

Robert Moses Parkway South Segment

Appendix G:

Inventory of Environmental Conditions

Prepared by:

Watts Architecture and Engineering. P.C.
Buffalo, New York

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Introduction

The proposed project consists of the reconfiguration of the Robert Moses Parkway South Segment within the Niagara Falls State Park to an interpreted historical and functional parkway and park, with consideration to the historical context of the original Olmsted and Vaux Reservation Design developed in the 1880's. The subject corridor and study area are located on the north shore of the Upper Niagara River in the City of Niagara Falls, Niagara County, New York. The limits of the project are from John B. Daly Boulevard to Niagara Falls State Park Parking Lot No. 1 and Niagara Street.

Screening Scope and Methodology

Watts Architecture and Engineering, P.C. (Watts) of Buffalo, NY, has performed an environmental screening of the subject corridor. The purpose of the environmental screening is to consider the project settings and evaluate potential impacts of the project. During this scoping phase, the screening consisted of an inventory of existing environmental conditions along the subject corridor that would likely affect or be affected by the range of probable alternatives, and a preliminary evaluation of the environmental considerations. The following topics are addressed in this report:

- A. Water Resources
- B. Ecological Resources
- C. Air, Noise, and Energy Considerations
- D. Contaminated Materials

Environmental Conditions

The inventory included a review of information available from public resources, including area resource maps, as-built record drawings of the project corridor, certain historical data, existing assessments and reports, and government databases. Some of this information was presented on a display board map at the public information meeting in December 2008. A reduced copy of this map is included as **Attachment A** of this report.

Environmental resource maps were primarily obtained from government websites, including the following: US Fish & Wildlife's NWI Wetlands Mapper; NYSDEC Environmental Resource Mapper; National Resource Conservation Service (NRCS) Web Soil Survey; Niagara County Waste Disposal Sites; and USEPA Enviromapper. Copies of some of these maps may be found in **Attachment B** of this report.

A. Water Resources

Surface Waters

State Classification – New York State Department of Environmental Conservation (NYSDEC) classifies waters of the state according to regulations found in 6 NYCRR Part 700 et al, to maintain their water quality and best uses. The Niagara River is classified as a Class A-Special water of NYS. The best usages of Class A-S waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival.

Class A waters are also designated as Protected Waters under 6NYCRR Part 608, and any work within 50 feet of the top-of-bank normally requires a Part 608 Permit.

Federal Classification – Niagara River is considered a water of the US, and is regulated by the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. If project work zones extend into the river below the ordinary high water mark (OHWM), a Section 404/401 permit would be required.

Wetlands

State-regulated – NYSDEC Environmental Resource Mapper indicates that no Freshwater Wetlands are mapped in the vicinity of the project corridor. The nearest state-regulated wetlands are upstream on the River on and around Buckhorn Island State Park.

Federally-defined – Digital National Wetland Inventory (NWI) mapping was reviewed on the US Fish & Wildlife website's Wetlands Mapper. The NWI mapping depicts the Niagara River as a riverine habitat but does not depict wetlands in the vicinity of the subject corridor. The National Resource Conservation Service (NRCS) Web Soil Survey was also reviewed for potentially hydric conditions. The soil map depicts the property as "Urban Land, not surveyed" with no further description.

A qualified wetland biologist from Watts, who is certified to delineate wetlands, visited the project corridor and found there to be no potential for federal or state wetlands on the site, as the site consists of hard fill and the shoreline is hard-armored with rip-rap.

Groundwater

The subject corridor was reviewed for compliance with federal and state regulations regarding aquifer and drinking water protection. A review of the United States Environmental Protection Agency designated Sole Source Aquifer Areas indicates that the project is not located in or adjacent to a Sole

Source Aquifer. Aquifer mapping from the NYSDEC Division of Water was also reviewed and indicates that the subject corridor is not located in or adjacent to state-mapped Primary or Principal Aquifers.

Navigable Waters

The Niagara River is a navigable water as regulated by the USACE under Section 10 of the Rivers and Harbors Act. Any work in the stream below the OHWM would be regulated and require a Section 10 permit.

Wild, Scenic, and Recreational Rivers

The Niagara River is not listed on the federal or state Inventories of Wild, Scenic, and Recreational Rivers.

Coastal Policy Assessment

The Park is located within the NYS Coastal Area, a waterfront-related planning designation that requires projects to conform to the NYS Department of State policies for protection of the state's coastal resources. The boundary is illustrated on the project map found in **Attachment A**. The feasible alternatives will be examined for conformance to the 44 policy statements.

Flood Plains

There is no floodplain outside the floodway of the Niagara River, which is located at the southern boundary of the project corridor.

B. General Ecology and Wildlife

The Niagara River ecology is comprised of both aquatic and terrestrial resources and includes the Niagara Falls State Park. Agencies concerned with fish and wildlife resources recognize the regional and world-wide significance of the Niagara River ecology. Several important designations of these resources are depicted on the Ecological Resources figure, found in **Attachment A**.

Agency sources -- The NYS Department of State maps two Significant Coastal Fish & Wildlife Habitats nearby: the Buckhorn Island-Goat Island Rapids habitat adjacent to the project corridor, and the Buckhorn Island Wetlands complex upstream and across the river south of the project corridor.

The subject corridor is adjacent to the NYSDEC-identified Waterfowl Winter Concentration Area that covers the entire Niagara River, which is a major migratory bird route within the Atlantic flyway. The Park and River shoreline serve as prime bird-watching locations, particularly for viewing waterfowl over-wintering on the Niagara River, and the Audubon Society has designated this area as an Important Bird Area (IBA).

Correspondence with the New York State Department of Environmental Conservation Natural Heritage Program indicates that two significant natural communities, calcareous talus slope woodland and calcareous cliff community, are present at the west end of the Park property, and two ecologically significant freshwater mussel species, Hickorynut and Rainbow, were identified around Goat Island.

Site visit -- The project corridor is the landward side of this ecological complex, and there are no natural vegetative cover types or ecological communities, due to a long history of shoreline fill and development. Two communities recognized by the New York Natural Heritage Program's Ecological Communities of New York State (2nd edition, January 2002) created and/or altered by humans were noted within the project limits during the initial site walkover in November 2008: mowed lawn with trees; and cultural riverine. Although the shoreline along the project corridor is not currently known as a fishery of significance, aquatic plant beds (wild celery) desirable for fish habitat were seen in the water at a shoreline site 1/2 mile upstream from the east end of the project, indicating the shallow waters in this part of the River have potential for fish habitat. A site inspection will be conducted during the growing season to document growing season conditions.

Reports -- Several reports were found on government agency and non-governmental organization (NGO) websites, including USEPA, Buffalo Niagara Riverkeeper, and the US Fish & Wildlife Service. Three of these are summarized below, and excerpts or title pages are provided in **Attachment C** of this report.

The USEPA identifies the Niagara River as an Area of Concern (see **Attachment C**) due to a long history of shoreline development that has severely affected the native fish and wildlife habitat along the river, including the subject site. Aquatic degradation is due to habitat severely impaired by toxic chemicals such as PCBs, mirex, chlordane, dioxin, dibenzofuran, hexachlorocyclo-hexane, PAHs, and pesticides.

The USF&WS National Fisheries Research Center-Great Lakes prepared an extensive report that identifies various fish habitats of several species in the Niagara River. The 1989 report, Effects of Altered Water Levels and Flows on Fish in the Great Lakes Connecting Channels (see **Attachment C**), indicates approximately 80 fish species have been recorded in the Niagara River in the following habitats: open water, emergent wetlands, littoral habitat, rapids and tributaries. The subject corridor is adjacent to the littoral and rapids fish habitats. The littoral habitat is considered an important spawning and nursery habitat for many fish species. This report relies heavily on a 1982 report prepared by a joint team of the USACE and USF&WS Biological Services Program, Atlas of the Spawning and Nursery Areas of Great Lakes Fishes, Volume X – Niagara River (see **Attachment C**), which provided data and

maps showing the locations of spawning and nursery areas of several species. The habitats nearest Niagara Falls State Park are shown on the Ecological Resources Map in **Attachment A**.

The NYS OPRHP developed a Final Environmental Impact Statement for the Niagara Reservation Concept Master Plan in 1982. The proposed plan was to restore some of the natural features of the Niagara Reservation (Niagara Falls State Park), and to guarantee the character and quality of the park for future generations. The report indicated that the vegetation in the park was once quite extensive and varied, but the vegetation has been disturbed over the years by human activities. According to the report, the only undisturbed natural areas left in 1982 were located on some of the small islands (Bird, Robinson & Three Sisters). Goat Island had some areas of disturbed hardwood forest and the remainder of the park was managed vegetation or lawn. The report also indicated that a small number of mammals and a wide variety of birds are found in the area.

Endangered and Threatened Species – U.S. Fish and Wildlife Service (USFWS) indicates that there are two Federally listed, delisted, or proposed endangered or threatened species located within Niagara County. The bald eagle was identified as a delisted species and the eastern prairie fringed orchid is listed as a threatened species. There is no known potential for the presence of the listed orchid on the project corridor. The bald eagle is still federally protected under the Migratory Bird Act and is known to feed in the vicinity of the project corridor, although there are no known breeding or roosting locations. Further consultation with fish and wildlife agencies is warranted as the project progresses, but protected species are not expected to be adversely affected by the project.

C. Air Quality, Noise, and Energy

The proposed alternatives will be screened for concerns with the following issues, which will be addressed as the project progresses.

Air Quality

The proposed project is located in Niagara County, which is part of the Greater Buffalo-Niagara Region. The Greater Buffalo-Niagara Region is in attainment of carbon monoxide and particulates. However, Niagara County, is listed as a non-attainment area for ozone by the USEPA. The Greater Buffalo/Niagara Regional Transportation Council (GBNRTC) maintains a Transportation Improvement Program (TIP) and performs air quality conformity determination on the included projects to ensure conformity with the State Implementation Plan (SIP). This project is on the current Transportation Improvement Program (TIP) for the Erie and Niagara County

metropolitan area. The project's design scope and concept have not changed since this TIP amendment determination was made.

Noise

Major noise sources along the corridor include traffic along the Robert Moses Parkway and the rush of the Niagara River Rapids. Noise receptors in this area generally include residential properties along the corridor, users of the park, and pedestrians. Other than the buildings, miscellaneous vegetation and grading, noise barriers are not present within the corridor.

Energy

Energy consumption along the proposed project corridor currently includes the direct energy consumed by vehicles using the roadway network and the indirect energy associated with operating and maintaining the roadway network. The direct energy usage within the corridor is generally based on vehicular volumes, weight and average travel speeds; whereas, the indirect energy usage is generally related to the age and complexity of the roadway network.

D. Contaminated Materials

Hazardous Waste/Contaminated Materials

A screening of existing environmental databases and historical resources has been prepared to identify any potential concerns associated with the project that may impact the environment or the health and safety of construction personnel and the public. To date, Watts has reviewed the physical setting, historical land uses, government records, and historical documents including Sanborn Maps, aerial photos, and tax assessment maps to determine whether and where there is potential for the presence of hazardous waste or contaminated materials that may be of concern to the project. The sites of potential concern will be evaluated in the context of their potential effect on the project construction.

Listed below are sites located on or adjacent to the subject corridor identified in the searched databases and historical records that may have some effect on future construction on the corridor, depending on the chosen alternative. These will be further examined for significance during the preliminary screening phase once the feasible project alternatives have been identified. Notable among these are:

- ▶ former petroleum bulk storage sites adjacent to the corridor;
- ▶ industrial sites, including Moore Business Forms, adjacent to the corridor;
- ▶ historical industrial sites in and around Parking Lot 1 on the north end of the Park;
- ▶ fill in historic canals; and
- ▶ fill placed in the Park for construction of the existing parkway and to fill the former hydraulic canal.

Database Search – The government records search included federal and state, government databases of known or suspected inactive hazardous waste sites; petroleum and chemical bulk storage tank sites; reported spills, including leaking underground storage tanks (UST); and hazardous waste generators and treatment, storage, and disposal facilities.

Spills - Seven Spills records were identified for the subject corridor, all of which are now closed. Two are reported to be vehicle-related and one is report of a drum going over the falls. These three reports are of no concern due to their transient nature with no lasting impact on the environment. Two reports concern reports of drums, and two are non-specific. These four spills are closed and are not likely to be of concern to the project, but a search for further details during design development will be considered.

In addition, nine Spills records were identified near the subject corridor, all of which were closed between 1986 and 1994. Most involved equipment or tank failures or overflows on sites adjacent to the project corridor, and a search for further details will be considered during design development. The spill site locations are:

- Mobil – 434-440 Main Street
 - Spill #9012654 – Cause: Other – Closed 04/15/1991
 - Spill #9106635 – Cause: Tank Failure – Closed 03/02/1992
- City of Niagara Falls Treatment Plant – 1200 Buffalo Avenue:
 - Spill #8803842 – Cause: Equipment Failure – Closed 08/09/1988
 - Spill #8600126 – Cause: Tank Failure – Closed 06/20/1986
 - Spill #8809425 – Cause: Equipment Failure – Closed 03/17/1989
 - Spill #9300106 – Cause: Equipment Failure – Closed 08/19/1994
- Superior Lubricants – 1200 Buffalo Avenue – Spill #8707842 – Cause: Tank Overfill – Closed 02/11/1988
- Moore Business Forms – 900 Buffalo Avenue – Spill #9211019 – Cause: Tank Failure – Closed 02/28/1994
- New York Power Authority – Buffalo Avenue & 10th Street – Spill #8603278 – Cause: Tank Test Failure – Closed 09/05/1986

Tank Records - Tanks records were identified for four sites near the subject corridor. A search for further details will be considered during design development for the following sites:

- Niagara Falls Wastewater Facility – 1200 Buffalo Ave – Chemical and petroleum tanks. Details not released.
- Mobil – 434 Main Street – Five Petroleum USTs Closed/Removed
- Niagara Maintenance Center/Garage – 1410 Buffalo Ave Niagara Reservation State Park
 - Three petroleum USTs closed/removed and two active petroleum ASTs
 - Five petroleum USTs Closed/Removed

Sanborn Maps - There are several locations identified on the Sanborn Maps that may be considered an environmental concern to the Robert Moses Parkway South Project, and will be further investigated as warranted during design development.

- The area that now consists of the Rainbow Bridge Plaza was previously utilized by the Niagara Falls Gas Company and the National Electrostatic Plant. The Niagara Falls Gas company was depicted along the Niagara River on the 1888, 1894, and 1914 Sanborn Maps. The National Electrostatic Plant was depicted on the 1914 map, north of the area that is now Parking Lot 1.
- The area that now consists of the park south of Parking Lot 1 was depicted on the 1950 Sanborn Maps as containing 2 gas stations – one in the northwest corner and one near the southeast corner of Parking Lot 1.
- The area that now consists of The Turtle was depicted on the 1950 and 1955 Sanborn Maps as an auto sales and service facility with 2 gas tanks in the road (Main Street).
- The area that now consists of the Comfort Inn was depicted on the 1950 and 1955 Sanborn Maps as a bus station, parking lot and Sears's department store.
- The area that consists of John B. Daly Road was depicted on the 1888, 1914, and 1950 Sanborn Maps as a hydraulic canal. A power company was located on the east side of the canal (south of Buffalo Ave) on the 1914 and 1950 maps.
- The area that now consists of the Moore Business Forms Building and the Niagara Falls Wastewater Treatment Plant was depicted on the 1888, 1892, and 1914 Sanborn Maps as a paper mill. On the 1950 and 1955 maps the area is depicted as the Moore Business Forms Company and the International Paper Co. – Niagara Falls plant.
- The area that now consists of the Water Intake Canal (outside the project corridor) was depicted on the 1914, 1950, and 1955 Sanborn Maps as a canal with Power House No. 1 located on the north side of the canal and Power House No. 2 located on the south side of the canal. A water company filter house was depicted on the north side of the canal on the 1914 map and later as a pump station on the 1950 and 1955 maps. A transformer station was depicted on the south side of the canal on the 1914 map and later as a garage for employee parking on the 1950 and 1955 maps.

EPA Enviromapper - Watts reviewed the USEPA Enviromapper, which is available via the USEPA website. The mapped databases include Superfund Sites, Water Dischargers, Air Emissions, and Hazardous Waste Sites. Two sites were identified near the subject corridor, and will be considered for further investigation:

- Moore Business Forms – 1001 Buffalo Avenue – RCRA Handler, Airs Records
- Rainbow Bridge – Niagara Falls – RCRA Small Quantity Generator

NYSDEC Environmental Navigator - Watts reviewed the NYSDEC Environmental Navigator Map, which is available via the NYSDEC website. The mapped databases include Water Discharge Sites, Toxic Release Inventory (TRI) Sites, Superfund Sites, Active Solid Waste Facilities, Article X Sites, Air Emissions Sources, DEC Regional Offices, Airports, Civic Sites, and Hospitals. No additional concerns were identified relevant to the subject corridor.

NYSDEC Inactive Hazardous Waste Disposal Site - Watts reviewed the Niagara County, New York, Department of Environment and Planning Solid Waste Sites Map. One site was identified near the subject corridor: Hydraulic Canal - NYD980506869. It is listed as a Class D site, indicating that it poses no threat to human health or the environment; however, this site is near the John Daly Blvd interchange, and will be further investigated as warranted during design development.

End of Report

Attachment A - Ecological Resources map

Attachment B - Selected Environmental Resource maps

Attachment C - Selected sources of information on aquatic ecology