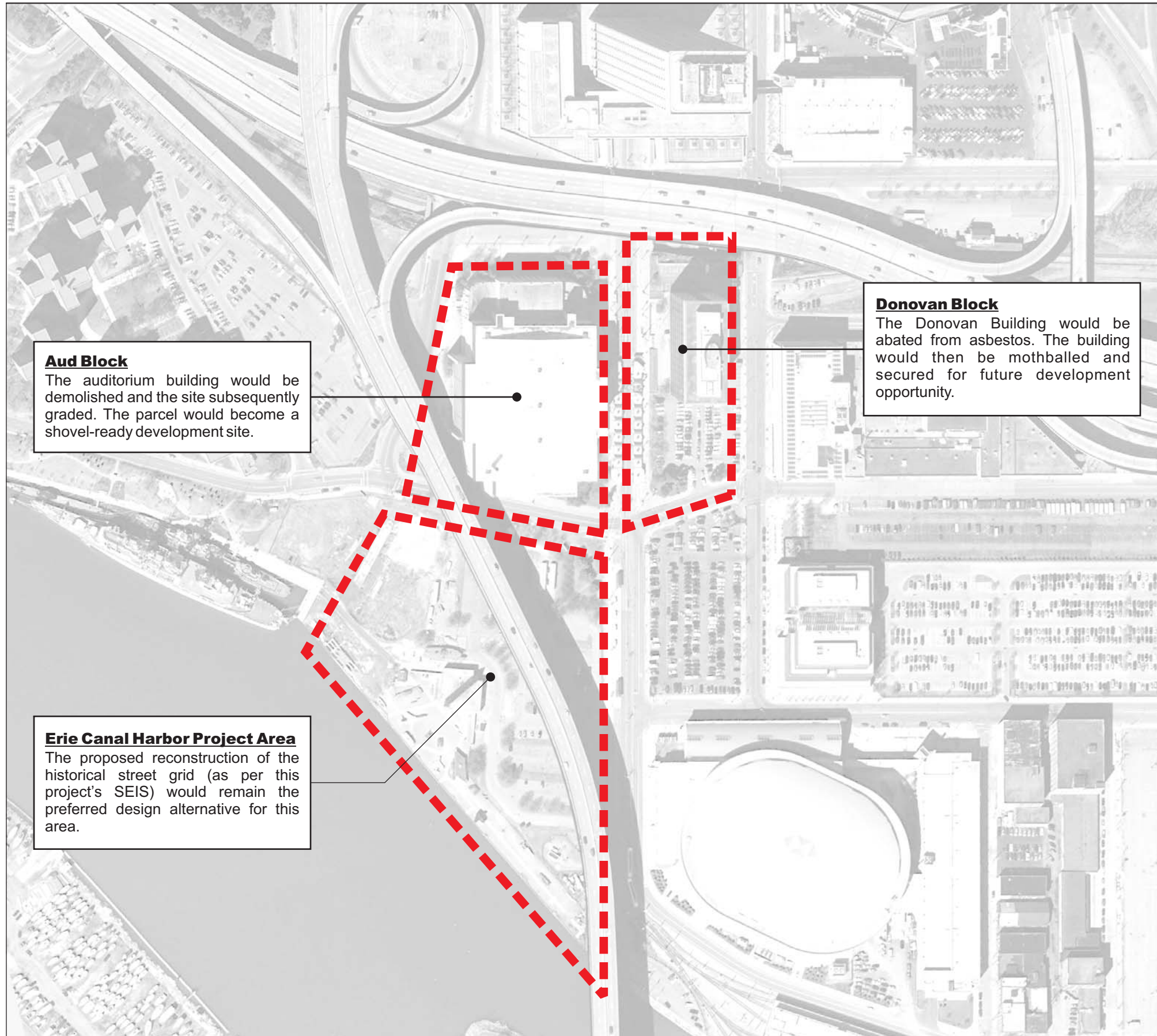
- Completion of pre-development activities for the Aud and Donovan Blocks. Asbestos is abated in both the Auditorium and the Donovan Building. The Donovan Building is then secured and mothballed. The Aud is demolished with the site being filled, graded and seeded.
- Erie Canal Harbor public infrastructure is built out as described in the Re-Evaluation Report for Project Refinements, Erie Canal Harbor Project, Empire State Development Corporation, December 2006 and March 2009. Development parcels as per these refinements are established.

6.1.2 Low Density Alternative

In conjunction with the evaluation of the Project, the DGEIS will examine the social, economic and environmental impacts of a low density alternative. This alternative would be based on the same general site layout as the Project. Bass Pro and the cultural facility would remain the same as would the water elements and the Donovan Building renovation. However, the overall density of the development would be substantially reduced from 725,000 - 950,000 square feet of retail, entertainment, residential and office space to 375,000 - 425,000 square feet. Proposed parking would decrease to approximately 1,200 spaces within the Project Area. In addition, the proposed building on the south end of the Riverfront Esplanade would be eliminated.

6.1.3 High Density Alternative

In conjunction with the evaluation of the Project, the GEIS will examine the social, economic and environmental impacts of a high density alternative. Similar to the low density alternative, this alternative would employ the same general layout as the Project. Also, as with the low density alternative, certain features of the Project would remain unchanged in the high density alternative, including: Bass Pro, the cultural facility, the water features and the Donovan Building renovation. However, the overall density of the development would be substantially increased from 725,000 - 950,000 square feet of retail, entertainment, residential and office space to approximately 1.5 million square feet. Proposed parking would increase as well. However, the exact amount of parking proposed under this alternative would be developed in the GEIS based on an analysis of existing parking inventories and various strategies to reduce on-site parking requirements including shared use of neighboring parking venues.



7 SUMMARY OF SCOPING COMMENTS

7.1 Introduction

ESDC, as lead agency, initiated the Public Scoping Process with the purpose of informing the community of the proposed Project, and to seek input on concerns/issues that should be addressed in the DGEIS. In February 2009, ESDC prepared and issued a Draft Scoping Report, which outlined the evolution of the Project, its goals and objectives, three alternatives to the proposed Project, and a preliminary listing of issues upon which the DGEIS would focus.

The Draft Scoping Report was made available through various media. For example, the Draft Scoping Report was posted on the Project website, and hard-copies were made available for public review at ECHDC's Buffalo offices, the downtown branch of the Buffalo and Erie County Public Library, and the Buffalo and Erie County Historical Society. Briefings were also held with members of the print, radio, and television media to ensure adequate coverage/awareness of the Project. A postcard announcement of the Project and its Scoping Meeting was produced and distributed to over 600 citizens/organizations that had previously expressed interest in the Erie Canal Harbor Project, which overlapped a portion of the Project Area. These announcements (see **Appendix A**) in conjunction with a formal public notice in the Environmental News Bulletin and The Buffalo News notified the public that a Public Scoping Meeting would be held by ESDC on Wednesday, February 25, 2009, at 7:00 PM at the Waterfront School, 95 4th Street, Buffalo, New York.

At the Public Scoping Meeting, attendees signed-in at a reception table, registered to present oral comments, and were offered informative materials and comment cards, which could have been submitted at the meeting or returned by mail at a later date. The Project Design Team conducted a brief presentation that introduced the components of the Project, and outlined the environmental review process, including potential environmental issues that may result from the Project. At the conclusion of the presentation, attendees were invited to present verbal Scoping comments, which were transcribed for documentation purposes. The order to the twenty-two speakers was selected at random. Following the public verbal comment session of the Scoping Meeting, attendees were again encouraged to submit to ESDC any written (or e-mail) comments on the scope of the DGEIS to be included in the public record. Attendees were advised that comments would be received until March 13, 2009. All of the Public Scoping Meeting distribution materials are included in **Appendix B**. All written comments received on the Draft Scoping Document are included in their entirety in **Appendix C**. For purposes of length, the full transcript of the public scoping meeting is not included herein, but is available on the Project website (www.eriecanalharbor.com) or by contacting ECHDC.

7.2 Additional Alternatives Suggested During Scoping

SEQRA requires the identification of the reasonable alternatives to be considered in the DGEIS. 6 N.Y.C.R.R. § 617.8(f)(5). Reasonable alternatives are those that are feasible, taking into account the goals, objectives and capabilities of the Project Sponsor. Therefore, not every

possible alternative must be examined in the DGEIS, such as those that would not achieve the objectives of the Project or are infeasible. During the scoping process, a number of possible alternatives for different components of the Project were identified through public and agency input. However, the following suggested alternatives will not be further analyzed in the DGEIS because they are not feasible considering the goals, objectives and capabilities of ECHDC.

7.2.1 No Bass Pro

A comment suggested that the Project should analyze an alternative that does not include Bass Pro as the anchor tenant. The DGEIS will analyze alternatives with Bass Pro, a destination retailer, to establish development thresholds for impact analysis. However, other types of uses could occur on this site so long as such uses do not exceed the impact thresholds created by the Bass Pro scenarios.

7.2.2 Bass Pro on Donovan Block

Two comments suggested that the Project should consider alternative sites for the Bass Pro store, including the Donovan Block and the historic footprint of the Spaulding Exchange. With respect to the Donovan Block, this location would not provide sufficient space for the Project's proposed uses and programming. Similarly, the former Spaulding Exchange building, which was located on what is now the Aud Block where the proposed Bass Pro would reside, would be an even smaller space than the Donovan Block and would not meet the space requirements of the Project.

7.2.3 Interpretive Elements of the 2004 Erie Canal Harbor Master Plan

Several comments were made regarding a perceived encroachment of the Project onto the 12.5-acre-area of the 2004 Erie Canal Harbor Master Plan.. The Canal Side Project is a separate and distinct action from the 2004 Master Plan (which involved a variety of marine and landside infrastructure components on a portion of the Canal Side Project area)—these infrastructure features (e.g., Commercial Slip, Naval Basin, Veterans Park, cobblestone streets, ect.) have been largely completed or in the process of completion. However, new uses to be constructed on the designated “future development parcels” envisioned in the 2004 Master Plan would be done in a manner consistent with design standards adopted to guide such future development.

Consistent with the 2004 Master Plan, all components of the Canal Side Project would be based on the theme of the Erie Canal. It would not preclude any previously suggested interpretive elements or programming of the Erie Canal Harbor as envisioned under the 2004 Master Plan.

7.2.4 Recreation of Historic Buildings and Canals

Several comments suggested that the Project should replicate the original canals with 4-foot-deep, navigable waterways built over the Hamburg Drain for commercial/recreational purposes. The Project's water features would be interpretive elements (i.e., non-navigable water features). Some areas may be deep enough for certain types of small watercraft (paddle boats, etc.), however, it would not be feasible to make these features fully connected to the Buffalo River and navigable, given constructability issues (e.g., large water pumping/re-circulation facilities would impede making a navigable Prime Slip), as well as costs considerations associated with new

bridges that would need to be constructed to carry Marine Drive and Main Street over navigable canal features.

7.2.5 Buildings on Water's Edge

A comment suggested that the Project should allow businesses to build to the edges of the riverfront/canals with multi-story buildings containing first floor restaurants and pubs to add authenticity and to attract year-round use. The Project is being designed for pedestrian access along the water's edge, thus requiring buildings to be slightly setback from water. Also, The Project is intended to spur ground-level activity that would contribute to a vibrant urban setting.

7.2.6 "Ellis Island Like" Programming

A comment suggested that the Project should include a Buffalo-Erie Canal Museum (e.g. Ellis Island); with features such as statute of Dewitt Clinton, canal excursions and traveling plays, on-line database, etc. While such a suggestion is not a stated of goal or objective of the Project, implementation of the Project would not preclude such a suggested use/programming component from locating in the Project area.

7.2.7 Orchard Park Bike Museum

A comment suggested that including different museums, bicycle and ancestral, such as the Orchard Park bicycle museum, in the Project would be a good means of drawing people to the area. While such a suggestion is not a stated of goal or objective of the Project, implementation of the Project would not preclude such a suggested use/programming from locating in the Project area.

7.2.8 Transient Boater Services

A comment suggested that the Project should address and incorporate transient boater needs such as docking, showering, and fueling facilities. Such facilities are currently available nearby at the Erie Basin Marina and the Small Boat Harbor.

7.2.9 Cruise Ships

A comment suggested that the Project could attract cruise ships if it had the right facilities, and that the impacts of attracting cruise ships should be considered. While such a suggestion is not a stated of goal or objective of the Project, implementation of the Project would not preclude the suggested boating facilities from locating in the downtown waterfront area. Moreover, docking facilities for larger vessels are already available downstream from the Project Area.

7.2.10 Intermodal Facility

A comment suggested that the Project should consider including an intermodal transportation facility, and Project design should not preclude inclusion of such a facility in the future. The Project is a real estate development project and not a transportation project. However, implementation of the Project would not preclude the suggested transportation facility from locating in the downtown waterfront area.

7.3 Comments Determined to be not Relevant, not Environmentally Significant or that have been Adequately Addressed in a Prior Environmental Review

As part of the Final Scoping Report, SEQRA requires an identification of those issues that were raised during scoping and determined to be not relevant or not environmentally significant and/or that have been adequately addressed in a prior environmental review(6 N.Y.C.R.R. § 617.8(f)(7). While the scoping process revealed many issues to be further considered in the DGEIS, the following issues have been determined to be beyond the scope of the environmental review of the Project or relatively too speculative in nature to necessitate additional analysis. Therefore, the following issues and potential impacts will not be analyzed in the DGEIS.

Table 7.3-1: Responses to Scoping Comments

Comment	Response
1. The Project is being given tax breaks at the expense of existing retailers such as Dick's and Gander Mountain.	This is a public policy issue beyond the scope of this environmental review, and does not warrant environmental analysis.
2. Government funding should be given to lots of small businesses rather than one or two large businesses.	See response to Item 1.
3. Development in the historic 12.5 acre canal district should include a dense mix of uses, with housing, and be sub-divided into individual parcels to offer opportunities to additional developers.	ECHDC is working with a master developer to oversee Project build out; the Project would include urban density, mixed-uses with programming of year-round activities.
4. Development on Donovan and Webster blocks should consider large footprints for uses such as an IMAX theater, ground level retail and commercial space.	The Project would include mixed-uses with programming of year-round activities; ground-level retail is desired on development sites.
5. The Project design should be changed to add greater connections to the Cobblestone District, Erie Basin Marina and the Seneca Buffalo Creek Casino areas.	The Project would utilize existing street grid and sidewalks as well as provide additional walkways, and the design of such would connect to other nearby or adjacent attractions.

<p>6. Realign Pearl Street to allow commercial space to front Commercial Street and to enhance access to and from the parking garage.</p>	<p>The Project would establish design guidelines to ensure development would follow appropriate urban form/design as well as be compatible with Erie Canal theme.</p>
<p>7. Lower Terrace should not be abandoned; it is a historic feature and would make converting the Thruway into a boulevard difficult.</p>	<p>Given that converting I-190 (the Niagara section of the NYS Thruway) into an at-grade boulevard is not being proposed, assessed, or planned by any agency at this time, it would not be considered a reasonably foreseeable future action warranting review in the DGEIS.</p>
<p>8. Project design should not include water features that misrepresent historic topography of the site.</p>	<p>The Project would be based on the theme of the Erie Canal, rather than the historic preservation or restoration of any canal-related artifacts.</p>
<p>9. Project funding should be reallocated to stress the development of the historic district.</p>	<p>See response to Item 1.</p>
<p>10. The railroad tracks situated on Prime Street and public recreational pavilion along the Central Wharf included in the Master Plan are not included in the Project.</p>	<p>Right-of-way improvements implementing aspects of the 2004 ECHMP are being implemented by the City of Buffalo as a separate project.</p> <p>The proposed Project would not preclude suggested use/programming from locating in Project area.</p>
<p>11. Should consider impact of proposed high speed rail between Buffalo and Albany</p>	<p>High speed rail is a transportation project beyond the scope of this Project. However, the proposed Project would not preclude high speed rail service to this Project site in the future.</p>
<p>12. Planning for the Project should be coordinated with the African-American cultural district being developed in the Michigan Avenue and Broadway area.</p>	<p>The Project is not adjacent to or in proximity to the African American cultural district to warrant review of potential impacts.</p>

<p>13. Dug's Dive should be reconstructed, as proposed in Erie County-funded plan in 2000.</p>	<p>The suggested use is located outside of Project area. The proposed Project would not preclude suggested use from locating in that area.</p>
<p>14. Project should include permanent protection of public open spaces, permanent easements, etc.</p>	<p>All public open spaces would remain in public ownership.</p>
<p>15. The carving of DeWitt Clinton should be placed on the upper lawn.</p>	<p>Project would not preclude suggested interpretive element from being located within the Project area.</p>
<p>16. The black metal fencing in the area of the proposed parking ramp should be recycled to the gardens at Marine Drive.</p>	<p>Project would not preclude suggested reuse.</p>
<p>17. Benches should be added to the boardwalk.</p>	<p>Project would not preclude suggested use.</p>

8 INFORMATION THAT SHOULD BE INCLUDED IN APPENDICES

SEQRA requires an identification of the information/data to be included in an appendix, rather than the body, of the DGEIS. 6 N.Y.C.R.R. § 617.8(f)(6). The following studies will be included as appendices to the DGEIS.

- Air Quality Analysis
- Noise Analysis
- Traffic Analysis
- Cultural Resource Analysis
- Coastal Zone Consistency Review
- Public Notification and Participation

The list is subject to change based on the needs of the impact analysis in the DGEIS.

9 PRELIMINARY LIST OF INVOLVED / INTERESTED AGENCIES AND CONTACTS

The DGEIS will be distributed to the following agencies that are anticipated to have approval or regulatory authority over the Project or possess special expertise regarding Project elements. For this reason, these agencies will be requested to review Project documentation and to provide input into the range of regulatory issues associated with the Project. This list will be supplemented and revised, as necessary, during the environmental review process.

Federal Agencies

Brigid Hynes-Cherin, Regional
Administrator
Federal Transit Administration, Region II
c/o Nancy Danzig, AICP, Planning &
Environment Director
One Bowling Green
Room 429
New York, NY 10004-1415

Jeffrey W. Kolb, P.E., Division
Administrator
Federal Highway Administration, New York
Division
c/o John Burns, Area Engineer, Region 5
Leo W. O'Brien Federal Building
Albany, NY 12207

John B. Rintoul III
Deputy District Engineer for Planning,
Programs and Project Management
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

Captain Robert S. Burchell, Commanding
Officer
U.S. Coast Guard – Buffalo Complex
1 Fuhrmann Boulevard
Buffalo, NY 14203

State of New York Agencies

Gregory Stamm, Chair
Niagara Frontier Transportation Authority
c/o Lawrence Meckler, Executive Director
181 Ellicott Street
Buffalo, New York 14203

Abby M. Snyder, Regional Director
Region 9
New York State Department of
Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

Alan E. Taylor, Regional Director
Region 5
New York State Department of
Transportation
100 Seneca Street
Buffalo, NY 14203

Ruth Pierpont, Director
New York State Office of Parks, Recreation,
and Historic Preservation
State Historic Preservation Office
Peebles Island – PO Box 189
Waterfront, NY 12188-1089

George Stafford, Director
NYS Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231-0001

Matthew N. Davison
Erie Canal Harbor Development
Corporation
95 Perry Street, Suite 500
Buffalo, NY 14204

Thomas Pericak, PE, District Engineer
New York State Thruway Authority
Buffalo Division
455 Cayuga Road, Suite 800
Cheektowaga, NY 14225-0121

Thomas Sheehan, PE
New York State Canal Corporation
455 Cayuga Road, Suite 800
Cheektowaga, NY 14225-1309

ERIE COUNTY AGENCIES

Hon. Lynn Marinelli, Chair
Erie County Legislature
c/o Robert Graber, Legislative Clerk
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Holly A. Sinnott, Commissioner
Erie County Department of Planning and
Environment
Edward A. Rath County Office Building
95 Franklin Street, 10th Floor
Buffalo, New York 14202

Anthony Billittier IV, MD, FACEP,
Commissioner
Erie County Department of Health
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202

Robert M. Glaser, Chair
Erie County Fiscal Stability Authority
c/o Kenneth Vetter, Executive Director
295 Main Street, Room 946
Buffalo, New York 14203

CITY OF BUFFALO AGENCIES

Hon. David A. Franczyk, Council President
Buffalo Common Council
c/o Buffalo City Clerks Office
City Hall
65 Niagara Square
Buffalo, New York 14202

James A. Morrell, Chair
Buffalo Planning Board
901 City Hall
65 Niagara Square
Buffalo, New York 14202

Brian Reilly, Commissioner
City of Buffalo
Department of Economic Development,
Inspections & Permits
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65 Niagara Square
Buffalo, New York 14202

Steven J. Stepniak, Commissioner
City of Buffalo
Department of Public Works, Streets and
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Buffalo, New York 14202

Richard C. Baer, Chairman
Buffalo Preservation Board
c/o Michele Brozek
901 City Hall
65 Niagara Square
Buffalo, New York 14202

Paul J. Kolkmeier, Chair
Buffalo Fiscal Stability Authority
c/o Bertha H. Mitchell, Executive Director
Market Arcade Building, Suite 400
617 Main Street
Buffalo, New York 14203-1485

City of Buffalo (Cont'd.)

Mayor Byron W. Brown, Chairman
Buffalo Urban Renewal Agency
c/o Brian Reilly,
920 City Hall
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Buffalo, New York 14202

Oluwole McFoy, Buffalo Water Board
Chairperson
Buffalo Water Board
281 Exchange Street
Buffalo, NY 14204

David P. Comerford, General Manager
Buffalo Sewer Authority
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Buffalo, New York 14202

Dawn Sanders, Executive Director
Buffalo Municipal Housing Authority
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