

February 9, 2009

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

**NOTICE OF PUBLIC SCOPING AND INTENT TO PREPARE A  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**

**Canal Side Project  
Buffalo, New York**

Notice is hereby given pursuant to the New York State Environmental Quality Review Act (SEQRA), codified in Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), that the New York State Urban Development Corporation d/b/a Empire State Development Corporation (“ESDC”), on behalf of the Erie Canal Harbor Development Corporation (“ECHDC”), intends to prepare a Draft Generic Environmental Impact Statement (“DGEIS”) for the proposed Canal Side Project (the “Proposed Action” or “Project”) in the City of Buffalo, Erie County, New York. By notice dated July 7, 2007, ESDC circulated to potentially involved and interested agencies a completed Part 1 of an Environmental Assessment Form (EAF) on the Proposed Action and solicited lead agency status for the environmental review to be conducted pursuant to the State Environmental Quality Review Act (“SEQRA”). No objections to ESDC serving as SEQRA lead agency were received within a required 30-day comment period ending on August 8, 2007. Accordingly, ESDC has been established as the lead agency for the Project.

**Description of the Proposed Action**

The Project would consist of 725,000 - 950,000 square feet of retail, cultural, residential, and office space on 18 development parcels within approximately 20 acres of land in downtown Buffalo (“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 2500 to 3000 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, 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:

- **Family Place/Central Place** – located at the heart of the Project, this area would be anchored by Bass Pro Outdoor World Store 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.

ESDC is in discussions with the City of Buffalo to determine whether the Project would be exempt from local land use controls. In addition, it is anticipated that ESDC and ECHDC will adopt a General Project Plan (“GPP”). The Proposed Action will also involve: disposition by the various state and local agencies of certain owned property to ECHDC within the Project site; Public Authorities Control Board approval; and provision of state funding for Project elements.

ESDC has determined the Proposed Action to be a **Type I action** under the implementing regulations for SEQRA.

After considering the actions contemplated and reviewing the Environmental Assessment Form (“EAF”) prepared for the Proposed Action and the criteria for determining significance in the SEQRA regulations (6 NYCRR 617.7(c)), ESDC finds that the Proposed Action may have one or more potential significant adverse effect on the environment based on the following findings, and therefore a DGEIS will be prepared. The findings conclude that the Proposed Action may have an adverse impact on:

- Cultural resources (i.e., archaeological resources) because archaeological resources on certain development parcels comprise an archaeological district that is eligible for the State and National Registers of Historic Places;
- Historic resources because Project programming may be inconsistent with historical design features of the Erie Canal;

- Visual resources because massing and density of development could impact scenic views; and
- Traffic and transportation because the Project anticipates high volumes within the Project Area.

Scoping will be conducted. A Draft Scoping Report for the DGEIS has been prepared and is attached to this notice. A **public scoping meeting** has been scheduled to obtain comments on the proposed scope of analyses for the DGEIS outlined in the Draft Scoping Report. **The meeting will be held on February 25, 2009 from 7:00 P.M. to 10:00 P.M. at The Waterfront School, 95 4th Street, Buffalo, New York.**

Copies of the draft Scoping Report may be obtained from ECHDC's Web site, <http://www.eriecanalharbor.com> , or may be requested through the contact information provided below.

Comments on the draft scope of analyses may be presented by any interested group, agency, or individual at the public scoping meeting or submitted in writing to the lead agency:

**Paul Tronolone**  
**Empire State Development Corporation**  
**95 Perry Street**  
**Buffalo, NY 14203**  
**716-846-8200**

Written comments will be accepted until 5:00 P.M. on March 13, 2009. Any requests for paper copies of the draft scope or for other project-related information or questions should be made to the contact named above.

This notice and the Draft Scoping Report have been sent to the following potentially involved or interested parties:

- City of Buffalo Common Council (c/o City Clerk);
- City of Buffalo Planning Board;
- City of Buffalo Preservation Board
- City of Buffalo Department of Economic Development, Permit & Inspection Services;
- City of Buffalo Department of Public Works, Streets and Parks;
- Buffalo Municipal Housing Authority;
- Buffalo Fiscal Stability Authority;
- Buffalo Sewer Authority;
- Buffalo Water Board
- Buffalo Urban Renewal Agency
- Erie County Legislature;
- Erie County Department of Planning & Environment;
- Erie County Health Department;
- Erie County Fiscal Stability Authority;
- Niagara Frontier Transportation Authority;

- New York State Department of Environmental Conservation, Region 9 Director
- New York State Department of Transportation, Regional Director, Region 5
- New York State Office of Parks, Recreation, and Historic Preservation – State Historic Preservation Office
- New York State Department of State, Division of Coastal Resources
- New York State Thruway Authority
- New York State Canal Corporation
- Federal Transit Administration, Region II (for informational purposes only)
- Federal Highway Administration, New York Division (for informational purposes only)
- U.S. Army Corps of Engineers (for informational purposes only/no response required)
- U.S. Coast Guard – Buffalo Complex (for informational purposes only)

This Positive Declaration and Notice of Intent to Conduct Scoping has been prepared in accordance with Article 8 of the Environmental Conservation Law.

For additional information please contact:

Paul Tronolone  
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95 Perry Street  
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716-846-8200

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