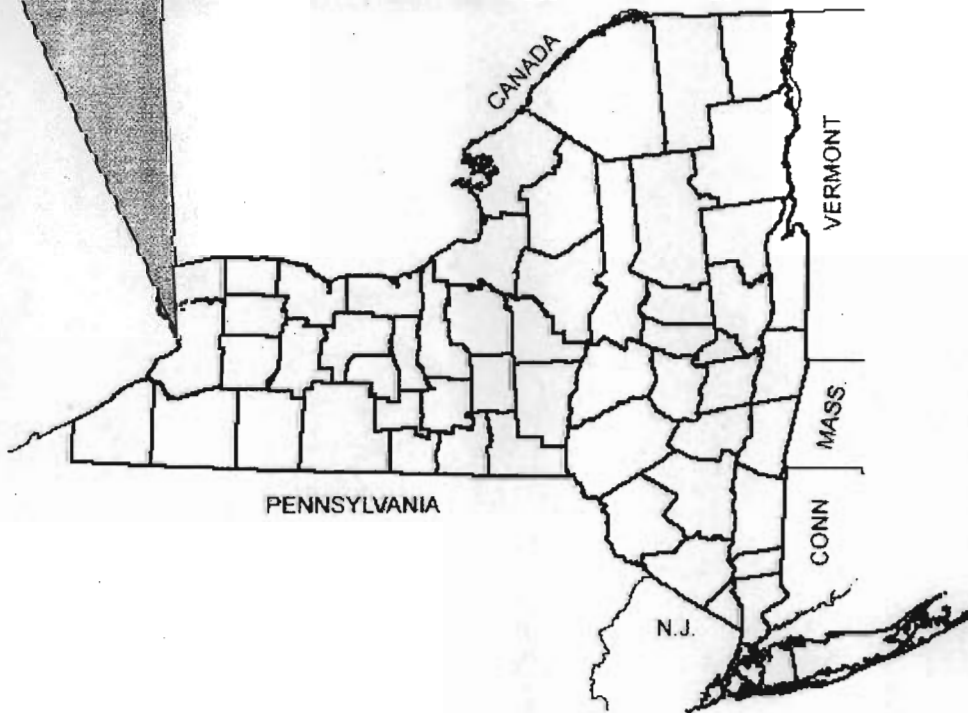


TRANSPORTATION

FINAL PROJECT SCOPING REPORT

February 10, 2009

P.I.N. 5757.55
Millennium Parkway
City of Dunkirk and Town of Dunkirk,
Chautauqua County, New York



PROJECT REPORT

U.S. Department of Transportation Federal Highway Administration

NEW YORK STATE DEPARTMENT OF TRANSPORTATION



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REGION 9 PERMITS

FEB 12 2009

NYS DEPT. OF
ENVIRONMENTAL CONSERVATION

This project is being designed using metric units and the text of this report uses metric units. The following table of approximate conversion factors provides the relationship between metric and U.S. Customary units for some of the more frequently used units in highway design. The table allows one to calculate the U.S. Customary Unit by multiplying the corresponding Metric Unit by the given factor.

| | <u>Metric Unit</u> | x | <u>Factor</u> | = | <u>U.S. Customary Unit</u> |
|---------------|--------------------------------|---|---------------|---|----------------------------|
| <u>Length</u> | kilometer (km) | x | 0.621 | = | miles (mi) |
| | meter (m) | x | 3.281 | = | feet (ft.) |
| <u>Area</u> | hectare (ha) | x | 2.471 | = | acres (a) |
| | square meter (m ²) | x | 1.196 | = | square yards (sy) |
| | square meter (m ²) | x | 10.764 | = | square feet (sf) |
| <u>Volume</u> | cubic meter (m ³) | x | 1.308 | = | cubic yards (cy) |
| | cubic meter (m ³) | x | 35.315 | = | cubic feet (cf) |
| <u>Speed</u> | kilometer per hour (km/h) | x | 0.621 | = | miles per hour (mph) |
| | meter per second (m/s) | x | 3.281 | = | feet per second (ft/s) |

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ENVIRONMENTAL CONSERVATION

PROJECT APPROVAL SHEET

(Pursuant to SAFETEA-LU Matrix)

- A. IPP Approval:** The project cost and schedule are consistent with the Regional Capital Program.
- The IPP was signed by: Gary Gottlieb 07/14/06
Regional Planning and Program Manager
- B. Public Hearing Certification (23 USC 128):** A public hearing was held on _____ in accordance with 23 USC 128.
- _____
Design Squad Leader or Project Manager
- A Notice of Opportunity was published in accordance with 23 CFR 771. A public hearing was not held.
- _____
Regional Director
- C. Recommendation for Scoping & Design Approval:** The project cost and schedule are consistent with the Regional Capital Program.
- _____
Regional Program Manager
- D. Recommendation for , Scoping, Design, & Nonstandard Feature Approval:** All requirements requisite to these actions and approvals have been met, the required independent quality control reviews separate from the functional group reviews have been accomplished, and the work is consistent with established standards, policies, regulations and procedures, except as otherwise noted and explained.
- _____
Regional Design Engineer or Regional Maintenance Engineer
- E. Nonstandard Feature Approval:** The nonstandard features have been adequately justified and it is not prudent to eliminate them as part of this project. Delete if no nonstandard features.
- _____
Regional Director, FHWA OR Deputy Chief Engineer
- F. Design Approval:** The required environmental determinations have been made and the preferred alternative for this project is ready for final design.
- _____
Regional Director, FHWA OR Deputy Chief Engineer

LIST OF PREPARERS

Group Director Responsible for Production of the Design Approval Document: Only stamp the final report.

__(Name)____, P.E., Principal, TVGA Consultants

Description of Work Performed by Firm: Directed the preparation of the Design Approval Document in accordance with established standards, policies, regulations and procedures, except as otherwise explained in this document.

PLACE P.E. STAMP

Note: *It is a violation of law for any person, unless they are acting under the direction of a licensed professional engineer, architect, landscape architect, or land surveyor, to alter an item in any way. If an item bearing the stamp of a licensed professional is altered, the altering engineer, architect, landscape architect, or land surveyor shall stamp the document and include the notation "altered by" followed by their signature, the date of such alteration, and a specific description of the alteration.*

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CHAPTER 1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The Chautauqua County Department of Public Facilities (CCDPF), acting as Project Sponsor, has proposed the Millennium Parkway Project to improve tractor-trailer truck traffic access from New York Route 60 to an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road), in Chautauqua County, New York. This Final Project Scoping Report (PSR) addresses the Talcott Street Alignment, which is an alternative that consists of the reconstruction of Talcott Street and the construction of a new roadway on a new alignment that would extend Talcott Street to Progress Drive and include a reconfiguration of Middle Road.

Pursuant to the National Environmental Policy Act (NEPA), the CCDPF, the New York State Department of Transportation (NYSDOT), and the Federal Highway Administration (FHWA) as Joint Lead Agencies, have determined that the project should be progressed as a Class II, Categorical Exclusion with Documentation. This report provides the documentation in support of the processing of the project as a Categorical Exclusion. A completed NEPA Assessment Checklist is included as Appendix 1.

It is noted that in December 2007, the Joint Lead Agencies issued a Notice of Intent to prepare an Environmental Impact Statement for the project. At that time, the preliminary alternatives under consideration were determined to have the potential to result in significant environmental impacts primarily related to the potential to disturb substantial areas of undeveloped land containing ecological and agricultural resources (e.g., wetlands, active vineyards, etc.). These alternatives were also largely opposed by the residents within the project area. By contrast, the Talcott Street Alignment has received public support from area residents and will have no significant environmental impacts because it involves the reconstruction of an existing portion of Talcott Street and the construction of a new roadway in a location predominantly comprised of former industrial properties that are now in a brownfield redevelopment area. Consequently, the project is being progressed as a Categorical Exclusion with Documentation due to its anticipated minor environmental impacts, which are discussed in Section 4.

Pursuant to the New York State Environmental Quality Review Act (SEQRA), the CCDPF is acting as Lead Agency and is progressing the project as an Unlisted Action. For purposes of conformance with the SEQRA, a completed Part I of a Full Environmental Assessment Form (EAF) for the Talcott Street Alignment is included as Appendix 2. It is noted that in May 2007, the CCDPF issued a solicitation for, and was granted, Lead Agency status under SEQRA. At that time, four options within the potential New Alignment Alternative had been identified. The potential Talcott Street Alignment was not one of the four options (it was suggested through written comments following the February 2008 Public Scoping Meeting). Since the EAF that was circulated with the May 2007 Lead Agency solicitation was not based upon a specific alignment, the responses to certain questions on that version of the EAF indicated that they would be answered when a preferred alignment was selected. Part I of the Full EAF included with this Final PSR is specifically for the Talcott Street Alignment.

Based on the environmental screenings completed for the project and the avoidance and minimization of environmental impacts during the preliminary layout of the Talcott Street Alignment, it is anticipated that the project will not create a significant adverse environmental

impact. In consideration of these factors, the CCDFP intends to issue a Negative Declaration for the project.

This Final PSR was prepared in accordance with the NYSDOT *Project Development Manual*, 17 NYCRR Part 15; and 23 CFR 771.

1.2 PURPOSE AND NEED

1.2.1 Where is the Project Located?

The project is located in the City of Dunkirk and Town of Dunkirk, Chautauqua County, New York.

State Map - Refer to Figure -1 - State Map.

Location Map - Refer to Figure 2 - Project Location Map.

1.2.2 Why is the Project Needed?

An existing industrial corridor runs generally east and west along a central portion of the City of Dunkirk, through the Town of Dunkirk, and into the northwest portion of the Town of Sheridan. The corridor includes districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, and County Route (CR) 82 (Middle Road), as well as a brownfield redevelopment area located along South Roberts Road. The brownfield redevelopment area, depicted on Figure 4, is generally comprised of the land east of South Roberts Road bounded by the railroad rights-of-way to the north, south and west. The local roads located along this industrial corridor provide direct access to properties within the City of Dunkirk and Towns of Dunkirk and Sheridan, including several existing industrial developments with the potential for growth and corresponding tractor-trailer truck traffic generation. Located at each end of the industrial corridor is a transportation link to New York (NY) Route 5 (Lakeshore Drive). This industrial corridor includes the Chadwick Bay Industrial Park, located to the east of the City and Town of Dunkirk in the Town of Sheridan. Refer to Figure 3 – Zoning Map for the location of this industrial corridor.

Currently, no direct route links NY Route 60 to the industrial corridor. A number of county and local roads connect NY Route 60 with existing county routes to the east that lead to the industrial corridor. However, each of these potential routes is either posted for no truck traffic, travels through residential neighborhoods, or has geometry that prohibits tractor-trailer truck access.

As a result, tractor-trailer trucks primarily travel along NY Route 60, to NY Route 5, then to CR 82 to gain access to the existing industrial corridor. Problems associated with this existing route that tractor trailer trucks are using are as follows;

- There is a high number of at-grade rail crossing conflicts that cause delays and safety concerns.
- Portions of the route have narrow lanes and adjacent on-street parking (no shoulders) offering little room for trucks to maneuver.
- There are several intersections that provide inadequate room for trucks to make turns without infringing on other traffic lanes.
- The existing truck route is indirect and travels through many residential areas.

Over the last ten years, there has been increased development and occupancy of the facilities within the industrial corridor, primarily the Chadwick Bay Industrial Park, thus increasing tractor-trailer truck traffic. This trend is likely to continue as industry expands onto the aforementioned brownfield redevelopment area. All of this additional truck traffic has and will continue to compound the issues associated with the existing route that these trucks are utilizing. Problems associated with the existing truck route, combined with the continuing increase in tractor trailer truck traffic, have created the need for an improved tractor-trailer truck route to this industrial corridor.

1.2.3 What are the Objectives/Purposes of the Project?

The purpose of the Millennium Parkway Project is to improve tractor-trailer truck traffic flow and access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60. This can be accomplished by correcting the problems associated with the existing truck route and thus the following objectives have been laid out for this project;

- Provide a truck route that is more direct than the existing truck route, reducing travel through residential neighborhoods and the overall vehicle-miles traveled.
- Provide a truck route with adequate lane and shoulder widths as well as proper intersection corner radii to allow trucks to maneuver within their own lanes.
- Provide a truck route that reduces potential conflicts with trains at at-grade railroad crossings.

1.3 WHAT ALTERNATIVES ARE BEING CONSIDERED?

The alternatives initially considered during the scoping phase of the project, as reflected in the Draft PSR, fit in four broad categories:

1. Alternative 1: Improve the existing truck route (NY Route 60, to NY Route 5 (Lakeshore Drive), then to CR 82);
2. Alternative 2: Improve another existing route or routes as a designated truck route;
3. Alternative 3: Construct a truck route on a new alignment; and
4. Alternative 4: A routing that would be comprised of a combination of improving the existing route and a route on a new alignment.

These four alternatives, including options within those alternatives, were evaluated and presented in the Draft PSR. These alternatives were also presented to the public at the three Public Scoping Meetings held on February 25 and June 4, 2008, and January 8, 2009. Figure 5 illustrates an example of each of these alternatives, which are discussed in the following paragraphs. Following are brief summaries of the evaluation of the feasibility of each Alternative through the Project Scoping Process. A more detailed discussion is provided in the Draft PSR.

Alternative 1, which consists of improving the existing truck route, does ~~not meet~~ the primary project objective of improving the flow and access of tractor-trailer truck traffic from NY Route 60 to the industrial corridor. Existing conditions limit the improvements that ~~can be made~~ to make the route more suitable for tractor-trailer truck traffic. Those limitations, in turn, cause the following circumstances to continue:

- Tractor-trailer truck traffic would continue to utilize the existing longer and less direct route, which utilizes NYS Route 5 and travels through residential streets;
- Right-of-way constraints would limit needed widening on NY Route 60 from E 7th St to E 2nd St because of the proximity of several residences and businesses along this portion of the route; and
- The existing at-grade railroad crossings would still remain, thus offering no opportunity to enhance tractor-trailer truck traffic mobility or to deal with the delays and safety concerns associated with the conflicts between tractor-trailer truck traffic and rail operations.

Since Alternative 1 does not meet any project objectives it was not evaluated any further.

Alternative 2, which consists of improving another existing route or routes as a designated truck route, had the potential to meet the primary project objective of improving the flow of tractor-trailer truck traffic from NY Route 60 to the industrial corridor.

As stated in Section II.C.2. of the Draft PSR, a number of county and local roads connect NY Route 60 with existing county routes to the east that lead to the industrial corridor. These local roads, however, are posted for no truck traffic by the City of Dunkirk, are in primarily residential neighborhoods that do not have industrial properties immediately adjoining the evaluated route, or have geometric limitations that would prohibit tractor-trailer truck access. Other existing truck routes in the vicinity, some of which were suggested as potential alignments by the public during Project Scoping, are not feasible in that they do not reduce VMT, and therefore do not meet the project objectives.

As stated in the Draft PSR, Alternative 2 options resulted in several negative impacts due to the need to widen roads and intersections. An example of Alternative 2 that uses existing truck routes (Williams Street, CR 81, CR 83, CR 82 and Werle Road) was identified (see figure 5), developed and discussed in the Draft PSR (Sections III.B.2.a and III.B 3.a). For this option, one major negative impact would be the widening of William Street, considered necessary in order to meet applicable design criteria, which would cause physical displacement of cemetery property and several cemetery plots. Another negative impact of this option is the non-standard intersection angles creating the need for intersection widening to accommodate truck traffic. Additionally, negative impacts to critical resources including potential wetlands, a 100-year floodplain and potential archeologically sensitive areas and/or historic structures would result from the proposed widening of roads utilizing this alignment. Similar issues were experienced when looking at other options within Alternative 2 and, therefore, Alternative 2 was dropped from further evaluation.

Alternative 3, developed for the Draft PSR, included multiple routing options. The County had previously identified two alignment options that were generated during early (before and during 1999) conceptual planning for the Millennium Parkway. In addition, three additional new alignment options were developed. These three new alignment options were developed with consideration for engineering and environmental constraints in the project area. The constraints, called "Critical Resources" in the Draft PSR, were used to identify conditions that made routing highly infeasible. Areas with those constraints were avoided to the extent possible when new alignments were preliminarily laid out. However, even with consideration for the existing constraints, the new alignments were routed through primarily undeveloped areas and as such, they present potentially significant environmental impacts. These included impacts to potential wetland areas; archeologically sensitive areas and/or potentially historic structures; potential threatened and endangered species habitats; routing through waste disposal sites; and

routing through 100-year floodplains and streams. Due to the unavoidable impacts to the "Critical Resources", Alternative 3 was dropped from further evaluation.

At the Public Scoping Meeting held on February 25, 2008, and through written comments submitted to Chautauqua County that were received until March 7, 2008, members of the public brought forth a suggestion that Talcott Street be considered as another potential alignment option. Alternative 4, herein referred to as the Talcott Street Alignment, which consists of a combination of improving an existing route and construction on a new alignment, was developed based on these public comments. The Talcott Street Alignment starts at the intersection of NY Route 60 and Talcott Street in the City of Dunkirk and ends at Middle Road, near Progress Drive, in the Town of Dunkirk. The alignment follows Talcott Street northeast to South Roberts Road (CR 81) and then continues northeast traversing the previously identified brownfield redevelopment area on a newly constructed 2-lane road to intersect with Middle Road. The Talcott Street Alignment is comprised of approximately 2,800 feet of existing road and 4,110 feet of new road.

Also, during the first scoping period for the Draft PSR, the USACE and comments from the public requested that an additional alternative be considered. That alternative is the construction of a new interchange on the I-90 at one of three suggested locations.

On April 28, 2008, the Joint Lead Agencies met to discuss the Talcott Street Alignment proposed by the public, and the proposed I-90 interchange alternative, among other topics. At the meeting, the agencies agreed that the Talcott Street Alignment and the proposed I-90 interchange alternative each warranted further evaluation. The first component of the evaluation of the alternatives was to be a screening against project objectives. The next component of the evaluation for the alternative(s) that met the project objectives would be the agency and public scoping process.

A second Inter-Agency Meeting was held on June 4, 2008. At this meeting the evaluation of potential locations for the proposed I-90 interchange alternative was discussed. Three locations were evaluated: Cook Road (less than 2 miles from Interchange 59); Newell Road (approximately 2.4 miles from Interchange 59); and Center Road (approximately 4.2 miles from Interchange 59). The agencies present agreed to the dismissal of the proposed I-90 interchange alternative based on the following:

- The Cook Road option does not meet the minimum two-mile interchange spacing guidelines. Also, the close proximity of acceleration and deceleration lanes, causing traffic to weave, along with the potential confusion to motorists regarding interchange signage, might compromise safety of the motorists.
- Newell Road and Center Road options would result in increased truck miles traveled and westbound trucks would likely ignore the interchange and proceed to the Route 60 interchange; and
- Cost and project funding is insufficient to support the construction of another interchange. Coupled with the cost for the roadway project, the total cost of an additional interchange would approach \$30 million, which far exceeds the available funding for the project.

At the meeting, the agencies also provided favorable opinions on the Talcott Street Alignment.

A second Public Scoping Meeting was also held on June 4, 2008 specifically to present the Talcott Street Alignment to the public and garner their feedback on it. The public comment

period for the second scoping session was held open until June 18, 2008. During that time, twenty-eight written comments were received. In general, comments made at the Public Scoping Meeting and submitted in writing were positive towards the Talcott Street Alignment.

The Talcott Street Alignment meets the project objectives and provides several additional benefits when compared to the existing truck route. The number of truck-miles traveled will be reduced by approximately one-half mile. The existing geometry and available ROW along Talcott Street will allow for the reconstruction of Talcott Street to accommodate tractor trailer trucks. Potential conflicts with trains at at-grade railroad crossings would be significantly reduced. The existing truck route traverses an at-grade railroad crossing at Middle Road (i.e. the CSX railroad crossing) which experiences more than 80 train crossings per day, whereas the at-grade crossing for the Talcott Street Alignment (i.e. the crossing at Franklin Avenue) experiences only one train crossing per day.

Meeting the project's objectives is one criterion for feasibility. The other criteria for feasibility, according to the NYSDOT Project Development Manual Chapter 3, Section 3.2.5.7, are: meeting transportation, community and environmental goals; the capability to be accomplished from an engineering perspective; having minimal environmental impact; having the capability of being funded; and being able to be accomplished in a timely manner. Compared to the other three alternatives, the Talcott Street Alignment best meets the feasibility criteria. Additionally, other benefits derived from the Talcott Street Alignment include the utilization of existing infrastructure; providing enhanced access to rail facilities; and supporting the redevelopment of the brownfields area. Therefore, the Talcott Street Alignment has been selected as a feasible alternative that meets the project objectives.

1.4 HOW WILL THE FEASIBLE ALTERNATIVES AFFECT THE ENVIRONMENT?

As the only feasible Alternative (see Section 1.6 below), the Talcott Street Alignment, depicted in Figure 4, is the only alternative evaluated for purposes of this Final Scoping Report. The National Environmental Policy Act (NEPA) Assessment Checklist was used for the evaluation, in accordance with the PDM. The completed checklist is provided in Appendix 1.

For the Talcott Street Alignment, the following topics are those that have a "Yes" or "TBD" reply on the NEPA Checklist. An explanation for each "Yes" or "TBD" reply is provided below. The NEPA Assessment Checklist question number is also provided for reference.

3. New Location – The extension portion of the Talcott Street Alignment, which is approximately 4,110 feet in length and will have a 100-foot right-of-way, is on a location that has not been previously used as a roadway. The previous use of the area through which 2,190 feet of the extension is proposed is as a former industrial site that consists of manufacturing facilities and associated paved areas and a railroad siding. The site is part of a brownfield redevelopment area. The next portion of the extension, 320 feet in length, is within railroad property. The remaining 1,600 feet of the proposed extension runs through one residential property which fronts on Middle Road and is zoned Industrial District. The extension of Talcott Street through the previously paved and intensely developed area is not anticipated to cause significant environmental impact. The current land uses in the vicinity of the residential property are industrial, railroad corridor and brownfield. The extension of Talcott Street through the residential property will likely involve a residential displacement, as discussed in Response 9, below.

4. Noise – The Type 1 project definition in Part 772 includes “A proposed Federal or Federal-aid highway project for the construction of a highway on new location...”. The construction of the proposed extension portion of the Talcott Street Alignment will be on a new location. The proposed extension is through a site comprised of multiple parcels on which manufacturing facilities were formerly operated. The site, which is triangular, is now a brownfield redevelopment area. The land uses adjacent to the brownfield redevelopment area are predominantly residential to the southwest and active railroad corridors along both the southeast and northern boundaries. North of the brownfield redevelopment area, the Talcott Street Alignment travels adjacent to a railroad corridor and through a currently occupied residential lot before terminating near a multiple-line railroad crossing and the Nestle-Purina complex on Middle Road.

Because the proposed alignment meets the definition of a Type I project, a noise study will be performed in accordance with NYSDOT noise analysis policy.

6. Travel Patterns – The primary objective of the Millennium Parkway Project is to develop a new truck route. With the associated reconstruction of the existing portion of Talcott Street and the construction of the new alignment for the Talcott Street “extension,” the majority of tractor-trailer truck traffic is anticipated to use the new truck route created by this project. Not all tractor-trailer truck traffic on Talcott Street will be “new” traffic, as the street is currently used for access to Carriage House and other facilities in the area. The anticipated changes in travel patterns are positive ones. Those positive impacts include:

- A reduction in the number of residences by which the tractor-trailer truck traffic will pass. Traffic using the Existing Truck Route passes by approximately 160 residences. Traffic using the proposed Talcott Street Alignment would pass by approximately 40 residences.
- A reduction in the vehicle-miles-traveled. Travel from Interchange 59 to Chadwick Bay Industrial Park using the Existing Truck Route covers 4.46 miles while the same travel via the Talcott Street Alignment covers 3.97 miles.

7. ROW Acquisition – The project does require acquisition of more than an as-defined minor amount of right-of-way on one parcel, which is owned by a railroad. The ROW acquisition will encompass approximately 12% of the railroad parcel. Based on the type and current use of the property, the ROW acquisition does not present a significant environmental impact. ROW acquisitions, which present likely residential displacements, are discussed in response 9, below and are not included in this response. The remaining portions of the alignment are on County-owned property.

8. 4(f) Determination – Section 4(f) refers to 49 U.S.C. 303 and 23 U.S.C. 138. Section 4(f), which protected certain public parks and recreation lands, wildlife and waterfowl refuges, and historic sites, technically was repealed in 1983 when it was codified, without substantive change, as 49 U.S.C. 303. This regulation continues to refer to Section 4(f) because it would create needless confusion to do otherwise; the policies Section 4(f) engendered are widely referred to as “Section 4(f)” matters. The Talcott Street Alignment is not located on or adjacent to a public park, recreation area or wildlife or waterfowl refuge. In August 2008, a Phase IA Cultural Resources Investigation Report was completed for the Talcott Street Alignment to evaluate the overall sensitivity of the project area for the presence of cultural resources. The results of the Phase IA indicate that no structure along the proposed alignment is eligible for listing on the state or

national register. The determination from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) as to whether a Phase IB archaeological survey is required is pending. However, if it is not possible to complete the Phase I B prior to design approval, an Unanticipated Discovery Plan will be prepared in consultation with the NYSOPRHP for developed and/or contaminated soils in the project area.

9. Commercial or residential displacement – At least a portion of one commercial property will be acquired for the Talcott Street Alignment. The property is on the southeast corner of the intersection of Route 60 and Talcott Street. The property is currently for sale. If the property is purchased prior to right-of-way acquisition by the County, and if the property continues to be used for commercial purposes, the viability of any business at the location may be compromised. As such, commercial displacement might be necessary. Two residential properties will likely need to be acquired for the Talcott Street Alignment and thereby cause a residential displacement. The first property is on the northeast corner of the intersection of Route 60 and Talcott Street. The acquisition of this property will be required to allow for adequate room for trucks to make turns without infringing on other traffic lanes. Additionally, the extension portion of the alignment bisects a currently occupied residential property near the proposed alignment's more western intersection with Middle Road. The amount of property needed for the proposed alignment as well as impacts to access to the property will likely necessitate the acquisition of the entire parcel rather than the acquisition of only right-of-way.
10. Section 106 – “Section 106” is a provision in the National Historic Preservation Act that requires that any undertaking that involves federal funding consider the effect any such undertaking may have on any district, site, building, structure or object that is included in or eligible for inclusion on the National Register. The project area for the Talcott Street Alignment is not adjacent to or on the location of a National Register site. In August 2008, a Phase IA Cultural Resources Investigation Report was completed for the Talcott Street Alignment to evaluate the overall sensitivity of the project area for the presence of cultural resources. The results of the Phase IA indicate that no structure along the proposed alignment is eligible for listing on the state or national register. The determination from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) as to whether a Phase IB archaeological survey is required is pending. However, if it is not possible to complete the Phase IB prior to design approval, an Unanticipated Discovery Plan will be prepared in consultation with the NYSOPRHP for developed and/or contaminated soils in the project area.
13. Executive Order 11988 – This requires that in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative several requirements shall be addressed by each agency. These requirements include providing leadership and taking action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. These requirements are carried out in the agency responsibilities for (1) acquiring, managing, and disposing of Federal lands, and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. The Talcott Street Alignment requires a crossing over Hyde Creek. To address the EO

11988 requirements, the Federal Emergency Management Agency floodplain maps have been reviewed and a floodplain evaluation and hydraulic analysis will be performed. Any such crossing will be designed in accordance with this order to minimize or eliminate impact to the floodplain.

16. **Hazardous Materials** – The NEPA Assessment Checklist asks whether the project involves any known hazardous materials sites or previous land uses with potential for hazardous material remains within the right-of-way. To address this question, a Phase I Environmental Site Assessment (ESA) was completed for the Talcott Street Alignment. The Phase I ESA identified a number of Recognized Environmental Conditions (RECs) associated with this alignment. However, based upon their regulatory status and/or the nature of the potential contamination, adverse impacts to human health and the environment stemming from these RECs can be avoided via the use of appropriate health and safety precautions and compliance with prescribed soil/fill management plans during project construction. More specifically, the brownfield sites that will be traversed by the new construction portion of the Talcott Street Alignment have been, or are in the process of being, remediated in accordance with NYSDEC requirements to enable redevelopment. These requirements include specific provisions for the management of soil/fill; operation and maintenance of institutional and engineering controls to address residual contamination; long term ground water monitoring; and annual certification that the institutional and engineering controls are being maintained. Additionally, the NYSDEC requirements include use restrictions on the properties that limit future development to commercial and/or industrial purposes and place use restrictions on groundwater. These requirements will be incorporated in the design and construction of this project. Also, the potential to encounter subsurface petroleum contamination associated with several sites near the existing portion of Talcott Street that are categorized as “inactive” by NYSDEC can be adequately addressed via the use of environmental monitoring, appropriate personal protective equipment and soil/fill management practices during construction.
18. **Air Quality Conformity** – The NYSDOT Environmental Procedures Manual (EPM) Chapter 1A, 40 CFR Part 51 and Part 93 establish requirements for the consideration of the impact on air quality conformity of transportation projects. The Millennium Project was not included in the current “Jamestown, New York 8-hour Ozone Non-Attainment Area Transportation/Air Quality Conformity Determination” which addressed proposed non-exempt projects in Chautauqua County. The Interagency Consulting Group (IGC), during their October 15, 2008 conference call, determined that the Millennium Project was “Non-Exempt”. Therefore, an Air Quality Analysis will be performed in accordance with NYSDOT procedures.
21. **Temporary Road, Detour or Ramp Closure** – During construction, it is anticipated that traffic will need to be re-routed during the reconstruction of Talcott Street between NY Route 60 and South Roberts Road. A signed detour will be included as part of the contract documents. While access to residences and business along Talcott Street will be maintained at all times, it is anticipated that through traffic will need to be detoured during the reconstruction of Talcott Street. The established city street grid provides adequate options for detours eliminating concerns for disruptions or delays for local through traffic. This issue will be further evaluated in the design report.

22. Temporary Road, Detour or Ramp Closure – Question 22 involves conditions of any detour that should be met to minimize the impact on the local community. The attributes will be considered during the construction planning for the project.

If potential environmental impacts are identified during preliminary design, in conformance with applicable regulations, efforts will be made to avoid the impact. If the impact cannot be avoided, design considerations will be made to minimize, and when necessary, mitigate the impact. Applications for necessary environmental permits will also be made during the design phases of the project.

1.5 WHAT ARE THE SCHEDULE & COSTS?

Design Approval is scheduled for spring of 2009 with construction scheduled to last eighteen months beginning in spring of 2010. The project schedule is presented in Exhibit 1.1.

| Exhibit 1.1 Project Schedule | |
|---------------------------------|-------------------------|
| Activity | Date Occurred/Tentative |
| Scoping Approval | February 2009 |
| Design Approval | Spring 2009 |
| ROW Acquisition Start | Summer 2009 |
| Construction Start | June 2010 |
| Construction Complete | November 2011 |

A cost table that identifies an approximation of the total project costs for the Talcott Street Alignment with a breakdown of these approximate costs associated with project scoping, design, construction and right-of-way acquisitions is included as Exhibit 1.2.

| Exhibit 1.2 Talcott Street Alignment Costs | | |
|---|---------|------------------|
| Activities | | Cost in Millions |
| Construction Costs | Bridge | \$0.58 |
| | Highway | \$6.96 |
| Wetland Mitigation Costs | | \$0.00 |
| SPDES Mitigation Costs | | \$0.15 |
| Incidentals 10% | | \$0.77 |
| Subtotal (2010 Dollars) | | \$8.46 |
| Contingency (15% @ Design Approval) | | \$1.92 |
| Subtotal (2010 Dollars) | | \$10.38 |
| Field Change Order | | \$0.50 |
| Subtotal (2010 Dollars) | | \$10.88 |
| Mobilization (4%) | | \$0.31 |
| Subtotal (2010 Dollars) | | \$11.19 |
| Expected Award Amount (Inflated @ 5%/yr to midpoint of construction (2010 Dollars)) | | \$0.38 |
| Construction Inspection (9%) | | \$0.69 |
| ROW Costs (2009 Dollars) | | \$0.79 |
| Total Project Costs | | \$13.05 |

1.6 WHICH ALTERNATIVE IS PREFERRED?

As presented in Section 1.3., the Talcott Street Alignment meets the project objectives. In light of the favorable public and agency opinion regarding the Talcott Street Alignment, its meeting of the feasibility criteria, and the lack of significant environmental issues identified during scoping, the Talcott Street Alignment is considered by the Joint Lead Agencies to be the best alternative to carry forward into the design phase. As such, it is the preferred alternative.

A final decision to enter final design will not be made until after the environmental determination and evaluation of the comments on the Draft Design Approval Document and comments received from the Public Meeting.

1.7 WHO WILL DECIDE WHICH ALTERNATIVE WILL BE SELECTED AND HOW CAN I BE INVOLVED IN THIS DECISION?

Public participation and coordination with agencies are vital components of the project development process. Project coordination involves providing project updates and soliciting substantive comments from the affected public and agencies so that they may be addressed in a timely and efficient manner.

Public Participation

- Date: February 2008 through March 2008

A Public Scoping Meeting was held on February 25, 2008 and written comments were accepted through March 7, 2008.

Copies of the Draft Project Scoping Report were transmitted to the five public repositories. The Draft PSR was also posted on the County's consultant's (TVGA) website and linked to the CCDPF website. In addition to the legal notice issued in the local newspaper, a notice for the Public Scoping Meeting was sent to all property owners along the then-proposed alternative alignments.

The Public Scoping Meeting was held to introduce the project to the public and address any comments or questions the public had on the Draft PSR. It was noted that most of the public concerns were surrounding the ownership of their property, the environmental and economic impacts on the area, and the possible truck traffic and congestion. Along with comments, the public was also encouraged to propose other alternatives. All of the public proposals were reviewed against the project objectives, but the Talcott Street Alignment was the only one added to the list of potential alternatives. As a result of this addition, another public scoping meeting was required (see below).

- Date : May 14, 2008

The Chautauqua County Executive met with the Chautauqua County Chamber of Commerce. During this annual meeting with the Chamber, the County Executive spoke briefly about the project, a project brochure was made available to participants and a sign-up sheet was provided for interested parties to be placed on the mailing list, in case

they were not already on it. This opportunity was used to garner additional stakeholder input on the project.

- Date: May 2008 through June 2008

To introduce the Talcott Street Alignment to the public, a second scoping meeting was held on June 4, 2008 and written comments were accepted through June 18. A legal notice was published for the meeting. In addition, property owners along all potential alternative alignments and stakeholders were mailed invitations in the form of a brochure and comment forms. Comment forms were also available at the meeting. A copy of the survey form is provided as Appendix 3.

The comment form included an area in which the public was asked to rate six potential alignments (Alternative 1, four optional alignments within Alternative 3, and the Talcott Street Alignment) on a scale of 1 to 6, indicating how the respondent believes the alternative meets what the respondent considers to be the project objectives (1 = most likely and 6 = least likely). The rating was completed by 22 of 25 respondents with 18 respondents giving the Talcott Street Alignment a 1 rating.

- Date: January 8, 2009

As a result of the emergence of the Talcott Street Alignment as the Preferred Alternative and in light of the minimal environmental impacts anticipated from this alternative, the NEPA classification changed from a Class I, where an Environmental Impact Statement would be required, to a Class II, Categorical Exclusion with Documentation. In order to present these changes to the public, identify the reasons for the change, and to allow for the receipt of comments on the change, a third Public Scoping Meeting was held on January 8, 2009 and written comments were accepted through January 22. A legal notice was published for the meeting. In addition, property owners along all potential alternative alignments and stakeholders were mailed invitations in the form of a brochure and comment forms. Comment forms were also available at the meeting. A copy of the survey form is provided in Appendix 3.

The primary concerns raised during the meeting and in the written comments received after the meeting, included increased diesel fumes, vibrations, noise and traffic delays and/or backups during project construction. Additionally, the issue of whether to allow parking on Talcott Street and concerns about pedestrian safety were discussed. Traffic backups when train traffic blocks the Talcott Street crossing and concerns regarding truck access to existing industries during construction were brought up in written comments.

The public opinions from the public scoping meetings were evaluated and addressed during the scoping phase of the project.

Agency Coordination

- Date: February 26, 2007
Agencies: CCDPF, NYSDEC, USACE, USEPA

A pre-scoping cooperating agency meeting was held on Monday, February 26, 2007 at 11:00am at the Chautauqua County Department of Public Facilities Sheridan Maintenance Facility located at 3250 Middle Road in Dunkirk, NY.

The purpose of the meeting was to provide an overview of the project and to request agency input on the methodology for selecting potential alternative alignments. The limits of the Critical Resource Assessment were studied in a systematic manner to identify build alternatives that would avoid or minimize impacts to key resources. This approach made it necessary to consult with cooperating agencies to more quickly identify a mutually agreeable set of alternatives.

- Date: May 14, 2007
Agencies: Involved and Interested Parties

The CCDPF issued letters to Involved and Interested Parties notifying the other parties of the project, requesting any information regarding any impacts that should be addressed during the review of the project and soliciting for SEQR Lead Agency. All contacted agencies agreed with the CCDPF assuming the role of Lead Agency for SEQR and some provided project-specific information that has been considered during project development.

- Date: May 21, 2007
Agencies: CCDPF, FHWA, NYSDOT

A meeting with the FHWA and NYSDOT was held on Monday, May 21, 2007 at 1:00pm at the Chautauqua County Department of Public Facilities Sheridan Maintenance Facility located at 3250 Middle Road in Dunkirk, NY.

The primary objective of the meeting was to introduce the project to the FHWA; provide an overview of the progress to date and project plan; and determine appropriate National Environmental Policy Act (NEPA) project review and coordination processes.

- Date: January 10, 2008
Agencies: CCDPF, FHWA, NYSDOT, NYSDEC, USACE, USEPA, NYSOPR&HP, USFWS, Town of Sheridan

An Interagency Meeting was held with the FHWA, NYSDOT, NYSDEC, USACE, USEPA, NYSOPRHP, USFWS, and Town of Sheridan on Thursday, January 10, 2008 at 1:00pm at the Jamestown Community College North County Training Center located at 10807 Bennett Road in Dunkirk, NY.

The primary objectives of the meeting were to provide a project update, continue dialogue among parties, and receive comments on the Draft Coordination Plan, Draft

Statement of Need and Purpose, and Draft Project Scoping Report (PSR), all of which were distributed to the Cooperating/Participating Agencies in October 2007.

- Date: February 22, 2008
Agencies: CCDPF, FHWA, NYSDOT

A meeting was held with the FHWA and NYSDOT on Friday, February 22, 2008 at 1:30pm at the NYSDOT Offices located at 100 Seneca Street in Buffalo, NY.

The primary objective of this meeting was to clarify and confirm that the NYSDOT *Project Development Manual* was being used instead of the *Locally Administered Federal Aid Procedures Manual*. Other topics that were covered included the general project advancement, the project schedule, and comments received from agencies.

- Date: April 28, 2008
Agencies: CCDPF, FHWA, NYSDOT

A meeting was held with the FHWA and NYSDOT on Monday, April 28, 2008 at 1:30pm at the CCDPF Office located at 454 North Work Street in Falconer, NY.

The purpose of the meeting was to introduce a potential new alternative, the Talcott Street Alignment, which arose from public comments received through the February 25, 2008 Public Scoping Meeting. The agencies met to discuss the direction of the project in terms of logical termini, the process of completing the Final Project Scoping Report, and the creation of a Public Involvement Plan.

- Date: June 4, 2008
Agencies: CCDPF, FHWA, NYSDOT, NYSDEC, USEPA, USACE, Chadwick Bay RDC

A second Interagency Meeting was held with the FHWA, NYSDOT, NYSDEC, USACE, USEPA, and the Chadwick Bay RDC on Wednesday, June 4, 2008 at 1:30pm at the Jamestown Community College, North County Training Center located at 10807 Bennett Road in Dunkirk, NY.

The primary objective of the meeting was to review the agency and public scoping comments, and discuss the future progress of the project. The issues and concerns of the Talcott Street Alignment were discussed, along with the future progress of the Final Project Scoping Report.

Refer to Appendix 4, for the meeting minutes and further project coordination information.

A Public Involvement Plan was prepared for the project. It is on file with the NYSDOT.

Inquiries about the project should be directed to:

Chautauqua County Department of Public Facilities
Attn: Mr. George P. Spanos, P.E., Director
454 North Work Street
Falconer, NY 14733
Re: Millennium Parkway

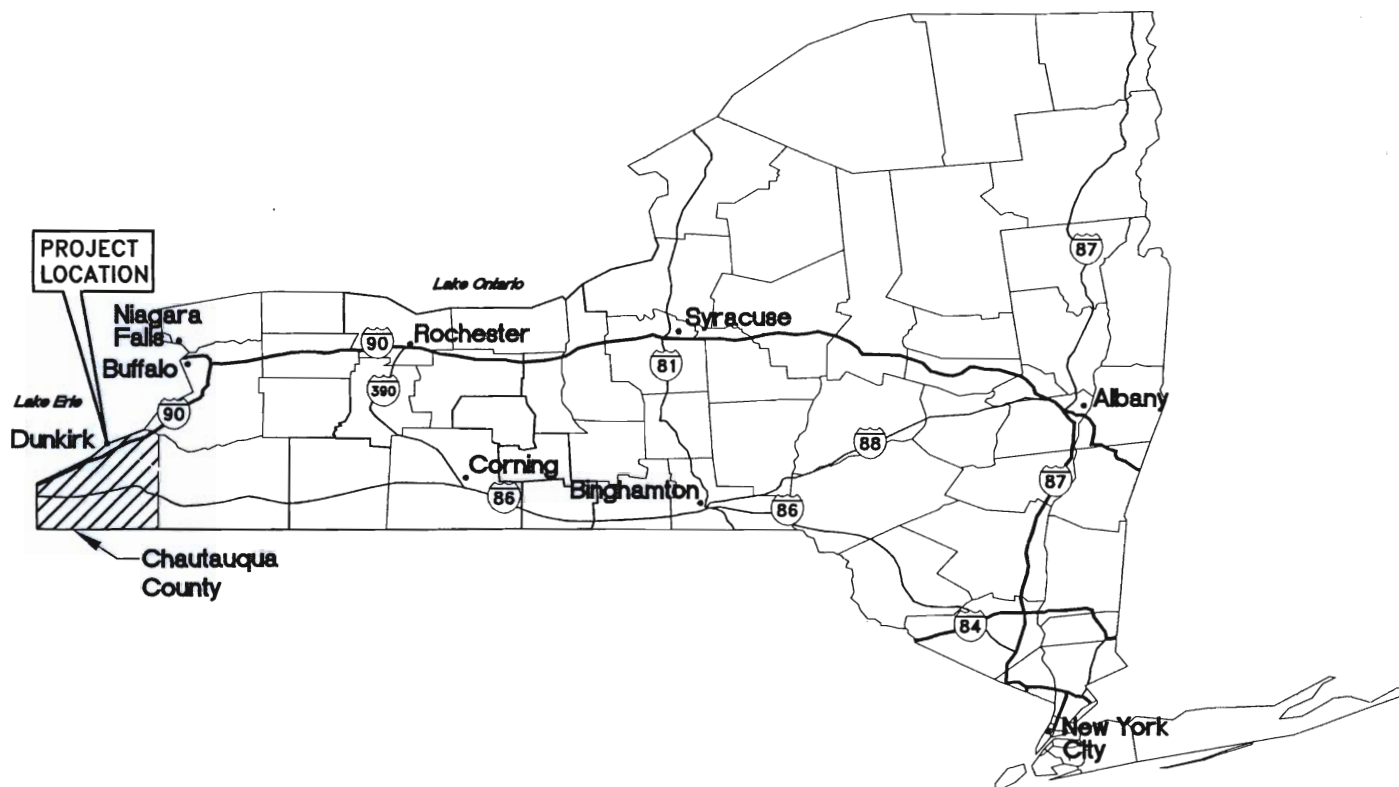
Correspondence regarding this project should refer to PIN 5757.55

The Final Project Scoping Report and other project information are available at these websites:

<http://www.co.chautauqua.ny.us/trans/transframe.htm> - Click on "Engineering"

<http://www.tvga.com/> - scroll down the main page to "Projects" and click on the Millennium icon.

FIGURES



STATE MAP
NOT TO SCALE

 COUNTY OF INTEREST

MILLENNIUM PARKWAY
CITY OF DUNKIRK
TOWNS OF DUNKIRK
AND SHERIDAN
CHAUTAUQUA COUNTY

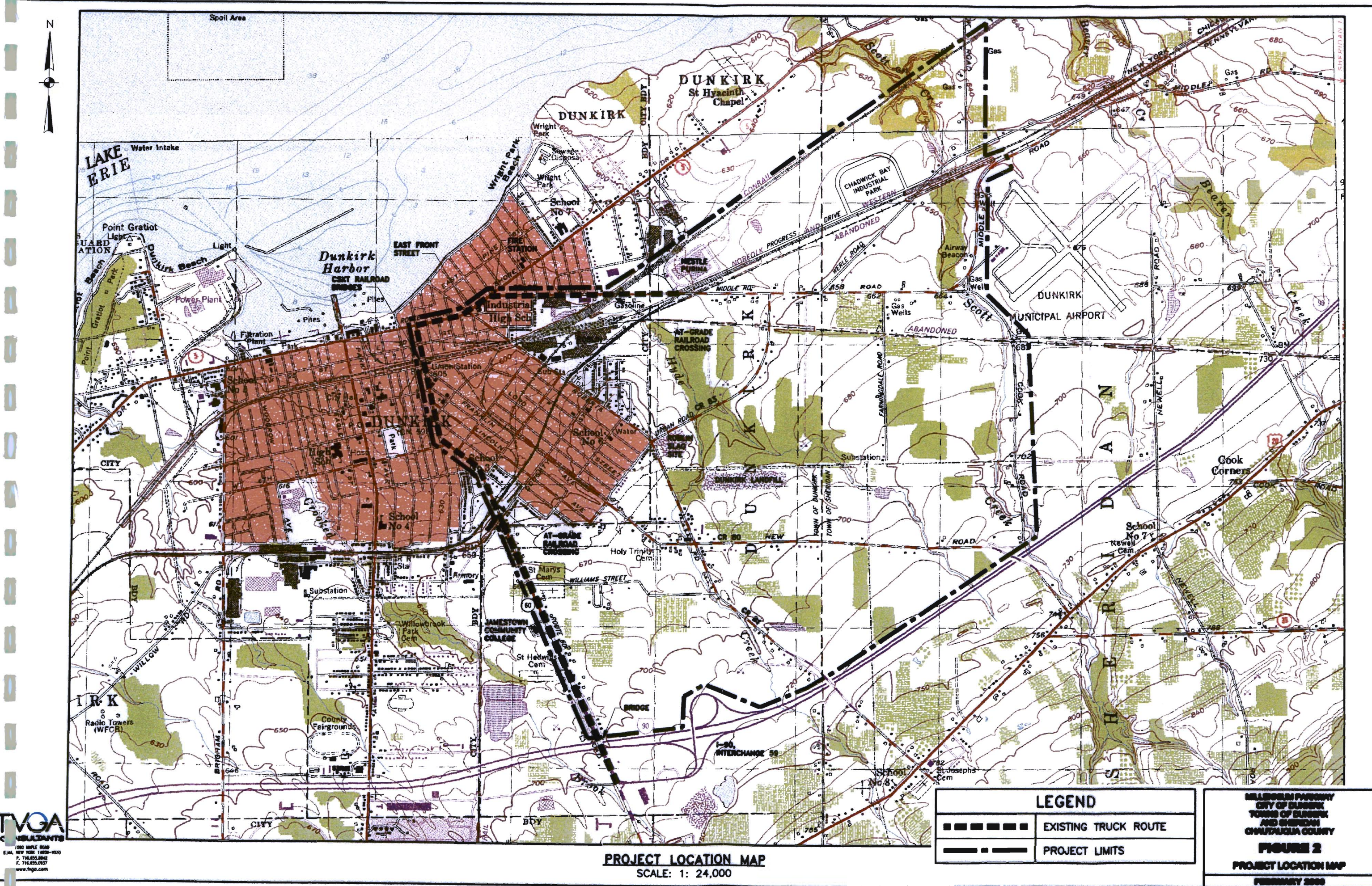
FIGURE 1

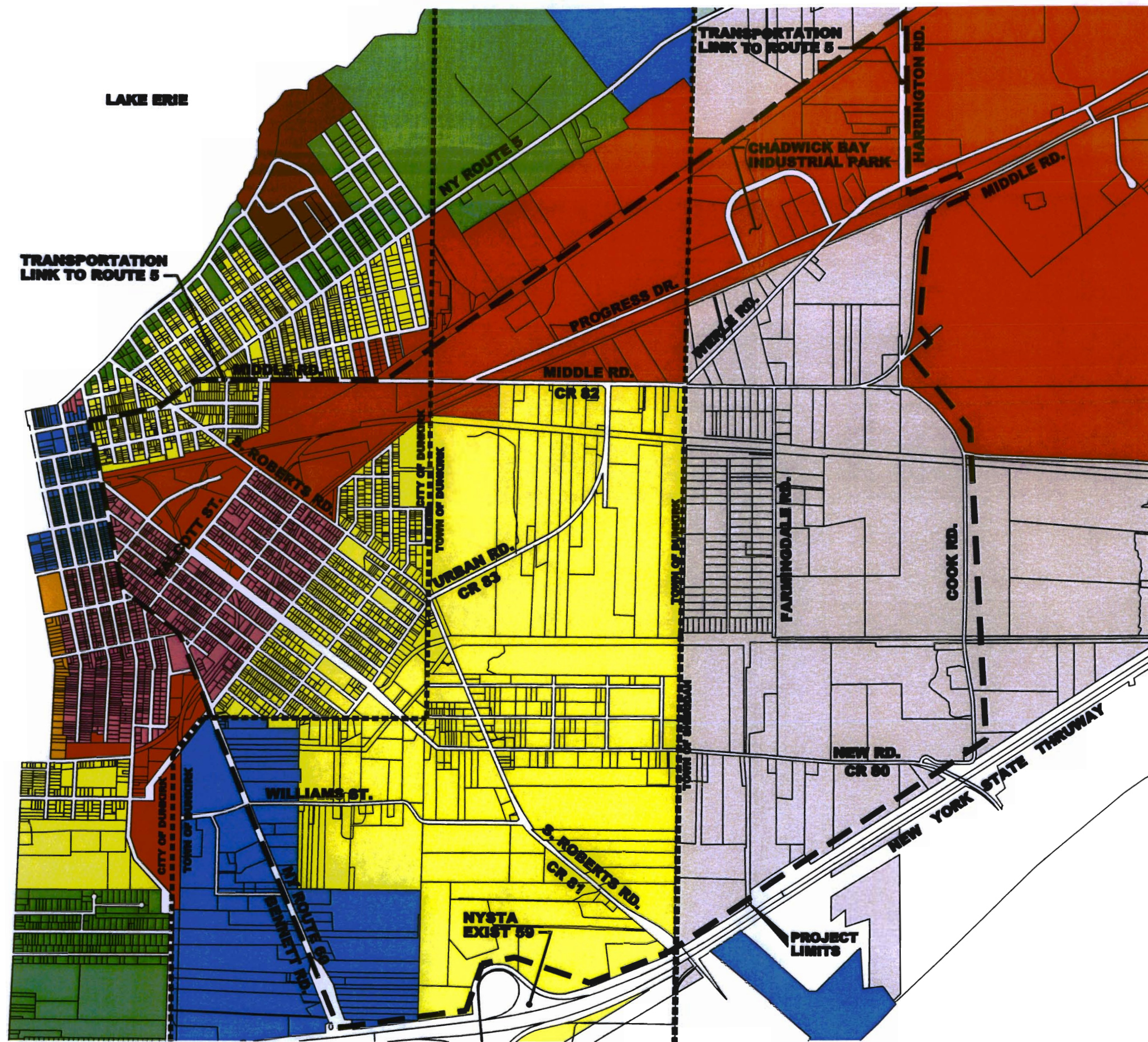
STATE MAP

FEBRUARY 2009

TVGA
CONSULTANTS

1000 MAPLE ROAD
ELMA, NEW YORK 14059-9530
P. 716.655.8842
F. 716.655.0937
www.tvga.com



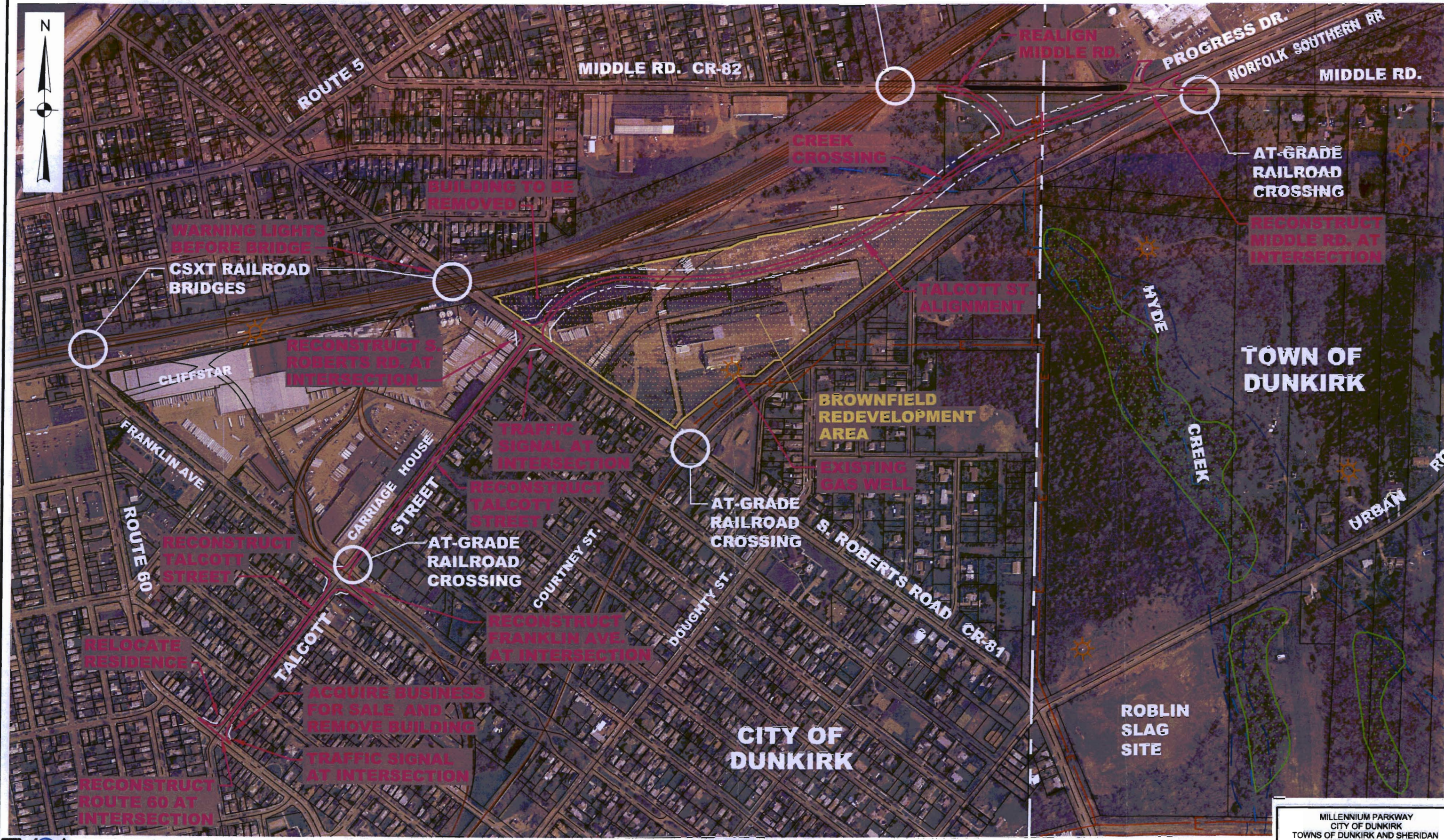


| LEGEND | |
|--------|----------------------------|
| | GENERAL RESIDENTIAL |
| | SINGLE FAMILY RESIDENTIAL |
| | MULTI-FAMILY RESIDENTIAL |
| | INDUSTRIAL DISTRICT |
| | COMMERCIAL DISTRICT |
| | AGRICULTURAL |
| | AGRICULTURAL RESIDENTIAL 2 |
| | OPEN SPACE DISTRICT |
| | CITY/ TOWN BOUNDARY LINE |
| | PROJECT LIMITS |

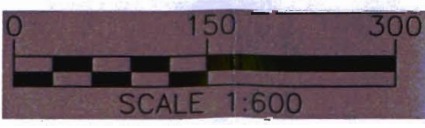
MILLENNIUM PARKWAY
CITY OF DUNKIRK
TOWNS OF DUNKIRK AND SHERIDAN
CHAUTAUQUA COUNTY

FIGURE 3
ZONING MAP
FEBRUARY 2000

ZONING MAP
NOT TO SCALE



TVGA
CONSULTANTS
1000 MAPLE ROAD
ELMA, NEW YORK 14059-9530
P. 716.652.0800
F. 716.652.0807
www.tvga.com



MILLENNIUM PARKWAY
CITY OF DUNKIRK
TOWNS OF DUNKIRK AND SHERIDAN
CHAUTAUQUA COUNTY
TALCOTT ALIGNMENT
FIGURE 4
FEBRUARY 2009

LEGEND

- PROJECT LIMITS ———
- EXISTING TRUCK ROUTE ———
- SCHOOL DISTRICT BOUNDARY ———
- CITY AND TOWN LIMITS ———
- ℄ R.O.W. ———
- RAILROAD ———
- WATER COURSE ———

LAKE ERIE

TALCOTT ST. ALIGNMENT

CITY OF DUNKIRK

ALTERNATIVE 2

ALTERNATIVE 3

PROJECT LIMITS

MILLENNIUM PARKWAY
CITY OF DUNKIRK AND
TOWNS OF DUNKIRK
CHAUTAUQUA COUNTY

EXAMPLE ALIGNMENTS OF CONSIDERED ALTERNATIVES

FIGURE 5

FEBRUARY 2009

TVGA
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1000 MAPLE ROAD
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www.tvga.com

NOT TO SCALE

APPENDIX 1

NEPA ASSESSMENT CHECKLIST

5757.55
Jan 29, 2009

NEPA ASSESSMENT CHECKLIST

Answer the following questions by checking YES or NO.

I. THRESHOLD QUESTION

YES NO

1. Does the project involve unusual circumstances as described in 23 CFR §771.117(b)?

____ ☒

M If YES, the project does not qualify as a Categorical Exclusion and an EA or EIS is required. You may STOP COMPLETING THE CHECKLIST.

M If NO, go on.

II. AUTOMATIC CATEGORICAL EXCLUSION

YES NO

2. Is the project an action listed as an Automatic Categorical Exclusion in 23 CFR §771.117(c) (C List) and/or is the project an element-specific project classified by FHWA as a Categorical Exclusion on July 22, 1996?

____ ☒

M If YES to question 2, the project qualifies for a C List Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the CATEGORICAL EXCLUSION DETERMINATION memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).

(Note - Even if YES to question 2, there may be specific environmental issues that still require an action such as an EO 11990 Wetland Finding or a determination of effect on cultural resources. The project is still an Automatic Categorical Exclusion but the necessary action must be taken, such as obtaining FHWA's signature on the wetland finding. Refer to the appropriate section of the Environmental Procedures Manual for guidance.)

M If NO to question 2, go on.

III. PROGRAMMATIC CATEGORICAL EXCLUSION

YES NO

3. Is the project on new location or does it involve a change in the functional classification or added mainline capacity (add through-traffic lanes)?

☒ ____

YES NO

13. Has it been determined that the project will significantly encroach upon a flood plain based on preliminary hydraulic analysis and consideration of EO 11988 criteria as appropriate?
14. Does the project involve construction in, across or adjacent to a river designated as a component proposed for or included in the National System of Wild and Scenic Rivers?
15. Does the project involve any change in access control?
16. Does the project involve any known hazardous materials sites or previous land uses with potential for hazardous material remains within the right-of-way?
17. Does the project occur in an area where there are Federally listed endangered or threatened species or critical habitat?
18. Is the project, pursuant to EPM Chapter 1A and Table 2 and Table 3 of 40 CFR Parts 51 and 93, non-exempt or does it exceed any ambient air quality standard?
19. Does the project lack consistency with the New York State Coastal Zone Management Plan and policies of the Department of State, Office of Coastal Zone Management?
20. Does the project impact or acquire any Prime or Unique Farmland as defined in 7 CFR Part 657 of the Federal Farmland Protection Policy Act and are there outstanding compliance activities necessary? (Note: Interpret compliance activity to mean completion of Form AD 1006.)

☒ ☐

☐ ☒

☐ ☒

☒ ☐

☐ ☒

☒ ☐

☐ ☒

☐ ☒

M If questions 3-20 are NO, 21 is YES and 22 (i-v) are YES, the project qualifies for a Programmatic Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo should be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report.) A copy of the CATEGORICAL EXCLUSION DETERMINATION memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).

M If questions 3-20 are NO, 21 is YES and any part of 22 is NO, go on to question 23.

| | | |
|--|-------|-------|
| 23. Is the project section listed in 23 CFR §771.117(d) (D List) or is the project an action similar to those listed in 23 CFR §771.117(d)? | YES | NO |
| | _____ | _____ |

For those questions which precluded a Programmatic Categorical Exclusion, documentation should be provided for any YES response to questions 3-20 or for a NO response to any part of questions 22 (i-v). This documentation, as well as the checklist, should be included in the Design Approval Document, i.e., Final Design Report, etc., to be submitted to the Main Office/FHWA Design liaison unit for submission to the FHWA Division for classification of the project as a D List Categorical Exclusion.

APPENDIX 2

SEQRA PART 1 OF FULL EAF

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

☐ Part 1

☐ Part 2

☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared**.*
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned ~~Negative Declaration~~ is only valid for Unlisted Actions

Millennium Parkway

Name of Action

Chautauqua County Department of Public Facilities

Name of Lead Agency

George P. Spanos, P.E.

Director

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☒ Urban ☒ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Other Railroad and Utility ROW

2. Total acreage of project area: 14.545 acres.

| APPROXIMATE ACREAGE | PRESENTLY | AFTER COMPLETION |
|--|--------------------|--------------------|
| Meadow or Brushland (Non-agricultural) | <u>NA</u> acres | <u>NA</u> acres |
| Forested | <u>NA</u> acres | <u>NA</u> acres |
| Agricultural (Includes orchards, cropland, pasture, etc.) | <u>NA</u> acres | <u>NA</u> acres |
| Wetland (Freshwater or tidal as per Articles 24,25 of ECL) | <u>NA</u> acres | <u>NA</u> acres |
| Water Surface Area | <u>NA</u> acres | <u>NA</u> acres |
| Unvegetated (Rock, earth or fill) | <u>4.205</u> acres | <u>0.218</u> acres |
| Roads, buildings and other paved surfaces | <u>6.832</u> acres | <u>8.265</u> acres |
| Other (Indicate type) <u>Landscaped Lawn</u> | <u>3.508</u> acres | <u>6.062</u> acres |

3. What is predominant soil type(s) on project site? NiagaraSiltLoam&MinoaFineSand

- a. Soil drainage: ☐ Well drained ____ % of site ☐ Moderately well drained ____ % of site.
☒ Poorly drained 100 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock > 12 (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% 98 % ☒ 10- 15% 2 % ☐ 15% or greater ____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? >1 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☒ Yes ☐ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 19.66 acres.
- b. Project acreage to be developed: ROW only acres initially; ROW only acres ultimately.
- c. Project acreage to remain undeveloped: NA acres.
- d. Length of project, in miles: 1.41 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing NA; proposed NA
- g. Maximum vehicular trips generated per hour: NA (upon completion of project)?
- h. If residential: Number and type of housing units:

| | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |
| Ultimately | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |

- i. Dimensions (in feet) of largest proposed structure: NA height; NA width; NA length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 6,024+/- ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

Landscaping and slope stabilization.

- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☒ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 2.9+/- acres.

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☒ Yes ☐ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☒ Yes ☐ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

During construction, odors and noise may be generated above ambient levels. Also during construction, energy in the form of fuels will be used to power equipment.

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day NA gallons/day.

24. Does project involve Local, State or Federal funding? ☒ Yes ☐ No

If yes, explain:

The Millennium Parkway Project is being funded through a federal (80%), state (15%) and county (5%) funding.

2. What is the zoning classification(s) of the site?

Multi-Family Residential and Industrial District

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Not applicable.

4. What is the proposed zoning of the site?

No change is being proposed.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Not applicable.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒ Yes

☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Uses: Residential, industrial, community and commercial.

Zoning: Residential, industrial, community and commercial.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

☒ Yes

☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? Not applicable.

a. What is the minimum lot size proposed? Not applicable.

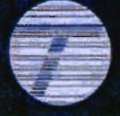
APPENDIX 3

PUBLIC PARTICIPATION

Millennium Parkway Project

Public Scoping Meeting Brochure

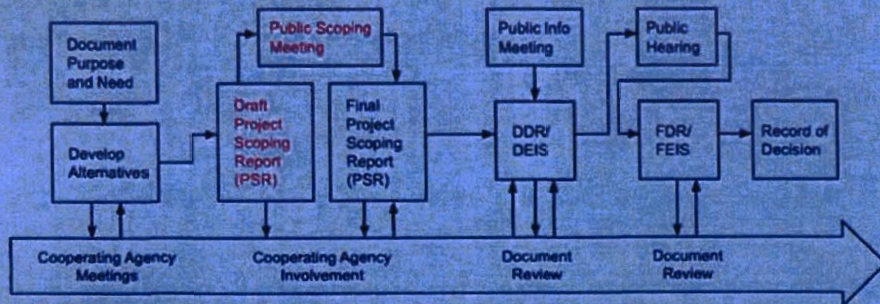
Chautauqua County Department of Public Facilities
154 North Work Street
Dunkirk, NY 14733



What's Next?

The project sponsors welcome your input and will incorporate the most recent studies and input received into the Final Project Scoping Report. In the coming months, the County will proceed with the Draft Design Report/Draft Environmental Impact Statement. The County will continue to meet and discuss the project with the public and local, state, and federal officials. Your input is critical. Thank you for your interest in this project.

Project Development Process



Note: The red text indicates the current status of the project.

DDR/DEIS = Draft Design Report/Draft Environmental Impact Statement - FDR/FEIS = Final Design Report/Final Environmental Impact Statement
The Record of Decision is the final step in the EIS process, which identifies the selected alternative, presents the basis for the decision, identifies all of the alternatives considered, specifies the "environmentally preferable alternative," and provides information on the adopted means to avoid, minimize, and compensate for environmental impacts.

Publication Date: February 2008



Chautauqua County
Department of
Public Facilities

City of Dunkirk and
Town of Sheridan
Chautauqua County
PIN 5757.55

Millennium Parkway Project

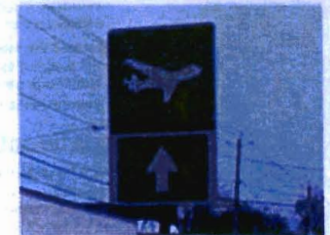
Public Scoping Meeting Brochure

Introduction

The purpose of this Public Scoping Brochure is to provide general information and to solicit public comments regarding the upcoming Millennium Parkway Project located in the City of Dunkirk and Towns of Dunkirk and Sheridan, Chautauqua County, New York. The project is sponsored by the Chautauqua County Department of Public Facilities in conjunction with the Federal Highway Administration and the New York State Department of Transportation. The project involves improving tractor-trailer truck traffic access from NY Route 60 to an industrial corridor, including districts zoned for industrial use along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road). This brochure outlines the proposed scope of this project and the anticipated impacts on roadway traffic and property along the project corridor.

Contents

- Introduction
- Public Scoping Meeting
- Project Schedule
- Project Needs and Objectives
- Alternatives Under Consideration
- Preliminary Corridor Screening - Critical Resource Assessment
- Comparative Analysis
- Potential Alignments
- What's Next?
- Project Development Process



Public Scoping Meeting

A Public Scoping Meeting will be held to discuss the proposed Millennium Parkway Project. The meeting will be held at the location, date, and time specified below:

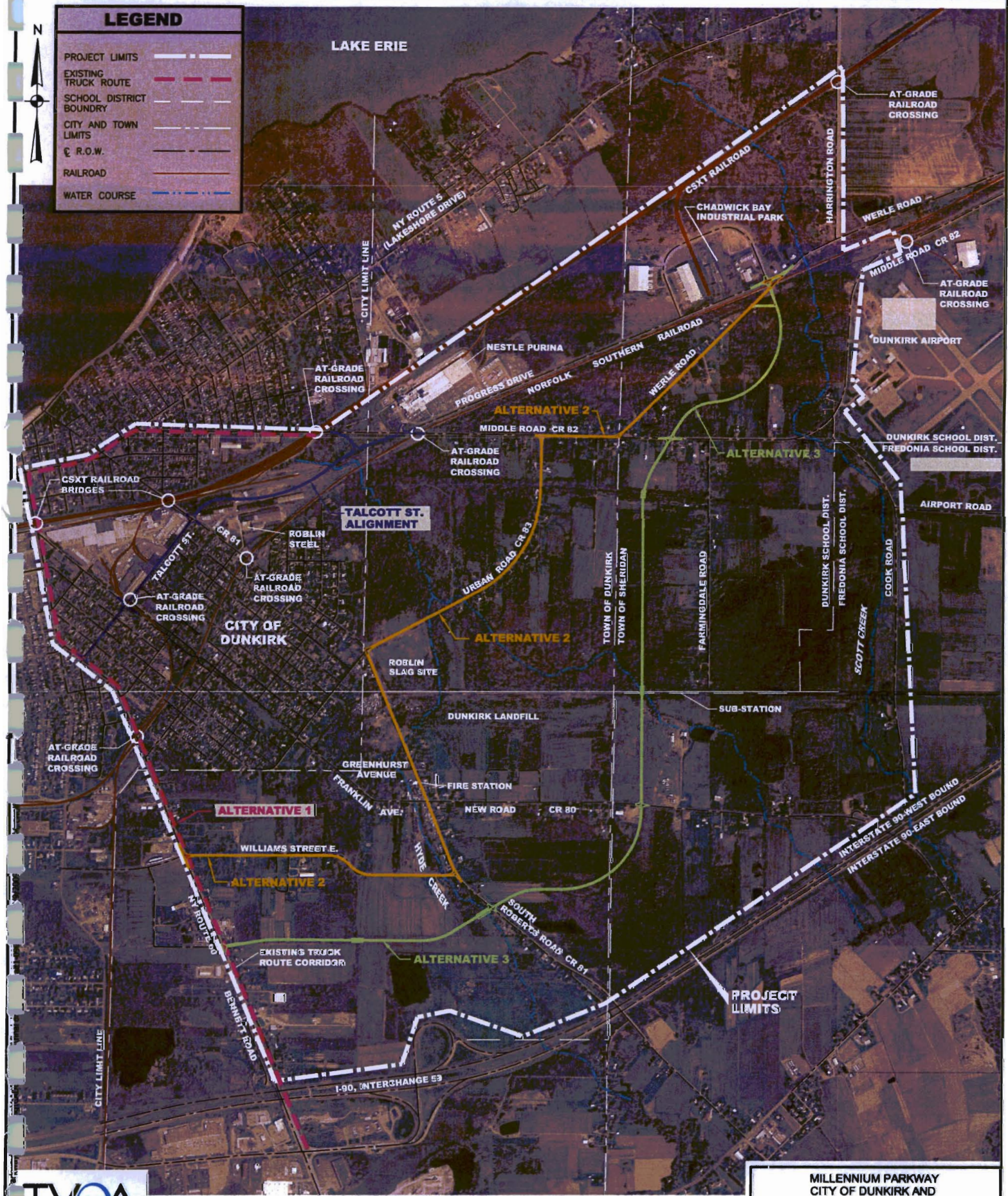
Dunkirk High School • 75 West 6th Street • Dunkirk, NY 14048
Monday, February 25, 2008 • 5:00pm to 7:00pm

The purpose of the meeting is to obtain comments on the proposed project from individuals, groups, officials, and local agencies. The project sponsors are specifically soliciting comments on the development of alternatives for the project and comments on the project's impact to critical resources. This Public Scoping Meeting is part of the continuing efforts by the project sponsors to encourage public input into the development of transportation projects.

LEGEND

| | |
|--------------------------|-----|
| PROJECT LIMITS | --- |
| EXISTING TRUCK ROUTE | --- |
| SCHOOL DISTRICT BOUNDARY | --- |
| CITY AND TOWN LIMITS | --- |
| Q R.O.W. | --- |
| RAILROAD | --- |
| WATER COURSE | --- |

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F. 716.655.0837
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EXAMPLE ALIGNMENTS OF CONSIDERED ALTERNATIVES
NOT TO SCALE

MILLENNIUM PARKWAY
CITY OF DUNKIRK AND
TOWNS OF DUNKIRK
CHAUTAUQUA COUNTY

FIGURE 5

FEBRUARY 2009

APPENDIX 1

NEPA ASSESSMENT CHECKLIST

5757.55

Jan 29, 2009

NEPA ASSESSMENT CHECKLIST

Answer the following questions by checking YES or NO.

I. THRESHOLD QUESTION

YES NO

1. Does the project involve unusual circumstances as described in 23 CFR §771.117(b)?

____ ☒

M If YES, the project does not qualify as a Categorical Exclusion and an EA or EIS is required. You may STOP COMPLETING THE CHECKLIST.

M If NO, go on.

II. AUTOMATIC CATEGORICAL EXCLUSION

YES NO

2. Is the project an action listed as an Automatic Categorical Exclusion in 23 CFR §771.117(c) (C List) and/or is the project an element-specific project classified by FHWA as a Categorical Exclusion on July 22, 1996?

____ ☒

M If YES to question 2, the project qualifies for a C List Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the CATEGORICAL EXCLUSION DETERMINATION memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).

(Note - Even if YES to question 2, there may be specific environmental issues that still require an action such as an EO 11990 Wetland Finding or a determination of effect on cultural resources. The project is still an Automatic Categorical Exclusion but the necessary action must be taken, such as obtaining FHWA's signature on the wetland finding. Refer to the appropriate section of the Environmental Procedures Manual for guidance.)

M If NO to question 2, go on.

III. PROGRAMMATIC CATEGORICAL EXCLUSION

YES NO

3. Is the project on new location or does it involve a change in the functional classification or added mainline capacity (add through-traffic lanes)?

☒ ____

YES NO

4. Is this a Type I project under 23 CFR 772, "Procedures for Abatement of Highway Traffic Noise and Construction"?
5. If the project is located within the limits of a designated sole source aquifer area or the associated stream flow source area, is the drainage pattern altered?
6. Does the project involve changes in travel patterns?
7. Does the project involve the acquisition of more than minor amounts of temporary or permanent right-of-way (a minor amount of right-of-way is defined as not more than 10 percent of a parcel for parcels under 4 ha (10 acres) in size, 0.4 ha (1 acre) of a parcel 4 ha to 40.5 ha (10 to 100 acres) in size and 1 percent of a parcel for parcels greater than 40.5 ha (100 acres) in size)?
8. Does the project **require** a Section 4(f) evaluation and determination in accordance with the FHWA guidance?
9. Does the project involve commercial or residential displacement?
10. If Section 106 applies, does FHWA's determination indicate an opinion of adverse effect?
11. Does the project involve any work in wetlands requiring a Nationwide Wetland Permit #23?
12. Does the project involve any work in wetlands requiring an individual Executive Order 11990 Wetland Finding?

☒ ☐

☐ ☒

☒ ☐

☒ ☐

☐ TBD

☒ ☐

☐ TBD

☐ ☒

☐ ☒

YES NO

13. Has it been determined that the project will significantly encroach upon a flood plain based on preliminary hydraulic analysis and consideration of EO 11988 criteria as appropriate?

☒ ☐

14. Does the project involve construction in, across or adjacent to a river designated as a component proposed for or included in the National System of Wild and Scenic Rivers?

☐ ☒

15. Does the project involve any change in access control?

☐ ☒

16. Does the project involve any known hazardous materials sites or previous land uses with potential for hazardous material remains within the right-of-way?

☒ ☐

17. Does the project occur in an area where there are Federally listed endangered or threatened species or critical habitat?

☐ ☒

18. Is the project, pursuant to EPM Chapter 1A and Table 2 and Table 3 of 40 CFR Parts 51 and 93, non-exempt or does it exceed any ambient air quality standard?

☒ ☐

19. Does the project lack consistency with the New York State Coastal Zone Management Plan and policies of the Department of State, Office of Coastal Zone Management?

☐ ☒

20. Does the project impact or acquire any Prime or Unique Farmland as defined in 7 CFR Part 657 of the Federal Farmland Protection Policy Act and are there outstanding compliance activities necessary? (Note: Interpret compliance activity to mean completion of Form AD 1006.)

☐ ☒

M If NO for questions, 3-20, go on to answer question 21.

M If YES to any question 3-20, project will not qualify as a Programmatic Categorical Exclusion. Answer questions 21 and 22 for documentation only and go on to question 23.

21. Does the project involve the use of a temporary road, detour or ramp closure?

| YES | NO |
|----------|---------------|
| <u>✓</u> | <u> </u> |

M If NO to questions 3-20 and NO to question 21, the project qualifies as a Programmatic Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the Categorical Exclusion memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).

M If YES to question 21, preparer should complete question 22 (i-v). If questions 3-20 are NO and 21 is YES, the project will still qualify as a Programmatic Categorical Exclusion if questions 22 (i-v) are YES.

22. Since the project involves the use of temporary road, detour or ramp closure, will all of the following conditions be met:

| YES | NO |
|----------|---------------|
| <u>✓</u> | <u> </u> |
| <u>✓</u> | <u> </u> |
| <u>✓</u> | <u> </u> |
| <u>✓</u> | <u> </u> |
| <u>✓</u> | <u> </u> |

i. Provisions will be made for pedestrian access, where warranted, and access by local traffic and so posted.

ii. Through-traffic dependent business will not be adversely affected.

iii. The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.

iv. The temporary road, detour or ramp closure does not substantially change the environmental consequences of the action.

v. There is no substantial controversy associated with the temporary road, detour or ramp closure.

M If questions 3-20 are NO, 21 is YES and 22 (i-v) are YES, the project qualifies for a Programmatic Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo should be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report.) A copy of the CATEGORICAL EXCLUSION DETERMINATION memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).

M If questions 3-20 are NO, 21 is YES and any part of 22 is NO, go on to question 23.

| | | |
|---|-------|-------|
| 23. Is the project section listed in 23 CFR §771.117(d) (D List) or is the project an action similar to those listed in 23 CFR §771.117(d)? | YES | NO |
| | _____ | _____ |

For those questions which precluded a Programmatic Categorical Exclusion, documentation should be provided for any YES response to questions 3-20 or for a NO response to any part of questions 22 (i-v). This documentation, as well as the checklist, should be included in the Design Approval Document, i.e., Final Design Report, etc., to be submitted to the Main Office/FHWA Design liaison unit for submission to the FHWA Division for classification of the project as a D List Categorical Exclusion.

APPENDIX 2

SEQRA PART 1 OF FULL EAF

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

☐ Part 1

☐ Part 2

☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.*
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Millennium Parkway

Name of Action

Chautauqua County Department of Public Facilities

Name of Lead Agency

George P. Spanos, P.E.

Director

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Millennium Parkway (PIN 5757.55)

Location of Action (include Street Address, Municipality and County)

City of Dunkirk and Town of Dunkirk, Chautauqua County

Name of Applicant/Sponsor Chautauqua County Department of Public Facilities

Address 454 North Work Street

City / PO Falconer State NY Zip Code 14733

Business Telephone 716-661-8400

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The Chautauqua County Department of Public Facilities, acting as Project Sponsor, has proposed the Millennium Parkway Project to improve tractor-trailer truck traffic access from New York Route 60 to an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road), in Chautauqua County, New York. The project involves the reconstruction of the existing Talcott Street Alignment and the construction of new roadway to connect the northern end of Talcott Street to Middle Road.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☒ Urban ☒ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Other Railroad and Utility ROW

2. Total acreage of project area: 14.545 acres.

| APPROXIMATE ACREAGE | PRESENTLY | AFTER COMPLETION |
|--|--------------------|--------------------|
| Meadow or Brushland (Non-agricultural) | <u>NA</u> acres | <u>NA</u> acres |
| Forested | <u>NA</u> acres | <u>NA</u> acres |
| Agricultural (Includes orchards, cropland, pasture, etc.) | <u>NA</u> acres | <u>NA</u> acres |
| Wetland (Freshwater or tidal as per Articles 24,25 of ECL) | <u>NA</u> acres | <u>NA</u> acres |
| Water Surface Area | <u>NA</u> acres | <u>NA</u> acres |
| Unvegetated (Rock, earth or fill) | <u>4.205</u> acres | <u>0.218</u> acres |
| Roads, buildings and other paved surfaces | <u>6.832</u> acres | <u>8.265</u> acres |
| Other (Indicate type) <u>Landscaped Lawn</u> | <u>3.508</u> acres | <u>6.062</u> acres |

3. What is predominant soil type(s) on project site? NiagaraSiltLoam&MinoaFineSand

- a. Soil drainage: ☐ Well drained ____ % of site ☐ Moderately well drained ____ % of site.
☒ Poorly drained 100 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock > 12 (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% 98 % ☒ 10- 15% 2 % ☐ 15% or greater ____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? >1 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Field surveys completed in 2007 & 2008 produced no sightings of the Short-eared owl, the species for which the NYSDEC requested surveys.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

Hyde Creek

a. Name of Stream and name of River to which it is tributary

Hyde Creek is tributary to Lake Erie

16. Lakes, ponds, wetland areas within or contiguous to project area:

Not Applicable

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☒ Yes ☐ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 19.66 acres.
- b. Project acreage to be developed: ROW only acres initially; ROW only acres ultimately.
- c. Project acreage to remain undeveloped: NA acres.
- d. Length of project, in miles: 1.41 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing NA; proposed NA
- g. Maximum vehicular trips generated per hour: NA (upon completion of project)?
- h. If residential: Number and type of housing units:

| | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |
| Ultimately | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |

- i. Dimensions (in feet) of largest proposed structure: NA height; NA width; NA length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 6,024+/- ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.
3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

Landscaping and slope stabilization.

- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☒ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 2.9+/- acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 7 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated NA (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 35 ; after project is complete 0

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? ☒ Yes ☐ No

If yes, explain:

Utility poles might need to be relocated within existing ROW.

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☒ Yes ☐ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

c. If yes, give name _____ : location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☒ Yes ☐ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☒ Yes ☐ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

During construction, odors and noise may be generated above ambient levels. Also during construction, energy in the form of fuels will be used to power equipment.

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day NA gallons/day.

24. Does project involve Local, State or Federal funding? ☒ Yes ☐ No

If yes, explain:

The Millennium Parkway Project is being funded through a federal (80%), state (15%) and county (5%) funding.

25. Approvals Required:

| | | | Type | Submittal Date |
|------------------------------------|---|--|---|----------------|
| City, Town, Village Board | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| City, Town, Village Planning Board | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| City, Town Zoning Board | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| City, County Health Department | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| Other Local Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| Other Regional Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ | _____ |
| | | | _____ | _____ |
| | | | _____ | _____ |
| State Agencies | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | NYSDEC - Joint <input checked="" type="checkbox"/> Application & SPDES | TBD |
| | | | _____ | _____ |
| | | | _____ | _____ |
| Federal Agencies | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | FHWA - Design Document | TBD |
| | | | USACE - Joint Application | TBD |
| | | | _____ | _____ |

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☐ Yes ☒ No

If Yes, indicate decision required:

| | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

Multi-Family Residential and Industrial District

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Not applicable.

4. What is the proposed zoning of the site?

No change is being proposed.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Not applicable.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒

Yes

☐

No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Uses: Residential, industrial, community and commercial.

Zoning: Residential, industrial, community and commercial.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

☒

Yes

☐

No

9. If the proposed action is the subdivision of land, how many lots are proposed? Not applicable.

a. What is the minimum lot size proposed? Not applicable.

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature _____

Title _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

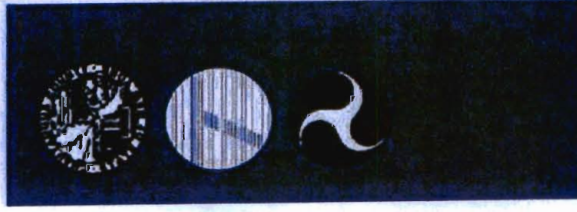
APPENDIX 3

PUBLIC PARTICIPATION

Millennium Parkway Project

Public Scoping Meeting Brochure

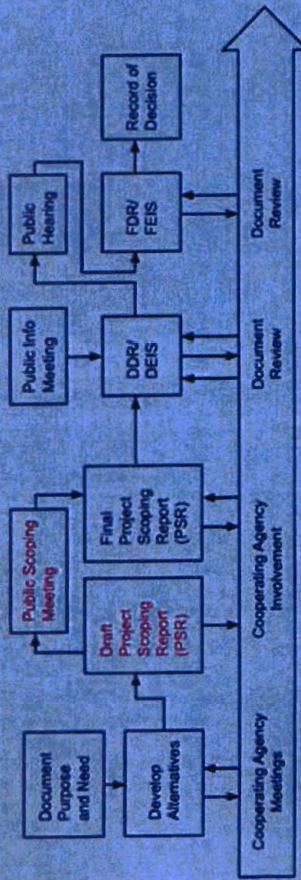
Chautauque County Department of Public Facilities
14 North Work Street
Ellicott, NY 14733



What's Next?

The project sponsors welcome your input and will incorporate the most recent studies and input received into the Final Project Scoping Report. In the coming months, the County will proceed with the Draft Design Report/Draft Environmental Impact Statement. The County will continue to meet and discuss the project with the public and local, state, and federal officials. Your input is critical. Thank you for your interest in this project.

Project Development Process



Note: The red text indicates the current status of the project.
 DRAFT - Draft Design Report/Draft Environmental Impact Statement - FDR/FEIS - Final Design Report/Final Environmental Impact Statement
 The Record of Decision is the final step in the EIS process, which identifies the selected alternative, presents the basis for the decision, identifies all of the alternatives considered, specifies the "environmentally preferable alternative," and provides information on the adopted means to avoid, minimize, and compensate for environmental impacts.

Publication Date: February 2008



Chautauque County
Department of
Public Facilities

City of Dunkirk and
Towns of Dunkirk
and Sheridan
Chautauque County
PIN: 5757.55

Contents

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- Public Scoping Meeting
- Project Schedule
- Project Needs and Objectives
- Alternatives Under Consideration
- Preliminary Corridor Screening - Critical Resource Assessment
- Comparative Analysis
- Potential Alignments
- What's Next?
- Project Development Process



Millennium Parkway Project

Public Scoping Meeting Brochure

Introduction

The purpose of this Public Scoping Brochure is to provide general information and to solicit public comments regarding the upcoming Millennium Parkway Project located in the City of Dunkirk and Towns of Dunkirk and Sheridan, Chautauque County, New York. The project is sponsored by the Chautauque County Department of Public Facilities in conjunction with the Federal Highway Administration and the New York State Department of Transportation. The project involves improving tractor-trailer truck access from NY Route 60 to an industrial corridor, including districts zoned for industrial use along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road). This brochure outlines the proposed scope of this project and the anticipated impacts on roadway traffic and property along the project corridor.



Public Scoping Meeting

A Public Scoping Meeting will be held to discuss the proposed Millennium Parkway Project. The meeting will be held at the location, date, and time specified below:

Dunkirk High School - 75 West 6th Street - Dunkirk, NY 14048
Monday, February 25, 2008 - 5:00pm to 7:00pm

The purpose of the meeting is to obtain comments on the proposed project from individuals, groups, officials, and local agencies. The project sponsors are specifically soliciting comments on the development of alternatives for the project and comments on the project's impact to critical resources. This Public Scoping Meeting is part of the continuing efforts by the project sponsors to encourage public input into the development of transportation projects.

Project Schedule

| Project Scoping | |
|--------------------------------------|---------------|
| Draft Design Report/Draft EIS | February 2008 |
| Final Design Report/Final EIS | February 2009 |
| Issue Record of Decision | April 2009 |
| Letting (Open Bids for Construction) | May 2009 |
| Begin Construction | May 2010 |
| Construction Completed | June 2010 |
| | November 2011 |

Notes:

The red text indicates the current status of the project.

EIS stands for Environmental Impact Statement.

The Record of Decision is the final step in the EIS process, which identifies the selected alternative, presents the basis for the decision, identifies all of the alternatives considered, specifies the "environmentally preferable alternative," and provides information on the adopted means to avoid, minimize, and compensate for environmental impacts.

Project Needs

- Safety
- Capacity
- Pavement
- Bridge Structural
- Social demands and economic development
- Modal interrelationship and mobility needs

Project Objectives

- **Improve tractor-trailer-truck-oriented infrastructure access to the industrial corridor by providing:**
 - Horizontal and vertical geometry suitable for tractor-trailer truck traffic;
 - Sufficient lane widths and turning radii for tractor-trailer truck traffic; and
 - Accommodations for over-sized vehicles.
- **Improve vehicular and pedestrian safety along the existing truck route either by:**
 - Improving traffic conditions along the existing truck route; and/or
 - Reducing tractor-trailer truck traffic from the existing truck route; and/or
 - Reducing tractor-trailer truck traffic through densely populated urban areas and school zones.
- **Reduce travel time from NY Route 60 to the industrial corridor by:**
 - Minimizing the number of at-grade railroad crossings along the proposed route;
 - Minimizing the number of intersections along the proposed route; and
 - Improving the level of service.

Alternatives Under Consideration

- The "Null" or No-Build Alternative
- Build Alternative
 - Improve existing truck route
 - Improve other existing routes
 - New alignment

Preliminary Corridor Screening - Critical Resource Assessment

Criteria Considered:

- Wetlands
- Cultural/historic Resources
- Rare, Threatened, and Endangered Species
- Cemeteries
- Hazardous Waste Sites
- Floodplains
- Critical Environmental Areas
- Soils with Low Strength
- Shallow Bedrock
- Hydric Soils

Comparative Analysis

Additional Criteria for Consideration:

- Farmland Impacts
- Right-of-Way Acquisition
- Sensitive Community Facilities
- Roadway Geometry
- Railroad Crossings
- Utility Impacts
- Coastal Zone Management

Potential Alignments



Place
Stamp
Here

JOHN BREMMER, P.E.
CHAUTAUQUA COUNTY DEPT. OF PUBLIC FACILITIES
454 NORTH WORK STREET
FALCONER, NY 14733



Chautauqua County
Department of
Public Facilities

City of Dunkirk and
Towns of Dunkirk
and Sheridan
Chautauqua County
PIN 5757.55

Millennium Parkway Project

Public Scoping Meeting Brochure

The Millennium Parkway Project, located in the City of Dunkirk and Towns of Dunkirk and Sheridan, Chautauqua County, New York, is sponsored by the Chautauqua County Department of Public Facilities in conjunction with the Federal Highway Administration and the New York State Department of Transportation. The project involves improving tractor-trailer truck traffic access from NY Route 60 to an industrial corridor, including districts zoned for industrial use along Werle Road, Harrington Road, Progress Drive, County Route (CR) 82 (Middle Road), CR 81 (South Roberts Road), and NY Route 60.

A Public Scoping Meeting was held on Monday, February 25, 2008 to solicit public comments on the Draft Project Scoping Report (PSR). The Draft PSR, which provides details about the project, is posted on the web at the Chautauqua County Department of Public Facilities' homepage within the Engineering section at: <http://www.co.chautauqua.ny.us/trans/transframe.htm>.

Based upon agency and public comments received on the Draft PSR, the project's need and purpose are being refined and an additional potential alternative, the Talcott Street Alignment, is now being evaluated for the project. The project area and all potential alignments, including the Talcott Street Alignment, are depicted on the back of this brochure. The Talcott Street Alignment would require the reconstruction of Talcott Street and a newly constructed segment of roadway that would connect CR 81 with CR 82 to better accommodate tractor-trailer truck traffic. The proposed extension would open up access throughout the industrial corridor with improved transportation infrastructure and enhance the potential redevelopment of the brown-field site that is located east of the intersection of CR 81 and Talcott Street.

In light of these new developments and as part of the environmental review process for the project, another Public Scoping Meeting for receipt of comments on the project will be held at the Jamestown Community College North County Training Center, 10807 Bennett Road, Dunkirk, NY 14048, Wednesday, June 4, 2008 from 5:00pm to 7:00pm. At the meeting, staff will be available to address questions and display boards will be available for viewing. No formal presentation will be made.

Millennium Parkway Project

Public Scoping Meeting Brochure

Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, NY 14733



[illegible]**Publication Date: May 2008**

**CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY
PIN 5757.55**

**PUBLIC SCOPING
COMMENT FORM
MAY – JUNE 2008**

1. Refining the objectives or purpose of a project based on agency and public comments received is a very important step in the project development process. These objectives arise from the needs of the project and enable the County to compare alternatives to a common standard. The refined draft set of objectives for this project are:
- a. Improve the flow of tractor-trailer truck traffic from NY Route 60 to the industrial corridor by providing a route that:
 - Is more direct than the existing truck route and reduces the vehicle-miles traveled;
 - Has vertical and horizontal geometry that is suitable for tractor-trailer trucks;
 - Can accommodate over-sized vehicles; and
 - Reduces potential conflicts with trains at at-grade railroad crossings.
 - b. Provide transportation infrastructure that supports planned, sustainable economic development by:
 - Accommodating future industrial development within the existing industrial corridor;
 - Creating development opportunities in areas currently serviced by, or in close proximity to, municipal water and sanitary sewer infrastructure;
 - Facilitating the development of brownfield sites; and
 - Reducing potential conflicts with residential land use along the route.

What additional purposes do you suggest or how should any of the above be revised?

2. Rate the following in order of meeting what you consider to be the project objectives (1 = most likely and 6 = least likely):

- ___ Improve Existing Truck Route
- ___ Talcott Street Alignment
- ___ Alignment #4
- ___ Alignment #3
- ___ Alignment #2
- ___ Alignment #1

3. Other Comments: _____
- _____
- _____
- _____
- _____
- _____

Your Name: _____

Address: _____

Phone: _____

**Bring Comments to the Public
Scoping Meeting -or- Mail by June 18,
2008 to:**

John Bremmer, Engineer II
Chautauqua County DPF
454 North Work Street
Falconer, NY 14733
Email: bremmerj@co.chautauqua.ny.us
716-661-8423

Would you like to receive future information regarding the Millennium Parkway Project?

☐ Yes

☐ No

Place
Stamp
Here

JOHN BREMMER, P.E.
CHAUTAUQUA COUNTY DEPT. OF PUBLIC FACILITIES
454 NORTH WORK STREET
FALCONER, NY 14733



Chautauqua County
Department of
Public Facilities

City of Dunkirk and
Towns of Dunkirk
and Sheridan
Chautauqua County
PIN 5757.55

Millennium Parkway Project

Public Scoping Meeting Notice

The Millennium Parkway Project, located in the City of Dunkirk and Town of Dunkirk, Chautauqua County, New York, is sponsored by the Chautauqua County Department of Public Facilities (CCDPF), the Federal Highway Administration, and the New York State Department of Transportation. The project involves improving tractor-trailer truck traffic access from NY Route 60 to an industrial corridor, including districts zoned for industrial use along Werle Road, Harrington Road, Progress Drive, County Route (CR) 82 (Middle Road), CR 81 (South Roberts Road), and NY Route 60.

A number of different alignments for this truck route were identified in the Draft Project Scoping Report (PSR) and were introduced to the public during the February 25, 2008 Public Scoping Meeting. Based upon agency and public comments received on the Draft PSR, the project's purpose and need were refined and an additional alternative, the Talcott Street Alignment, was introduced and presented at a second Public Scoping Meeting held on June 4, 2008. The project area and the Talcott Street Alignment are depicted on the reverse side of this notice. This new alignment would require the reconstruction of Talcott Street and a newly constructed segment of roadway that would connect CR 81 with CR 82 to better accommodate tractor-trailer truck traffic. The new extension would open up access throughout the industrial corridor with improved transportation infrastructure and enhance the potential redevelopment of the brownfield site that it would pass through.

Based upon the environmental screenings completed for the project, the avoidance and minimization of environmental impacts during the preliminary layout, and favorable comments received from both the public and involved agencies, the Talcott Street Alignment has emerged as the Preferred Alternative. This alignment utilizes a combination of improving existing roadways and the development of a new road on previously developed industrial properties. Therefore the environmental impacts resulting from this alternative will be minimal.

As a result of the emergence of this alignment as the Preferred Alternative, and in light of the minimal environmental impacts anticipated from this alternative, the evaluation of the environmental impacts incorporated into the project design will not be as extensive when compared to previously considered alternatives. In order to present these changes to the public, identify the reasons for the change, and to allow for the receipt of comments on the change, another Public Scoping Meeting will be held at the Jamestown Community College North County Training Center, 10807 Bennett Road, Dunkirk, NY 14048, on January 8, 2009 from 5:00pm to 7:00pm. At the meeting a brief presentation will be made at 5:30pm. Also, staff will be available to address questions and display boards will be available for viewing.

Millennium Parkway Project

Public Scoping Meeting Notice

TVGA Consultants
1000 Maple Road
Elma, NY 14059

PRESORTED STD
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PERMIT# 22
ELMA NY



Millennium Parkway Alignment



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY
PIN 5757.55

PUBLIC SCOPING
COMMENT FORM
JANUARY 2009

1. As a result of the environmental screenings completed for the project, the avoidance and minimization of environmental impacts during the preliminary layout, and favorable comments received from both the public and involved agencies, the Talcott Street Alignment has emerged as the Preferred Alternative. In light of the minimal environmental impacts anticipated, the evaluation of the environmental impacts incorporated into the project design will not be as extensive when compared to previously considered alternatives.

What comments do you have on this alternative and/or changes in the environmental evaluation process?

2. Other Comments: _____

Your Name: _____

Address: _____

Phone: _____

**Bring Comments to the Public
Scoping Meeting -or- Mail by January
22, 2009 to:**

John Bremmer, P.E.
Chautauqua County DPF
454 North Work Street
Falconer, NY 14733
Email: bremmerj@co.chautauqua.ny.us
716-661-8423

Would you like to receive future information regarding the Millennium Parkway Project?

☐ Yes

☐ No

Place
Stamp
Here

JOHN BREMMER, P.E.
CHAUTAUQUA COUNTY DEPT. OF PUBLIC FACILITIES
454 NORTH WORK STREET
FALCONER, NY 14733

APPENDIX 4

AGENCY COORDINATION

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 • Fax: (716) 851-7168

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 12, 2009

Mr. George Spanos, Director
Chautauqua County Department
of Public Facilities
454 North Work Street
Falconer, New York 14733

Dear Mr. Spanos:

**MILLENNIUM PARKWAY
TALCOTT STREET ALIGNMENT
CITY OF DUNKIRK AND TOWN OF DUNKIRK
CHAUTAUQUA COUNTY**

This is to acknowledge receipt of your December 22, 2008 letter which informed this Department of the Final Public Scoping meeting that was scheduled to solicit comments on the above-noted proposal. We have reviewed your summary and the three options proposed for the Talcott Street extension through the South Roberts Road brownfield site and provide the following comments for inclusion in the Final Scoping Report:

1. Be advised that this office should be notified if any federal wetland jurisdiction determination is made by the U.S. Department of the Army, Corps of Engineers, Buffalo District Office (COE). If a federal permit is required for this project, the COE might also require Water Quality Certification from this Department.
2. We are aware that the location for the proposed Talcott Street extension contains three sites that are listed in this Department's Environmental Site Remediation Database (Roblin Steel, Edgewood Warehouse and Alumax Extrusions). Questions regarding environmental restoration and the specific programs related to these sites should be directed to Ms. Linda Ross of our Division of Environmental Remediation, NYSDEC, 270 Michigan Avenue, Buffalo, New York 14203, telephone 716/851-7220.
3. Projects that involve land disturbance of over 1 acre require a State Pollutant Discharge Elimination System General Permit for Stormwater Discharge from Construction Activities (GP-0-08-001). This Department requires that you submit a Notice of Intent (NOI) to the NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233 (telephone 518/402-8111) prior to commencement of work activities. The General Permit requires that the project owner or operator control stormwater runoff according to the Stormwater Pollution Prevention Plan which is to be developed prior to filing NOI. We have enclosed a copy of the form for your convenience.

4. Disposal of construction and demolition debris is an environmental concern and we urge you to promote good solid waste management practices (i.e. proper disposal along with attempts to reduce, reuse, recycle, and recover) for this and all projects within the County. You may wish to contact Mr. Mark Hans of our Division of Solid and Hazardous Materials (716/851-7220) for guidance. Mr. Hans should also be contacted if friable (readily crumbled and brittle) asbestos is found during demolition of any buildings. Disposal of asbestos of this type is regulated by this Department under 6 NYCRR Part 360-2.17(p).

Please note that if asbestos is found, the protection of workers is regulated by the New York State Department of Labor (716/847-7126) and by the Occupational Safety and Health Administration (716/684-3891).

Also, be aware that the presence of elemental mercury and lead in buildings that are planned for demolition is another concern for this Department. You can obtain guidance on the proper handling and disposal of mercury and lead by contacting Mr. Thomas Corbett of our Division of Solid and Hazardous Materials at 716/851-7220 or by e-mailing the Department's Mercury Task Force at dshmwrr@gw.dec.state.ny.us.

We agree that the choice of developing Talcott Street as the preferred alternative truck traffic access is the best of all the proposals that we have reviewed thus far, as it is apparent that the choice will create the least negative environmental impact.

Thank you for providing the project information for our review. We remain available to review any future documents or proposals related to the project. If you need further assistance, please contact Ms. Denise Matthews or me at 716/851-7165.

Respectfully,



Steven J. Doleski
Regional Permit Administrator

DCM:vm

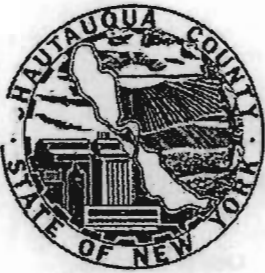
Enclosure

cc: Mr. Martin Doster, NYSDEC Division of Environmental Remediation; Attn: Ms. Linda Ross
Mr. Mark Hans, NYSDEC Division of Solid and Hazardous Materials
Mr. Thomas Corbett, NYSDEC Division of Solid and Hazardous Materials
Ms. Lesta Ammons, U.S. Department of the Army, Corps of Engineers, Buffalo District Office
Mr. John Bremmer, Chautauqua County Department of Public Facilities
Mr. Kenneth Wojtkowski, TVGA Consultants

RECEIVED

JAN 14 2009

TVGA



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

December 22, 2008

«Agency»
«Addressee_Attention»
«Address1»
«Address2»
«City», «State» «Zip_Code»

Re: PIN 5757.55 MILLENNIUM PARKWAY PROJECT
CITY OF DUNKIRK AND TOWN OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK

Dear «Addressee_Attention»:

The Chautauqua County Department of Public Facilities (CCDPF), acting as Project Sponsor, has proposed the Millennium Parkway Project to improve tractor-trailer truck traffic access from New York (NY) Route 60 to an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, County Route (CR) 82 (Middle Road), CR 81 (South Roberts Road), and NY Route 60, in Chautauqua County, New York.

Pursuant to the National Environmental Policy Act (NEPA), the CCDPF, the New York State Department of Transportation (NYSDOT), and the Federal Highway Administration (FHWA) as Joint Lead Agencies, have determined that the project should be progressed as a Class II, Categorical Exclusion with Documentation. Therefore, a Public Scoping Report (PSR) is in the process of being prepared by the CCDPF, NYSDOT and FHWA to provide the documentation in support of processing the project as a Categorical Exclusion.

An Agency Scoping Meeting and a second Public Scoping Meeting was held on June 4, 2008 to introduce and solicit comments on the Talcott Street Alignment. The project area and the Talcott Street Alignment are depicted on the attached figure. The Talcott Street Alignment would require the reconstruction of Talcott Street and a newly constructed segment of roadway that would connect CR 81 with CR 82 to better accommodate tractor-trailer truck traffic. The proposed extension would open up access throughout the industrial corridor with improved transportation infrastructure and enhance the potential redevelopment of a brownfield site that is located east of the intersection of CR 81 and Talcott Street.

Currently, three options are under consideration for the portion of the Talcott Street Alignment that traverses the brownfield site. Options A and C, which traverse the northern and southern portions of the brownfield site respectively, were selected to maximize the developable space on this site. Option B was selected to minimize the use of South Roberts Road while maintaining a southern alignment. Each of these three options is depicted on the attached figure and is shown for purposes of informing the public that at this time, no one particular option has been chosen for the brownfield site, and to solicit any comments. The County is in the process of discussing this project with some local industries regarding the proposed options, and how any of the options would best suit their needs. By the end of scoping, one alignment will be shown and carried into Preliminary Design.

As a result of the emergence of this alignment as the Preferred Alternative and in light of the minimal environmental impacts anticipated from this alternative, the NEPA classification has been changed from a Class I, where an Environmental Impact Statement would be required, to a Class II, Categorical Exclusion with Documentation.



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

In order to present these changes to the public and identify the reasons for the change, a Final Public Scoping Meeting for receipt of comments on the project will be held on January 8, 2009 from 5:00pm to 7:00pm at the following location:

Jamestown Community College
North County Training Center
10807 Bennett Road
Room 117
Dunkirk, NY 14048

If you would like to attend the Public Scoping Meeting, directions are available at <http://www.sunyjc.edu/north-county/north-county.html>. Following the Public Scoping Meeting, we will incorporate comments, as appropriate, into the Final PSR.

If you have any questions or would like to discuss in more detail the project or your agency's roles and responsibilities during the preparation of the Final PSR, please contact Mr. John Bremmer, P.E., of my office at bremmerj@co.chautauqua.ny.us or 716-661-8423.

Very truly yours,

Chautauqua County Department of Public Facilities

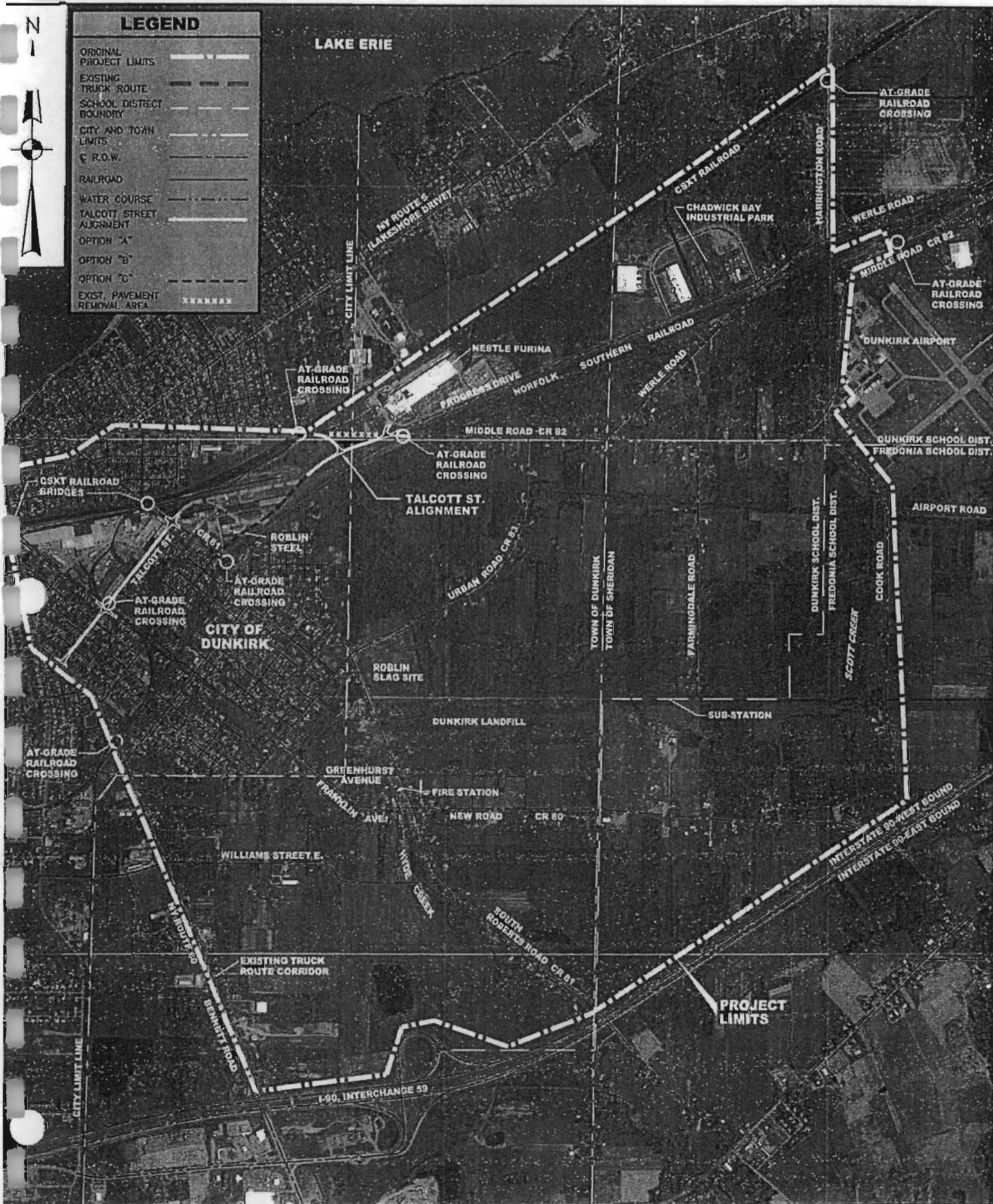
George P. Spanos, P.E.
Director, Department of Public Facilities

Enclosure

cc: Kenneth Wojtkowski, TVGA Consultants



| | |
|------------------------------|-------|
| ORIGINAL PROJECT LIMITS | _____ |
| EXISTING TRUCK ROUTE | _____ |
| SCHOOL DISTRICT BOUNDARY | _____ |
| CITY AND TOWN LIMITS | _____ |
| E.R.O.W. | _____ |
| RAILROAD | _____ |
| WATER COURSE | _____ |
| TALCOTT STREET ALIGNMENT | _____ |
| OPTION "A" | _____ |
| OPTION "B" | _____ |
| OPTION "C" | _____ |
| EXIST. PAVEMENT REMOVAL AREA | ***** |



December 8, 2008

Nancy Herter, Ph.D.
Historic Preservation Program Specialist
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
P.O. Box 189
Waterford, New York 12188-0189

Re: **Phase IA Cultural Resources Investigation Report**
Millennium Parkway Project
City of Dunkirk, Chautauqua County, New York

COPY

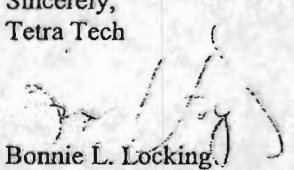
Dear Nancy:

At the request of TVGA Consultants (TVGA), Tetra Tech is submitting the results of the Phase IA cultural resources Investigation for the proposed Millennium Parkway Project (Project) in the City of Dunkirk, Chautauqua County, New York.

The Phase IA cultural resources investigation was performed in August 2008, and consisted of a reconnaissance survey (visual assessment, site walkover, and photodocumentation), and background research of all areas within the Project's Area of Potential Effect (APE). Based on the results of the Phase IA cultural resources investigation, Tetra Tech recommends Phase IB surveys in undisturbed portions of the APE to determine if the Project, as currently designed, would have any effects on prehistoric or historic archaeological resources.

Tetra Tech respectfully requests that the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) review this report and provide any comments on the Phase IA cultural resources investigations and recommendations for the Project. If the NYSOPRHP has any questions or concerns regarding the information summarized in this report, please contact me at (716) 849-9419.

Sincerely,
Tetra Tech


Bonnie L. Locking
Principal Investigator

Enc.

cc: K. Wojtkowski, TVGA
TT File TV-300/360



**New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau**

Peebles Island Resource Center, PO Box 189, Waterford, NY 12188-0189 (Mail)
Delaware Avenue, Cohoes 12047 (Delivery)

(518) 237-8643

PROJECT REVIEW COVER FORM

Rev. 5-05

Please complete this form and attach it to the top of any and all information submitted to this office for review.
Accurate and complete forms will assist this office in the timely processing and response to your request.

This information relates to a previously submitted project.

PROJECT NUMBER _____ PR _____

COUNTY Erie

☐

If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

2. This is a new project.

☒

If you have checked this box you will need to complete ALL of the following information.

Project Name Millennium Parkway Project

Location Talcott Street

You MUST include street number, street name and/or County, State or Interstate route number if applicable

City/Town/Village Dunkirk

List the correct municipality in which your project is being undertaken. If in a hamlet you must also provide the name of the town.

County Erie

If your undertaking* covers multiple communities/counties please attach a list defining all municipalities/counties included.

TYPE OF REVIEW REQUIRED/REQUESTED (Please answer both questions)

A. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?

☐ No ☒ Yes

If Yes, list agency name(s) and permit(s)/approval(s)

| Agency Involved | Type of permit/approval | State | Federal |
|-----------------|-------------------------|--------------------------|--------------------------|
| <u>ACOE</u> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>DOT</u> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

B. Have you consulted the NYSHPO web site at ****<http://nysparks.com>** to determine the preliminary presence or absence of previously identified cultural resources within or adjacent to the project area? If yes:

☒ Yes ☐ No

Was the project site wholly or partially included within an identified archeologically sensitive area?

☐ Yes ☐ No

Does the project site involve or is it substantially contiguous to a property listed or recommended for listing in the NY State or National Registers of Historic Places?

☐ Yes ☒ No

CONTACT PERSON FOR PROJECT

Name Bonnie L. Locking Title Principal Investigator

Firm/Agency Tetra Tech

Address 285 Ellicott Street City Buffalo STATE NY Zip 14203

Phone (716) 849-9419 Fax (716) 849-9420 E-Mail _____

**<http://nysparks.com> then select HISTORIC PRESERVATION then select On Line Resources

The Historic Preservation Review Process in New York State

In order to insure that historic preservation is carefully considered in publicly-funded or permitted undertakings*, there are laws at each level of government that require projects to be reviewed for their potential impact/effect on historic properties. At the federal level, Section 106 of the National Historic Preservation Act of 1966 (NHPA) directs the review of federally funded, licensed or permitted projects. At the state level, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980 performs a comparable function. Local environmental review for municipalities is carried out under the State Environmental Quality Review Act (SEQRA) of 1978.

regulations on line at:

<http://nysparks.com> then select **HISTORIC PRESERVATION** then select **Environmental Review**

Project review is conducted in two stages. First, the Field Services Bureau assesses affected properties to determine whether or not they are listed or eligible for listing in the New York State or National Registers of Historic Places. If so, it is deemed "historic" and worthy of protection and the second stage of review is undertaken. The project is reviewed to evaluate its impact on the properties significant materials and character. Where adverse effects are identified, alternatives are explored to avoid, or reduce project impacts; where this is unsuccessful, mitigation measures are developed and formal agreement documents are prepared stipulating these measures.

ALL PROJECTS SUBMITTED FOR REVIEW SHOULD INCLUDE THE FOLLOWING MATERIAL(S).

☒ Project Description

Attach a full description of the nature and extent of the work to be undertaken as part of this project. Relevant portions of the project applications or environmental statements may be submitted.

☒ Maps Locating Project

Include a map locating the project in the community. The map must clearly show street and road names surrounding the project area as well as the location of all portions of the project. Appropriate maps include tax maps, Sanborn Insurance maps, and/or USGS quadrangle maps.

☒ Photographs

Photographs may be black and white prints, color prints, or color laser/photo copies; standard (black and white) photocopies are NOT acceptable.

-If the project involves rehabilitation, include photographs of the building(s) involved. Label each exterior view to a site map and label all interior views.

-If the project involves new construction, include photographs of the surrounding area looking out from the project site. Include photographs of any buildings (more than 50 years old) that are located on the project property or on adjoining property.

NOTE: Projects submissions will not be accepted via facsimile or e-mail.

***Undertaking** is defined as an agency's purchase, lease or sale of a property, assistance through grants, loans or guarantees, issuing of licenses, permits or approvals, and work performed pursuant to delegation or mandate.

BRIAN HIGGINS
27TH DISTRICT, New York

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS, TRANSIT AND PIPELINES
WATER RESOURCES AND ENVIRONMENT
COAST GUARD AND MARITIME
TRANSPORTATION

COMMITTEE ON
GOVERNMENT REFORM
ENERGY AND RESOURCES
NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

Congress of the United States
House of Representatives
Washington, DC 20515-3227

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WASHINGTON, DC 20515
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2 EAST 2ND STREET
SUITE 300
JAMESTOWN, NY 14701
(716) 484-0729
(716) 484-1049 (FAX)

WEBSITE: www.house.gov/higgins

October 31, 2008

Hon. Gregory J. Edwards
Chautauqua County Executive
Gerace Office Building
3 North Erie Street
Mayville, NY 14757

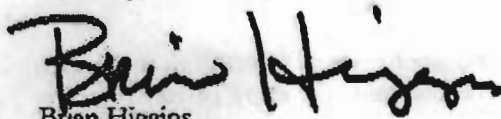
Fax 716-753-4756

Re: Millennium Parkway

Dear Mr. Edwards:

The proposed alignment of the Millenium Parkway project which utilizes Talcott Street is consistent with the legislative intent of Congress relative to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Thank you very much.

Sincerely,



Brian Higgins
Member of Congress

Cc: Mr. Alan Taylor
Regional Administrator
New York State Department of Transportation

**CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY
PIN 5757.55**

**MINUTES OF
JOINT LEAD AGENCY TELECONFERENCE
JULY 10, 2008
9:00 AM – 10:00 AM
Last Update: 8/6/08**

| ATTENDEES | | | |
|-----------------|------------------|--------------------|-----------------------------|
| NAME | ORGANIZATION | TELEPHONE NO. | E-MAIL ADDRESS |
| George Spanos | CCDPF | 716-661-8400 | spanosg@co.chautauqua.ny.us |
| Bob Davies | FHWA | 518-431-4125 | robert.davies@fhwa.dot.gov |
| John Burns | FHWA | 518-431-4125 x252 | john.burns@fhwa.dot.gov |
| Jeff Berna | FHWA | 518-431-4125 x220 | jeffrey.berna@fhwa.dot.gov |
| Bob O'Connor | NYSDOT | 716-847-3606 | roconnor@dot.state.ny.us |
| Pete Nixon | NYSDOT | 716-847-3243 | pnixon@dot.state.ny.us |
| Kim Richardson | NYSDOT | 716-847-3387 | krichardson@dot.state.ny.us |
| Rob Napieralski | TVGA Consultants | 716-655-8842 x2193 | rnapierski@tvga.com |
| Heidi Reed | TVGA Consultants | 716-655-8842 x2117 | hreed@tvga.com |
| Ken Wojtkowski | TVGA Consultants | 716-655-8842 x2165 | kwojtkowski@tvga.com |

The primary purpose of the teleconference was to confirm the environmental classification of the project. The environmental classification determines the format and therefore content of the Final Project Scoping Report. Following are highlights from the teleconference.

- K. Wojtkowski started the meeting by reviewing the email he sent on July 9, 2008 to the above attendees in which discussion points for the meeting were outlined. A copy of the email is attached.
- J. Burns clarified that the FHWA's opinion regarding the project's possible environmental classification as an Environmental Assessment (NEPA Class III) was pending public scoping of the Talcott Street Alignment. K. Wojtkowski stated that the comments on Talcott Street Alignment were favorable during the second Public Scoping Meeting, held June 4, 2008. Discussion then generally turned to the project's possible environmental classification as a Categorical Exclusion (Cat Ex) with Documentation (NEPA Class II) and how to proceed to complete the scoping phase.
- A brief discussion was led by P. Nixon of the apparent lack of significant stream and/or wetlands impacts with the Talcott Street Alignment. K. Wojtkowski called attention to the stream crossing and proximity to wetlands on the northern portion of the Talcott Street Alignment.
- R. Davies explained that a Cat Ex with Documentation is acceptable if three conditions are satisfied: the Talcott Street Alignment meets the intent of the earmark; another public meeting is held to notify the public that the project is taking this direction (Cat Ex with Talcott); and that the economic development aspects of the refined project objectives as stated in the May 16, 2008 Draft Statement of Need and Purpose be removed.

- In regard to the first condition, G. Spanos stated that the localities are in favor of the Talcott Street Alignment. R. Davies encouraged G. Spanos to have that documented as well as documenting Congressman Brian Higgins's agreement that the Talcott Street Alignment meets the intent of the earmark. G. Spanos agreed to follow up with the localities and Congressman Higgins.
- In regard the third condition, the group discussed the evolution of the project's objectives. R. Napieralski shared a concern that eliminating the economic objectives would broaden the range of feasible alternatives that must be considered and that the objective was revised in response to public outreach during scoping. G. Spanos stated that economic development is implied with any project involving an industrial park. R. Davies explained that the Project Sponsor has flexibility in defining the project's objectives and that the range of alternatives that must be examined is much broader for a project classified as an Environmental Impact Statement (NEPA Class I), which was the project's initial proposed environmental classification.
- The Joint Lead Agencies agreed to progress the project as a Cat Ex with Documentation.
- Using Exhibit 7-1 from Appendix 7 of the NYSDOT *Project Development Manual* (PDM) for reference (attached), NYSDOT and FHWA agreed with K. Wojtkowski's statement that the "Moderate" Project Category is applicable to the project. Accordingly, the Final Project Scoping Report will be formatted as Chapter 1 of the Design Report shell in the PDM.
- R. Napieralski then asked for the Joint Lead Agencies' direction on responding to the US Army Corps of Engineer's June 19, 2008 letter (attached). R. Davies advised that it should be addressed in the Final Scoping Report, not separately.

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within five working days of receipt, they will be considered correct and filed accordingly.

Reported by

Heidi L. Reed
Project Scientist

Date

cc: Attendees

John Bremmer, Chautauqua County DPF
2006.0006.00.4A

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7165 FAX: (716) 851-7168

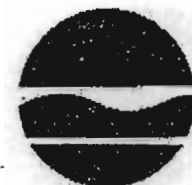


Alexander B. Grannis
Commissioner

F A C S I M I L E

TO: *Heidi Reed - TVGA Consultants*
FAX #: *(716) 655-0937*
FROM: *Denise Matthews*
SUBJECT: *Talcott Street Alignment Comment*
DATE: *6/2/08*
PAGES: *2*, including this cover sheet

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2915
Phone: (716) 851-7165 • FAX: (716) 851-7168
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

June 20, 2008

Mr. George Spanos, Director
Chautauqua County Department
of Public Facilities
454 North Work Street
Falconer, NY 14733

Dear Mr. Spanos:

**TALCOTT STREET ALIGNMENT
DRAFT PROJECT SCOPING REPORT ADDENDUM
MILLENNIUM PARKWAY PROPOSAL
TOWNS OF DUNKIRK AND SHERIDAN AND
CITY OF DUNKIRK - CHAUTAUQUA COUNTY**

This is to follow-up on the June 4, 2008 inter-agency scoping meeting which was held at the Jamestown Community College, North County Training Center, to discuss the above noted addendum. We understand that preparation of the Final PSR is currently underway and offer the following comments for inclusion in that document:

It appears that the Talcott Street option is the most environmentally friendly of all those presented to date. The intent of the project is to improve the flow of truck traffic to the industrial corridor to support sustainable economic development with as little negative impact to community residents and the environment as possible. The Talcott Street option would satisfy that intent.

Our preliminary screening showed little to no environmental impacts that would require a permit under this Department's Uniform Procedures Regulation. However, be aware that if the Talcott Street option is chosen for development, this Department would perform a more intensive environmental investigation, using the specific site plans for the project.

We will be happy to review any future documents related to this project should further comment be necessary. If you have questions, please contact Ms. Denise Matthews at (716) 851-7165.

Respectfully,

Steven J. Doleski
Regional Permit Administrator

SJD:dcn

cc: Ms. Heidi Reed, TVGA Consultants
Mr. John Burns, Federal Highway Administration
Mr. Robert O'Connor, NYS Department of Transportation



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

June 19, 2008

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium Parkway Project; PIN 5457.55

Mr. George Spanos
Director, Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, New York

Dear Mr. Spanos:

This is in reference to a request for a response related to a meeting held on June 4, 2008 to discuss the Millennium Parkway (PIN 5757.55). The proposed project is located near the City of Dunkirk and the Towns of Dunkirk and Sheridan, Chautauqua County, New York.

This meeting was held to present information regarding the addition of a new alignment to be considered in the range of alternatives and to present a new set of objectives. The new alignment was called the Talcott Street Alignment. This information was provided in a PowerPoint presentation. We were asked to provide comments based on that PowerPoint Presentation. We are complying with this request inasmuch as we are able to do so. Because the presentation did not include the underlying documentation that would support any changes, our comments are necessarily limited.

Purpose.

The stated purpose of this project as described in the February 7, 2008 Draft Project Scoping Report (DPSR) is to improve tractor-trailer truck traffic access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60. Based on the needs as described in the DPSR, we have no objection to this as a valid purpose. No change to the purpose was presented during the June 4, 2008 meeting.

Although the basic purpose was not changed, several objectives were presented as being intended to replace the objectives presented in the DPSR. At least one of the new objectives presented on June 4, 2008 appears to be designed to limit the range of alternatives that could be reviewed for this project while others are speculative in nature and do not appear to be supported by documentation presented in the DPSR. We are not inclined to accept the objectives as presented without the ability to review the additional information on which these changes were based before making that decision.

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium Parkway Project PIN 5457.55

Additional Alternative.

We have no objection to the inclusion of the Talcott Street Alignment in the list of alternatives to be considered. The information provided regarding the Talcott Street Alignment indicated that there would be no wetland impacts associated with this alignment and only one crossing of a stream would occur. It is our understanding that if this alignment were to be used, and barring the discovery of other potentially significant impacts that were not known at the time of the June 2008 meeting, the impacts would be such that an Environmental Assessment (EA) could be prepared in lieu of an Environmental Impact Statement (EIS).

Should you not proceed further with the NEPA scoping process for an EIS and prepare the EA instead, then our involvement as a cooperating agency would cease. We would remain involved only if the impacts to waters and wetlands exceeded those impacts allowed through our Nationwide Permit program.

Should you continue with the NEPA scoping process for an EIS however, we have an obligation to evaluate the materials as presented and we have continued with our comments below to address this possibility.

Alternative Screening Table

The Screening of Alternatives table presented in the June 4, 2008 meeting is based exclusively on the set of new objectives presented at the June 4, 2008 meeting. The table indicates that three of the alternatives presented in the DPSR are being eliminated based only on these newly defined objectives. There are no other screening factors listed in this table. Without any indication of the inclusion of a consideration of the impacts to waters or wetlands especially, we would not accept this as a valid screening process for the elimination of alternatives for a continuing EIS evaluation process.

Wetlands

In our February 2008 letter, we indicated that the wetland information contained in the document was insufficient. No additional documentation regarding the delineation of waters or wetlands on the project site has been presented. Until such time as additional documentation is collected, we have not reached a level of confidence that the wetland boundaries are accurate and can make no comment as to the validity of the information presented as it relates to the wetland boundaries.

Documentation used to support the designation of the areas annotated as potential wetlands on the aerial photographs (such as the National Wetland Inventory maps and the New York State Department of Environmental Conservation maps) should be included in the report.

Discussions of impact to wetlands should also include cumulative, secondary and indirect impacts.

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium
Parkway Project PIN 5457.55

All other comments made in our February 2008 would still apply.

Questions pertaining to this matter should be directed to me at 716-879-4247, by
writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New
York 14207, or by e-mail at: lesta.m.ammons@usace.army.mil

Sincerely,

SIGNED

Lesta Ammons
Biologist

cc: Sandra Doran, USFWS
Lingard Knutson, USEPA
Steve Doleski, NYSDEC
John Burns, FHWA
Ken Wojtkowski, TVGA Consultants

Millennium Parkway, PIN 5757.55

Second Interagency Meeting Minutes
Jamestown Community College, North County Training Center
10807 Bennett Road, Room 117
Dunkirk, NY 14048

Wednesday, June 4, 2008

1:30 PM-3:00 PM

Last Updated: 6/26/08

ATTENDEES:

| NAME | ORGANIZATION | TELEPHONE |
|--------------------|-----------------------|--------------------|
| George Spanos | Chautauqua County DPF | 716-661-8400 |
| John Bremmer | Chautauqua County DPF | 716-661-8423 |
| John Burns | FHWA (by telephone) | 518-431-4125 x 232 |
| Pete Nixon | NYSDOT | 716-847-3241 |
| Robert O'Connor | NYSDOT | 716-847-3241 |
| Steve Doleski | NYSDEC-Permits | 716-851-7165 |
| Denise Matthews | NYSDEC-Permits | 716-851-7165 |
| Lingard Knutson | USEPA (by telephone) | 212-637-3747 |
| Lesta Ammons | US ACOE | 716-879-4247 |
| John Walker II | Chadwick Bay RDC | 716-410-2827 |
| Ken Wojtkowski | TVGA Consultants | 716-655-8842 |
| Robert Napieralski | TVGA Consultants | 716-655-8842 |
| Heidi Reed | TVGA Consultants | 716-655-8842 |
| David McCoy | TVGA Consultants | 716-487-3133 |

The agenda, a copy of the presentation, figure of the proposed alignments, and a draft Statement of Purpose and Need is attached.

The meeting began with Rob Napieralski from TVGA Consultants welcoming and introducing the participants. Mr. Napieralski gave a brief overview of the project area and the goals and objectives of today's meeting. He explained that the new alternative alignment along Talcott Street made it necessary for this meeting and this evening's public meeting to assure that a sufficient effort was made to involve stakeholders. He noted that the Joint-Lead Agency and Public Scoping meetings were approximately 5 months ago and approximately 70 people attended the public meeting. In addition, comments were received from the involved agencies and an additional 25 members of the public. Also, an announcement about the project was made at a meeting of the Chautauqua County Chamber of Commerce on May 14th, in an effort to involve additional stakeholders from the business community.

Ken Wojtkowski from TVGA provided a summary of the work performed to evaluate truck traffic, including truck counts on local roads, intersections and NYS Thruway interchanges. He noted that data from 2004-2006 indicated that Interchange 59 had the highest volume, followed by Interchanges 58 and 60, respectively. It was also noted that truck traffic volumes were highest on

Routes 5 and 60 than on any other routes that were accessible from Route 60. There are signs directing westbound trucks to Middle Road, Route 5, and Route 60, from Nestle Purina.

Wojtkowski stated that the Joint-Lead Agencies were in agreement that the existing truck route as shown in the PSR was in fact the route the most trucks used. No comments were made following Wojtkowski's invite to comment.

Wojtkowski then discussed the revised Need and Purpose Statement, noting that it was refined as a result of the public scoping process. Wojtkowski read through the Objectives shown on the slides and requested comments. He noted that the refined objectives were mailed to the property owners in the project area along with the invitation to this evening's second Public Scoping Meeting. The objectives were refined as a result of the public scoping process, which would also continue at this evening's meeting. Comments are due by June 18th, 2008. Lesta Ammons questioned if the terms "purpose" and "objective" as used in the statement were interchangeable. Rob Napieralski explained that they were closely related, but not synonyms.

Steve Doleski noted that the brownfield redevelopment component made a lot of sense and asked if the Millennium project might qualify for brownfield funding. Rob Napieralski responded by explaining there were three brownfield properties in the project area. Two of which are under Chautauqua County Control (Roblin and Edgewood) and are currently being progressed in the NYSDEC Environmental Restoration Program. The third property is the Alumax Extrusions site, which has been remediated through the NYSDEC Voluntary Cleanup Program. He noted that there are no plans to seek funding for the Millennium project through either of these programs.

Wojtkowski then stated that comments were received suggesting the construction of a new interchange along the NYS Thruway to facilitate truck traffic. Three locations were suggested: Cook Road (less than 2 miles from Interchange 59); Newell Road (approximately 2.4 miles from Interchange 59); and Center Road (approximately 4.2 miles from Interchange 59). Wojtkowski stated that the Joint Lead Agencies intend to dismiss the alternative to construct an additional Thruway interchange based upon the following:

- The Cook Road option does not meet the minimum two-mile interchange spacing guidelines. Also, the close proximity of acceleration and deceleration lanes, causing traffic to weave, along with the potential confusion to motorists regarding interchange signage, might compromise safety of the motorists.
- Newell and Center option will result in increased truck miles traveled and westbound trucks would likely ignore the interchange and proceed to the Route 60 interchange; and
- Cost and project funding is insufficient to support the construction of another interchange. He cited the example of Interchange 52A, which was built in 1990 at a cost of \$8 million. When adjusted for 2008 dollars, the estimated cost would be \$13 million. In addition, the additional interchange would require a toll plaza (\$3-4 million) and a bridge (\$8 million). Coupled with the cost for the roadway project, the total cost of an additional interchange would approach \$30 million, which far exceeds that available funding for the project.

All in attendance concurred with dismissing the new interchange alternative.

Rob Napieralski then discussed the Talcott Street alternative. He noted that this potential alignment arose during the first public scoping session. He described the potential alignment, the area that it passes through, access issues, major properties and environmental concerns. He explained that the Cliffstar and Carriage House food-processing facilities are disconnected from the rest of the industrial corridor. Both facilities consume bottles that are manufactured in the Chadwick Bay Industrial Park, need warehousing and cold storage. Napieralski also noted that the Talcott Street alternative would pass through a brownfield redevelopment area, which would greatly enhance the redevelopment potential of properties in that area.

The discussion shifted to the ownership of Talcott Street. Pete Nixon noted that in discussions with Southern Tier West in connection with their Regional Transportation Strategy initiative, that the City of Dunkirk owned Talcott Street. George Spanos responded by confirming that Chautauqua County does indeed own Talcott Street; however, the City of Dunkirk owns the sidewalks and drainage.

Napieralski continued with the discussion of the Talcott Street alternative by stating that this alternative provided a number of benefits, including:

- Reducing the number of truck-miles traveled by about one-half mile;
- The project was within the means of available funding;
- Supported redevelopment of brownfield properties along the proposed alignment;
- Utilized existing infrastructure to the extent possible; and
- Provided enhanced access to rail facilities.

George Spanos echoed Napieralski's comment that the Talcott Street alternative could be built within the limits of the existing project funding. John Walker questioned the alignment as shown on the exhibits and asked if the alignment could be shifted to the south, along the Norfolk Southern Railroad corridor. Napieralski responded by stating that the project sponsors would want to enhance development potential of the properties to the extent possible, but design constraints have priority. Spanos noted that Walker's concerns were valid, but it was too soon to be considering final alignment. Mr. Walker added that Cliffstar was interested in all three brownfield properties and that final alignment is important to them with respect to future plans for rail access. Doleski commented that the Talcott Street alternative was not significantly different from the existing truck route, but appeared to be the most environmentally compatible solution. Nonetheless, he was concerned about potential impacts to the residents along the Talcott Street Alignment. Napieralski stated that the Talcott Street alignment was not addressed in the first public scoping session; therefore, this evening's meeting is an opportunity to present the alignment to the public and receive their input. John Bremmer stated that he had received nine favorable comments regarding the Talcott Street alignment and no negative comments. Pete Nixon echoed Bremmer's statement and said the public had realized early on that the Talcott Street alignment was a reasonable and cost-effective alternative, when compared to the other options. Doleski added that the project was also an economic development project, and this alternative seems to be consistent with Smart Growth principles (i.e. redeveloping brownfields as opposed to developing agricultural properties or greenfields). Knutson asked if any of the comments came from the residents along Talcott Street. Bremmer responded by stating that all

of the favorable comments were received from residents that live along the other proposed alternatives.

Heidi Reed then discussed the process for advancing the project, beginning with the screening of alternatives. She explained that the Talcott Street Alignment and Alternative 4 satisfied all of the project objectives, while Alternatives 1, 2 and 3 and improvements to the existing truck route did not. As a result, the recommendation to the Joint-Lead Agencies would be to eliminate Alternatives 1, 2 and 3 and improvements to the existing truck route and carry forward the Talcott Street and Alternative 4.

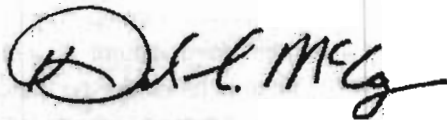
Reed discussed the level of environmental study for the Final Project Scoping Report (PSR). Reed indicated that wetlands, and cultural and historic resources, would require additional investigation; however, cemeteries, hazardous waste sites, flood plains, critical environmental areas, soils of low strength, hydric soils and shallow bedrock are not likely to require in depth investigations. Denise Matthews commented that if Cliffstar wanted to change the alignment across the brownfield properties, that wetlands in the vicinity of Middle Road may be impacted. Reed responded to Mathews' comment by inviting the NYSDEC and the ACOE to attend a site walk over. Bob O'Connor questioned the regulatory status of the wetland of concern. Mathews and Doleski noted that not all NYSDEC wetlands are mapped and the wetland buffers must also be considered.

Reed then stated that the Final PSR will be completed in accordance with a newly issued appendix of the requirements in the NYSDOT Project Development Manual, which became effective in February 2008. Additional topics that need to be discussed per the new appendix are context-sensitive solutions, cost/benefit ratios, and environmental justice. It was suggested that guidance on environmental justice from the FHWA be followed, and that outreach is encouraged. Agency and public comments are due by June 18, 2008 and the Final PSR is scheduled for completion in August of 2008. A flow chart that depicted the project development process was presented, which indicated the project was currently in the Draft Project Scoping phase, with a second Public Scoping Meeting to follow this evening. Interagency involvement will facilitate the completion of the Final PSR.

The meeting concluded with a discussion of action items, which consisted of the following:

- Coordination of the wetlands walkover with the NYSDEC and ACOE.

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within five (5) working days of receipt, they will be considered correct and filed accordingly.



Reported by

David L. McCoy - TVGA

ec: Attendees
Jeff Berna, FHWA
Shelah LaDuc, NYSDOT
Kim Richardson, NYSDOT
Deb Nelson, NYSDOT
Diane Kozlowski, USACE
Anne Oyer, NYSDEC
Brian Hourigan, NYSDEC
Mark Hans, NYSDEC
Michael Saviola, NYSDA&M
Nancy Herter, NYSOPR&HP
Daniel McEneny, NYSOPR&HR
Marie Sarchiapone, NYSOPR&HR
Sandra Doran, USFWS
Robert Halbohm, USDA NRCS
Richard Purol, Town of Dunkirk
Richard Frey, City of Dunkirk
Steve Baran, CCA&FPB
2006.0006.00.4A

LETTER OF TRANSMITTAL

CHAUTAUQUA COUNTY

Department of Public Facilities
454 North Work Street
Falconer, New York 14733
661-8400, Fax 661-8451

TO: TVGA Consultants

1000 Maple Road
Elma, NY 14059

DATE: June 6, 2008**ATTN:** Ken Wojtkowski, P.E.

| | |
|------------------------------|-----|
| Project : Millennium Parkway | No. |
|------------------------------|-----|

We are sending you: ☒ By Mail ☐ Under Separate Cover ☐ In accordance with your request

| COPIES: | DATE: | DESCRIPTION: |
|---------|---------|---|
| 1 | 5/28/08 | Letter from NYS Office of Parks, Recreation and Historic Preservation |
| | | |
| | | |
| | | |
| | | |

☐ For Approval ☐ Approved as Noted ☐ As Requested ☐ For Review & Comment
☐ Resubmit ☒ For Your Use ☐ Returned for correction

COMMENTS:

FYI, I see you weren't copied.

COPIES SENT TO:**RECEIVED**

JUN 07 2008

TVGA



John R. Bremmer, P.E.
Engineer III



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

David Paterson
Governor

Carol Ash
Commissioner

May 28, 2008

George P. Spanos, P.E.
Department of Public Facilities
454 North Work Street
Falconer, New York 14733

Re: FHWA,DEC
Proposed Millennium Parkway PIN5757.55
Towns of Dunkirk and Sheridan and City of Dunkirk,/DUNKIRK,
Chautauqua/SHERIDAN, Chautauqua County
07PR02679

Dear Mr. Spanos:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) concerning the proposed Millennium Parkway Project. We received your most recent letter dated May 19, 2008, inviting members of the SHPO to participate in another Agency Scoping Meeting scheduled for June 4, 2008, to discuss the Talcott Street Alignment.

The SHPO will not offer comments on the project until a Cultural Resource Study (CRS) is submitted for our review. Should the report be available at this time, kindly forward the information on to Dan McEneny of our office.

Because there is any federal agency involvement in the project, the Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO). We will review any submissions in accordance with Section 106.

Sincerely,

Elizabeth Martin
Historic Sites Restoration Coordinator
Elizabeth.martin@oprhp.state.ny.us

Cc: Cleo Jones
NYS State Department of Transportation
100 Seneca Street
Buffalo, New York 14203



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

May 19, 2008

«Agency»
«Addressee_Attention»
«Address1»
«Address2»
«City», «State» «Zip_Code»

Re: PIN 5757.55 MILLENNIUM PARKWAY PROJECT
CITY OF DUNKIRK AND TOWNS OF DUNKIRK AND SHERIDAN, CHAUTAUQUA COUNTY, NEW YORK

Dear «Addressee_Attention»:

The Chautauqua County Department of Public Facilities, acting as Project Sponsor, has proposed the Millennium Parkway Project to improve tractor-trailer truck traffic access from New York (NY) Route 60 to an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, County Route (CR) 82 (Middle Road), CR 81 (South Roberts Road), and NY Route 60, in Chautauqua County, New York.

Pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA), it was determined that this action would require the preparation of an Environmental Impact Statement (EIS). Therefore, the Chautauqua County Department of Public Facilities, the New York State Department of Transportation, and the Federal Highway Administration as Joint Lead Agencies, have completed a Draft Project Scoping Report (PSR).

An Agency Scoping Meeting was held on January 10, 2008 and a Public Scoping Meeting was held on Monday, February 25, 2008 to solicit comments on the Draft PSR. Based upon agency and public comments received, the project's need and purpose are being refined and an additional potential alternative, the Talcott Street Alignment, is now being evaluated for the project. The project area and all potential alignments, including the Talcott Street Alignment, are depicted on the attached figure. The Talcott Street Alignment would require the reconstruction of Talcott Street and a newly constructed segment of roadway that would connect CR 81 with CR 82 to better accommodate tractor-trailer truck traffic. The proposed extension would open up access throughout the industrial corridor with improved transportation infrastructure and enhance the potential redevelopment of a brownfield site that is located east of the intersection of CR 81 and Talcott Street.

In light of these new developments and as part of the environmental review process for the project, another Agency Scoping Meeting for receipt of comments on the project will be held on June 4, 2008 at 1:30 pm at the following location:

Jamestown Community College
North County Training Center
10807 Bennett Road
Room 117
Dunkirk, NY 14048

For your reference, directions are available at <http://www.sunyccc.edu/north-county/north-county.html>.

The four objectives of the additional Agency Scoping Meeting are to provide an update on the project, gain feedback on the refined need and purpose statement for the project (see attached), present the Talcott Street Alignment, and reach consensus on the process for advancing the project.

454 NORTH WORK STREET, FALCONER, NEW YORK 14733, (716) 661-8400, FAX (716) 661-8451



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

Note that an additional Public Scoping Meeting is scheduled for the same day at the same location beginning at 5:00 PM.

In order to maintain the project schedule, it is imperative that you or an authorized representative from your agency attend the scheduled meeting. Please RSVP to Kenneth Wojtkowski, P.E. at kwojtkowski@tvga.com or 716-655-8842 ext. 2165 by May 29, 2008. Following this Agency Scoping Meeting and the Public Scoping Meeting, we will incorporate comments as appropriate into the Final PSR.

We look forward to your response to this request to attend the meeting on June 4, 2008 as a Cooperating and/or Participating agency on this project. If you have any questions or would like to discuss in more detail the project or your agency's roles and responsibilities during the preparation of the Final PSR, please contact Mr. John Bremmer, P.E., of my office at jbremmer@co.chautauqua.ny.us or 716-661-8423.

Again, please respond regarding your attendance at the meeting by May 29, 2008.

Very truly yours,

Chautauqua County Department of Public Facilities

A handwritten signature in cursive script, reading "George P. Spanos".

George P. Spanos, P.E.
Director, Department of Public Facilities

Enclosures

: Kenneth Wojtkowski, TVGA



Publication Date: May 2008

P.I.N. 5757.55
Millennium Parkway
City of Dunkirk and
Towns of Dunkirk and Sheridan
Chautauqua County

DRAFT
STATEMENT OF NEED AND PURPOSE

Last Update: 05-16-08

The Chadwick Bay Region is made up of communities in northern Chautauqua County, New York that include and surround the City of Dunkirk, Town of Dunkirk, and Town of Sheridan. These communities have developed the *Chadwick Bay Region Comprehensive Plan (1997)*, which makes mention of significant problems of poverty, unemployment, and business closures in the region. Based on these issues, a need exists to enhance the economic well-being of the region.

Need

An industrial corridor, including districts located along Werle Road, Harrington Road, Progress Drive, County Route (CR) 82 (Middle Road), CR 81 (South Roberts Road), and NY Route 60, is being developed to provide further economic opportunities within the surrounding communities. This industrial corridor includes the Chadwick Bay Industrial Park, located to the east of the City of Dunkirk in the Town of Sheridan.

Currently, tractor-trailer trucks primarily travel along NY Route 60, to NY Route 5 (Lakeshore Drive), then to CR 82 to gain access to the existing industrial corridor. Along this route, numerous signalized and non-signalized intersections exist along with narrow roadways and two (2) at-grade railroad crossings, with several sets of tracks.

The growth of the industrial corridor, primarily the Chadwick Bay Industrial Park, and associated tractor-trailer truck traffic, which must currently utilize the existing truck route, have created the need for improved tractor-trailer truck traffic routing to this industrial corridor.

Purpose

The *Chadwick Bay Region Comprehensive Plan (1997)* recommends several actions to improve the circulation of tractor-trailer truck traffic in the area. One of the recommendations is to specifically create a new access roadway in the region to serve the industrial corridor, including the Chadwick Bay Industrial Park. This industrial corridor is recognized as an important component in the region's economic future and offers potential sites for future industrial development.

The importance of the Chadwick Bay Industrial Park was confirmed and reiterated in the *Chadwick Bay Region Champion Community's 2005 Strategic Plan*. The *Strategic Plan* sets a benchmark goal to increase regional infrastructure investments in support of economic and community developments and specifically identifies completing, in conjunction with the Chautauqua County Department of Public Facilities (CCDPF), the Millennium Parkway Project to create the new access roadway referenced above. The proposed access roadway has been called the Millennium "Parkway" only to convey the general concept of enhanced tractor-trailer truck mobility along the new route compared to the existing truck route, rather than to set a design standard for the proposed roadway.

Rational end points for a transportation improvement are known as logical termini and have been established according to Federal Highway (FHWA) regulations 23 Code of Federal Regulations (CFR) 771.111(f). For the Millennium Parkway Project, two general locations for logical termini were identified as generators of tractor-trailer truck traffic.

One of the locations is the industrial corridor, defined above. The local roads located along this industrial corridor provide direct access to properties within the City of Dunkirk and Towns of Dunkirk and Sheridan, including several existing industrial developments with the potential for additional growth and corresponding tractor-trailer truck traffic generation. Located at each end of the industrial corridor is a transportation link to NY Route 5.

The other general location identified as a generator of tractor-trailer truck traffic is a segment of NY Route 60 in the Town of Dunkirk between the New York State Thruway (Interstate 90 (I-90)), Interchange 59 and the existing CSX railroad bridges that cross over NY Route 60. This roadway segment provides transportation links to NY Route 5, NY Route 20 (East Main Street), I-90, Interchange 59, and existing commercial developments.

The logical termini for the evaluation of alternatives for this project are herein summarized. One logical terminus for the project is the segment of NY Route 60 north of where it crosses over I-90 to the existing CSX railroad bridges that cross over NY Route 60. This logical terminus has been established as such in order to avoid conflicts with I-90 and in order to provide access for over-sized vehicles that currently have to find an alternate route due to vertical clearance restrictions at the existing CSX railroad bridges that cross over NY Route 60. The other logical terminus for the project is the segment of local roads located along the industrial corridor. This logical terminus has been established as such in order to gain access to the industrial corridor while avoiding conflicts with the CSX Transportation (CSXT) Railroad lines to the north as well as the Chautauqua County Dunkirk Airport to the east.

Purpose Statement

The purpose of the Millennium Parkway Project is to improve tractor-trailer truck traffic access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60.

Objectives to be met with the construction of the Millennium Parkway are:

- a. Improve the flow of tractor-trailer truck traffic from NY Route 60 to the industrial corridor by providing a route that:
 - Is more direct than the existing truck route and reduces the vehicle-miles traveled;
 - Has vertical and horizontal geometry that is suitable for tractor-trailer trucks;
 - Can accommodate over-sized vehicles; and
 - Reduces potential conflicts with trains at at-grade railroad crossings.
- b. Provide transportation infrastructure that supports planned, sustainable economic development by:
 - Accommodating future industrial development within the existing industrial corridor;
 - Creating development opportunities in areas currently serviced by, or in close proximity to, municipal water and sanitary sewer infrastructure;
 - Facilitating the development of brownfield sites; and
 - Reducing potential conflicts with residential land use along the route.

CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY
PIN 5757.55

JOINT LEAD AGENCY MEETING

April 28, 2008
CCDPF Office
454 North Work Street
Falconer, NY 14733

1:30 PM – 3:00 PM

MEETING/TELECONFERENCE MINUTES

| ATTENDEES | | | |
|---|------------------|--------------------|------------------------------|
| NAME | ORGANIZATION | TELEPHONE NO. | E-MAIL ADDRESS |
| George Spanos | CCDPF | 716-661-8400 | spanosg@co.chautauqua.ny.us |
| John Bremmer | CCDPF | 716-661-8423 | bremmerj@co.chautauqua.ny.us |
| John Burns | FHWA | 518-431-4125 x252 | john.burns@fhwa.dot.gov |
| Bob Davies* | FHWA | 518-431-4125 | robert.davies@fhwa.dot.gov |
| Melissa Toni* | FHWA | 518-431-4125 | melissa.toni@fhwa.dot.gov |
| Bob O'Connor | NYS DOT | 716-847-3606 | roconnor@dot.state.ny.us |
| Pete Nixon | NYS DOT | 716-847-3243 | pnixon@dot.state.ny.us |
| Rob Napieralski | TVGA Consultants | 716-655-8842 x2193 | rnapierski@tvga.com |
| Ken Wojtkowski | TVGA Consultants | 716-655-8842 x2165 | kwojtkowski@tvga.com |
| Heidi Reed | TVGA Consultants | 716-655-8842 x2117 | hreed@tvga.com |
| Charity Demko | TVGA Consultants | 716-655-8842 x2159 | cdemko@tvga.com |
| * indicates participation via telephone | | | |

The purpose of the meeting was to present to the Joint Lead Agencies a potential new alternative, the Talcott Street Alignment, which arose from public comments received through the public scoping meeting held on Monday, February 25, 2008 at Dunkirk High School. With this new alignment, the Joint Lead Agencies met to discuss project direction in terms of logical termini, the process for completing the Final Project Scoping Report (PSR), and the creation of a Public Involvement Plan (PIP).

The following topics were discussed:

1. Project Update

- Rob Napieralski started the meeting with a brief project update noting recent project coordination to date among cooperating/participating agencies (January 10, 2008) and the public (February 25, 2008) and comments received.

2. NYSDOT comments regarding Logical Termini

- Ken Wojtkowski noted that truck volume data was received from the New York State Department of Transportation (NYSDOT) and the New York State Thruway Authority (NYSTA), which presented the following results:
 - i. Interchange 59 (Dunkirk/Fredonia) on Interstate 90 (I-90) has a higher truck volume than Interchange 58 or 60, with total volumes (entry and exit) of 1379, 547, and 170, respectively.
 - ii. Routes 5 and 60 have higher truck volumes than any other routes in the project area, which include Route 20, South Roberts Road, and Middle Road (CR 82).
 - iii. Signs posted on Progress Drive directing trucks traveling west to access I-90 via Middle Road (CR 82), Route 5, and Route 60 verify the existing truck route presented in the Draft PSR.
- Ken W. suggested that the information presented above is enough to justify Route 60 as one of the logical termini for the project. When asked for agreement, there were no objections raised.

3. Potential new alternatives identified via Project Scoping

- New I-90 Interchange – all agencies agreed that this alternative could be dismissed from further consideration in the PSR as long as enough documentation was provided such as cost/funding issues, needing thruway approval, revenue neutrality issue, no solution for trucks needing to travel on Route 60 to access such industries as Cliffstar, and increases rather than reduces vehicle-miles-traveled by trucks. John Burns noted that AASHTO interchange spacing guidelines is a weak argument for ruling out an interchange at Cook Road. Instead, the case should be stated from some other standpoint such as conflicting signage, as was done for the Williamsville Toll Barrier project.
- Talcott Street Alignment - Ken W. and Rob N. noted that this alignment arose from public comments. Upon further investigation, it can be noted that this alignment provides new benefits to the project. Currently, Cliffstar Industries on Talcott Street is land-locked, as well as being cut-off from access to the rest of the industrial corridor, resulting in inefficient flow of goods from one industry to another (e.g., Grafc0 at Chadwick Bay Industrial Park makes bottles used by Cliffstar). George Spanos noted that the County purchased one property in 1991 and is currently in the process of acquiring other properties located within the brownfield area noted on the figure presented. The properties are either going through donation negotiations or through the foreclosure process. The County has Economic Development Administration (EDA) grant funding to demolish buildings located on the site as well as to reconstruct portions of Middle Road (CR 82) and Progress Drive. The Talcott Street Alignment would be constructed as an extension of the current alignment through this brownfield site thereby utilizing an existing industrial site on disturbed property owned by the County and opening up access to Middle Road (CR 82). George S. further noted that truck travel through the City will not be completely eliminated due to the location of Cliffstar and Carriage House Industries. With regard to residential area concerns, John Bremmer noted that most residences on Talcott Street face the side streets and/or are rental properties. Talcott Street is currently owned by the County and has an existing right-of-way of 20 m (66 ft). Access to the side streets from Talcott Street would remain open with this potential alignment. John Burns noted that the cooperating/participating agencies will most likely

view the Talcott Street Alignment as the Least Environmentally Damaging Practicable Alternative (LEDPA), which is necessary to gain approval for necessary permits.

- i. Benefits include: reduces vehicle-miles-traveled; links disjointed segments of the industrial corridor for the efficient flow of goods within and through the corridor; little, if any, property relocations; can be built with funding available; sidewalks set back from street with plenty of snow storage available so that widening should not be an issue; no impacts to parks or other community properties; no environmental issues anticipated; shows an improvement to an existing route rather than a completely new alignment; improvement to a brownfield area; potential for utilizing existing utility infrastructure; and any commercial and/or industrial growth at brownfield site can be serviced by the railroad as well as by roadway.
 - ii. Considerations include: federal guidelines must be followed for property acquisition purchases by the County at the brownfield site; capacity analysis to meet future industrial growth; environmental analysis, such as air quality, as secondary and cumulative impacts due to future industrial growth; environmental justice concerns must be properly documented (demographics must be researched) with argument noted that the existing truck route currently travels through residential areas similar to that on Talcott Street; mitigation options for trucks idling on Route 60 such as proper signalization and timing of the Route 60/Talcott Street intersection; and potential impacts to school located along Route 60.
4. Process for completing Final PSR – all Joint Lead Agencies agreed that scoping is still open and that the format of the PSR is in question until further input is received on the Talcott Street Alignment. It was agreed, however, that guidance for the format of the PSR should come from the newly issued Appendix 7 of the NYSDOT Project Development Manual (PDM).
- Need, Purpose, and Objectives – A new need and purpose was presented to those present (see attached). Pete Nixon noted that there may be a need to reduce land-use conflicts of trucks traveling through residential areas instead of industrial and/or commercial areas, which could be presented by comparing the existing number of residences that trucks pass along the existing truck route compared to that of the proposed alignment. Everyone present agreed that any need, purpose, and objective will be further refined after the Talcott Street Alignment is developed further and additional input is received on the project.
 - Feasible Alternatives – If the Talcott Street Alignment is well received and progressed as the preferred alternative, the project may be reclassified from a Class I (the level requiring an Environmental Impact Statement (EIS)) to a Class III (Environmental Assessment (EA)) or even a Class II (Categorical Exclusion (CE)), because the proposed alignment would be located on previously disturbed property. Further scoping will determine this issue. It may be possible to arrive at only one (1) preferred alternative coming out of scoping, however, FHWA is hesitant to do so noting that if any "deal-breaker" issue arises, then the only alternative onto which to fall back would be to improve the existing truck route.
 - Public scoping – all Joint Lead Agencies agreed that a cooperating/participating agency meeting and public scoping meeting are necessary to present the Talcott Street Alignment. Also, the Joint Lead Agencies agreed that all potential stakeholders, including industries, community groups,

and schools, must be considered and contacted as well for the next public scoping meeting. Pete Nixon noted that the agency meeting is necessary to gain closure on open issues and the public meeting is necessary to listen to the public for what the public believes is needed rather than telling them what is needed. Everyone present agreed that the meetings would not require the Draft PSR to be re-packaged but rather a presentation of the Talcott Street Alignment alongside the alternatives that have been presented to date to receive more input on all aspects of the project.

- Adopting the PDM PSR format – everyone present agreed that the environmental class can be decided after the scoping meetings, which will further determine the format of the PSR. Pete Nixon noted that an entire revamping of the PSR to date will not be necessary, even if it provides more information than is needed.

5. Public Involvement Plan (PIP)

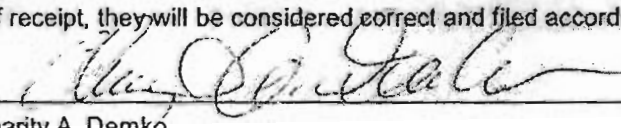
- Heidi Reed noted that once a PIP is created, it is to be managed by NYSDOT according to the PDM. Bob O'Connor noted that he didn't believe any management was needed other than that of keeping the PIP on file, which he would do unless we heard from NYSDOT to the contrary.

6. Review of Action Items

- TVGA – Issue minutes of this meeting
- TVGA – properly document in the PSR the dismissal of a proposed interchange
- TVGA – research demographics on Talcott Street Alignment to properly evaluate environmental justice impacts
- TVGA – further develop the Talcott Street Alignment for presentation purposes
- TVGA – set up another cooperating/participating agency scoping meeting to present the Talcott Street Alignment along with the ones presented in the Draft PSR to date.
- TVGA – develop a list of potential stakeholders for the project to notify
- TVGA – set up another public scoping meeting to present the Talcott Street Alignment along with the ones presented in the Draft PSR to date.
- NYSDOT – Bob O'Connor will file the PIP once it's received, unless TVGA receives direction otherwise.

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within 5 working days of receipt, they will be considered correct and filed accordingly.

Reported by


Charity A. Demko
Project Engineer

5/5/08
Date

cc: Attendees

Kim Richardson, NYSDOT
Shelah LaDuc, NYSDOT
Jeff Berna, FHWA
2006.0006.00.4A

CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY

JOINT LEAD AGENCY MEETING

April 28, 2008

CCDPF Falconer Office
454 North Work Street
Falconer, NY 14733

Discussion of Project Need and Purpose

Need: There is currently no direct, continuous route for tractor-trailer truck traffic to access the industrial corridor from the southwest, causing truck traffic to utilize a circuitous route to and from the corridor and preventing the efficient flow of goods through the corridor.

Purpose: Reduce tractor-trailer truck vehicle-miles-traveled and link disjointed segments of the corridor by providing a more direct route to and through the corridor.

Need: There is currently no direct route for tractor-trailer truck traffic to access the industrial corridor from the southwest, causing truck traffic to utilize a circuitous route to and from the corridor.

Purpose: Reduce tractor-trailer truck vehicle-miles-traveled by providing a more direct route to the corridor.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NEW YORK 14203-2939
www.nysdot.gov

ALAN E. TAYLOR, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

March 14, 2008

Mr. George Spanos, Director
Chautauqua Co. Dept. of Public Facilities
P O Box 38, St.
Falconer, NY 14733

Re: **MILLENNIUM PKWY., PIN 5757.55**
CITY OF DUNKIRK & TOWNS OF
DUNKIRK & SHERIDAN

George
Dear Mr. Spanos:

I have attached comments from our Landscape Architecture/Environmental Services Unit on the Draft project Scoping Report for the subject project.

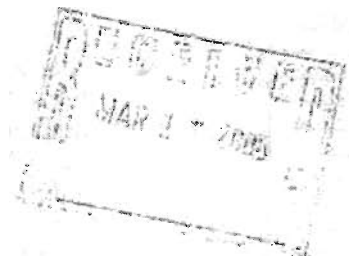
If you have any questions, please do not hesitate to call me at 716-847-3606.

Very truly yours,

Robert O'Connor
Local Projects Supervisor

ROC/lk

Encl.





**MEMORANDUM
DEPARTMENT OF TRANSPORTATION**

TO: Robert O'Connor, Planning Project Manager

FROM: Shelah LaDuc, Environmental Program Manager *SLD*

SUBJECT: **MILLENNIUM PARKWAY
CITY OF DUNKIRK & TOWNS OF DUNKIRK AND SHERIDAN
PIN 5757.55**

DATE: March 13, 2008

The Landscape Architecture/ Environmental Services Unit reviewed the Draft Project Scoping Report dated October 1, 2007 and have the following comments:

1. The document should follow the suggested outline for a Project Scoping Report (PSR) in Appendix 7 of the NYSDOT Project Development Manual (PDM). The shell included in Appendix 7 includes helpful information regarding what should be included under each section of the PSR.
2. Chapter 1 – Location: We have found that other agencies reviewing NEPA documents may have difficulty putting the proposed project into the proper context. This section may be an appropriate place to include information that clearly identifies and communicates the context of the project. The PDM states, "To proceed towards achieving a sound transportation solution, the context of the project area environment must be understood and documented. Context Identification (CI) and assessment is the most thorough method for gaining a full understanding of the complete context of project area. Refer to Subsection 3.3.5.4, Technical Activities, for the actions included in Context Identification (see information following list of technical activities)."
3. Chapter 1 – Conditions & Needs: In the last sentence of the third paragraph, it states that "Based on the existing geometry and lane widths, the route is inadequate...". It appears later in the document what is meant by inadequate is the roadway is too narrow and has turning radii that are too small for trucks. We recommend being very clear in this section as to why the existing truck route is "inadequate".
4. Chapter 1 – Objectives: The project purpose is stated as "to improve tractor-trailer truck access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60." It is unclear as to why access should be from NY Route 60. This information may be too specific for the project purpose statement. If it is important to include, we recommend the Project Scoping Report clearly explain how this decision was made and document why access must be from NY Route 60. Furthermore, it is important to realize that some regulatory agencies, that have been identified as cooperating agencies, have their own requirements for how the purpose and need statement should be written. We recommend attempting to align the statement to satisfy the requirements of all the joint lead and cooperating agencies during scoping to the greatest extent possible.

Region 5 PPM
RECEIVED
MAR 13 2008

| | |
|-------------|-----------|
| Gottlieb | |
| O'Connor | |
| Burton | |
| Romano | |
| Church | |
| Felgemacher | |
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| Renn | |
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of 100

5. Chapter 1 – Alternatives: The first and second sentence use the term “Build” Alternatives. We recommend only using this term in association with alternatives that are reasonable, feasible and capable of being constructed. For example, if an alternative does not meet the project objectives or is not feasible to construct then it should not be referred to as a “Build Alternative”. Under Section 404(b) of the Clean Water Act, all the “Build” Alternatives will be compared to determine the Least Environmentally Damaging Practicable Alternative (LEDPA).
6. Chapter 2.A.2.a. Description: The context of the project should be discussed (see comment #x above). Also this paragraph states “...the project limits have been sufficiently delineated to provide access to the industrial corridor.” We recommend discussing how this decision was made. It may be helpful to discuss this with the cooperating and participating agencies and reach agreement on the project limits if possible during scoping.
7. Chapter 2.B. Project Evolution: The information provided in this Section is very helpful and important to the reader. It provides the background and history of the project. We recommend this information be included in an “Executive Summary” and be used to document past decision-making, the current project status/phase and what phases/activities still remain. This helps the reader understand the project development process, as well as, documenting the steps and decisions made leading to the selection of the NEPA Preferred Alternative.
8. Chapter 2.B. Project Evolution: The last paragraph states that the PSR “is being performed to determine the most appropriate route for the *new* roadway...”. This statement seems to conflict with the stated project purpose. It gives the reader the impression that building a new roadway (which is only one of four (4) “Build” Alternatives discussed in Chapter 1) was predetermined to be the direction this project is heading towards selecting a preferred alternative. We recommend conducting a first level screening of alternatives in consultation with the cooperating and participating agencies to determine which of the four (4) alternatives should be carried forward for further analysis and comparison. The NYSDOT Project Development Manual suggests appropriate considerations for a preliminary screening. For example, do all the alternatives meet the stated project purpose and need; are there critical environmental issues that make an alternative or alternatives not feasible to build, etc.? It may be appropriate for this project to analyze the project alternatives at different points in the process with different levels of detail. This methodology for analyzing the alternatives should be determined and agreed to by the joint lead agencies and participating and cooperative agencies early on in the project scoping.
9. Chapter 2.C.2. Needs: The second paragraph discusses NY Route 60. We recommend discussing other principal arterial roads, such as Route 5, in comparison to clarify why access to the industrial corridor should be from NY Route 60. The third paragraph states “the route is inadequate...” this should be clarified (see comment #x).
10. Chapter 2.C.2.a.(2) Project Level Needs: This section discusses capacity as a need and states that there is a need to minimize traffic delays at the school zone and fire station and to address further traffic delays due to numerous

signalized and non-signalized intersections yet in Section II.C.1.g. Speeds and Delay paragraph (3) states that "...no substantial delays to traffic traveling through the Project Limits were determined other than the observed at-grade railroad crossing queues. Therefore, a delay study was not performed." This appears to be a contradiction that may weaken the capacity needs discussion. Furthermore, under capacity needs it states that Based on Table II-6 the LOS for *several* intersection directional movements along the existing truck route is low. Looking at the table it appears 4 out of 12 movements are below a LOS of C and only one (1) of the three (3) intersections in the table reaches an intersection LOS C at ETC+20 and ETC+30 for the PM. We recommend addressing to what level of need is being demonstrated with this data. The regulatory agencies may question whether this need could be addressed with an intersection improvement verses a new roadway.

11. Chapter 2.D. Project Objectives: One of the stated project objectives is to reduce travel time from NY Route 60 to the industrial corridor. If no substantial delays to traffic traveling through the Project Limits were determined (see comment# ~~x~~ above) than this could be questioned as to why it needs to be a project objective. 10
12. Chapter 3.A. Design Criteria: The second paragraph states "The urban collector classification does not have the access restrictions associated with arterials." It was unclear from the report as to whether the suggested urban collector would be with access or without access. Either way, we recommend including a methodology to study secondary and cumulative impacts as part of this project in anticipation of regulatory requirements.
13. Chapter 3.B.2.c. Critical Resource Assessment: The first paragraph defines critical resources as resources that would increase project costs such that it would not be feasible to construct. While this is true, we recommend including that critical resources are resources that are important to the environment and/or the local or regional community to such a degree that impacts to these resources should be avoided.
14. Chapter 3.B.2.c. Critical Resource Assessment: The wetlands section refers to a "desk top analysis". In our experience, working with regulatory agencies this method for analyzing wetland impacts, even at a planning level, is not adequate. However, we do not believe a detailed wetland delineation at this point in the process is reasonable or feasible for most projects either. The methodology for assessing wetland impacts as well as other social, environmental and economic issues throughout the process should be discussed with the joint lead agencies and cooperating and participating agencies early in the scoping process. Agreement should be reached, if possible, on the methodologies to be used at appropriate points in the project development. Agreement at scoping should help reduce project delays during future phases of project development and specifically during the Section 404 and Section 401 permitting process.
15. Chapter III of your Draft Scoping Report contains a Comparative Analysis and Comparison of Alignments. Until you reach consensus with the Regulatory Agencies as to methodologies used for critical resource assessment any comparison of alignments/alternatives is pre-mature.

16. General Comment: We are reviewing your Coordination Plan and our comments will follow. For more information on developing a Coordination Plan, see the SAFETEA-LU Environmental Review Process Final Guidance on FHWA's website and AASHTO Practitioner's Handbook 09 January 2008 titled Using the SAFETEA-LU Environmental Review Process.

If you have any questions, please contact Shelah LaDuc or Kim Richardson at 847 – 3420.

SLK/KAR/pam

cc: Peter Nixon, Senior Landscape Architect
John Burns, Area Engineer, Federal Highway Administration
File

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

March 6, 2008

Mr. George Spanos, Director
Chautauqua County Department
of Public Facilities
454 North Work Street
Falconer, New York 14733

Dear Mr. Spanos:

MILLENNIUM PARKWAY DRAFT PROJECT SCOPING REPORT TOWNS OF DUNKIRK AND SHERIDAN, AND CITY OF DUNKIRK - CHAUTAUQUA COUNTY

This is to acknowledge receipt of your February 7, 2008 letter and the above-noted Scoping document which was revised to incorporate information from the January 10, 2008 multi-agency meeting.

We have also received follow-up correspondence from TVGA Consultants (copy enclosed) which addressed the issues discussed at the January 10, 2008 meeting, in addition to addressing this Department's January 9, 2008 and January 14, 2008 letters related to the project. Be aware that in our January 14, 2008 letter, we inadvertently stated that a Short-eared owl sighting occurred near the Jamestown Airport. The sentence should have instead referred to the Dunkirk Airport as correctly stated in the February 7, 2007 letter written by our Senior Ecologist, Mr. Charles Rosenburg. We therefore request that today's letter be included in the Final Project Scoping Report to reflect this Department's correction regarding this matter. We offer the following additional comments to assist in your preparation of the Final Project Scoping Report:

1. We have noted that preliminary steps have been taken to determine if archaeological and/or historic structure impacts would be involved. Be aware that no Department discretionary permit will be issued for the project until we have been assured that the project is in compliance with the New York State Historic Preservation Act. We will need to be provided with a copy of a letter from the New York State Office of Parks, Recreation and Historic Preservation stating that no further archaeological investigation is necessary, in order for this Department to place closure on this regulatory issue. If that letter is currently available, it should be forwarded to this office and included in the Final Project Scoping Report.
2. The Coordination Plan, Appendix N, Table 1 shows Article 15 Memorandum of Understanding (MOU) under the Responsibilities column. Please note that the MOU between the New York State Department of Transportation (DOT) and this Department will not apply to this project for stream disturbance permit requirements, as both Scott Creek and Hyde Creek have a Class and Standard of C, which places the streams outside of our jurisdiction in that regard. However, we caution you to also note that Water Quality Certification (WQC), which is required by Section 401 of the Federal Water Pollution Control Act, is expected to be necessary for this project. That Water

Quality Certification will be under this Department's jurisdiction through 6NYCRR Part 608 which is under the authority of Environmental Conservation Law, Article 15, Title 5.

The WQC is expected to be necessary because the Department has identified areas which may be regulated as Federal wetlands, as well as unmapped State wetlands. In order for the project to receive thorough technical review regarding the relation between the creeks within the project boundary and wetland resources, we expect that a Joint Application for Permit (enclosed) would be submitted to this Department for a determination regarding expected impact to any State regulated wetlands. The MOU specifically states that Water Quality Certification applications should be forwarded to the Regional Permit Administrator, (rather than Mr. Russell Biss, Regional Supervisor of Natural Resources, who authorizes project coverage under the Programmatic General Permits). The MOU refers to the Programmatic Permits for work within State regulated wetlands and their adjacent areas. However, the degree of scrutiny that will be given for the Water Quality Certification, will be the same as the scrutiny given to impacts to the streams if those streams are determined to be part of either Federal or State regulated wetlands. Use of Programmatic Permits may be redundant in that case. Upon receipt of applications we will coordinate with Mr. Biss and advise you of the necessary review and processing requirements.

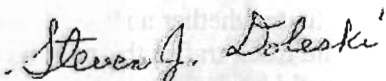
3. Appendix N, Table 2 should be changed to reflect the following telephone numbers for NYSDEC Divisions.

Division of Water (716) 851-7070
Division of Fish, Wildlife and Marine Resources (716) 851-7010
Division of Solid and Hazardous Materials (716) 851-7220

We have enclosed the letters from this Division (dated June 1, 2007, January 9, 2008 and January 14, 2008), along with the letter from our Division of Fish, Wildlife and Marine Resources (dated February 7, 2007) which should be included in both the Final Project Scoping Report and the Environmental Impact Statement.

Thank you for providing the project information for our review. If you have questions, please contact Ms. Denise Matthews at (716) 851-7165.

Respectfully,

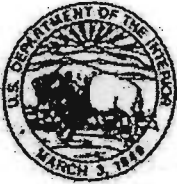


Steven J. Doleski
Regional Permit Administrator

DCM:vm

Enclosures

cc: Mr. Russell Biss, NYSDEC Natural Resources Supervisor, Allegany Sub-office
Mr. John Burns, Federal Highway Administration
Mr. Robert O'Connor, New York State Department of Transportation
Mr. Kenneth Wojtkowski, TVGA Consultants



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



February 15, 2008

Mr. George Spanos, P.E., Director
Department of Public Facilities
454 North Work Street
Falconer, NY 14733

RE: Notice of Intent to Prepare EIS for Millennium Parkway (PIN 5787.55)

Dear Mr. Spanos:

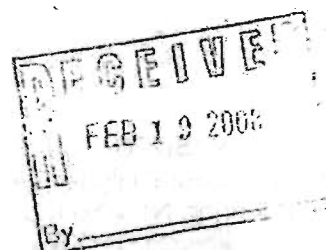
The U.S. Fish and Wildlife Service (Service) provides the following comments on the Notice of Intent to prepare an Environmental Impact Statement (EIS) and the Draft Project Scoping Report (Report) for a proposal to construct the Millennium Parkway Project (PIN 5757.55) located in the Town(s) of Dunkirk and Sheridan, Chautauqua County, New York.

The Service participated in a joint agency meeting held by the Project Sponsor, Chautauqua County Department of Public Facilities (County) on January 11, 2008. The Service reviewed the Report and provided verbal comments on the proposed action. The Service followed up with a list of threatened and endangered species sent via facsimile on January 22, 2008. We appreciate the County, New York State Department of Transportation (NYSDOT), and Federal Highway Administration's (FHWA) early coordination and willingness to address many of these issues.

The comments below are pursuant to and in accordance with, provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Alternatives Analysis

Section III.B.2.b. The Service recommends that the County include all viable build alternatives. It appears that the County did not evaluate whether adding a new Interchange off I-90 at New Road and Cook Road to eliminate truck traffic through the City of Dunkirk would be a viable alternative. The interchange could be designed as a ramp or loop interchange. The Service recommends that the County include these alternatives and any other viable alternatives in the Report.



Critical Resource Assessment

Section III.B.2.c.

1) *Wetlands* (pp. 10-11) The Service recommends that the County include the New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Map, the National Wetlands Inventory map (NWI), and the Soil Conservation Service map in the Appendices and include map legends. The Service understands that the County will delineate all State and Federal wetland areas. Federal wetlands will be delineated using the Federal Wetland Delineation Manual (as stated in IV.B.5) and the NYSDEC will delineate State wetland boundaries and include classified streams. The Farm Service Agency can assist with wetlands located in agricultural fields (e.g., farmed wetland pastures, prior-converted wetlands, ditches that convey drainages etc.). Once the delineations are complete, then the project can be designed to avoid and minimize adverse impacts to wetlands and aquatic resources.

2) *Cultural Resources*. No comment.

3) *Threatened and Endangered Species*

We understand that the New York Division of the FHWA is the lead Federal agency for the project and that the U.S. Army Corps of Engineers (USACE) is also involved through authorizations under Section 404 of the Clean Water Act. We further understand that the NYSDOT has been designated the FHWA's non-Federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Our most recent coordination and communication on the potential for listed species presence in the project area involved our sending you, on January 9, 2008, to our website for current information on listed species in New York. As you are aware, one Federally-listed endangered species, clubshell (*Pleurobema clava*), and one candidate species, rayed bean (*Villosa fabalis*), are present in Chautauqua County. However, as you would determine when you check the New York Natural Heritage Program, (which can be contacted at <http://nynhp.org>) as recommended on our website as the best course of action for obtaining known locations of listed species, these species are not expected to occur within the project area. Therefore, no further coordination or consultation pursuant to Section 7 of the ESA is required for this project.

We understand that you considered the potential for impacts to bald eagles (*Haliaeetus leucocephalus*) from the proposed project. We agree that it appears that impacts to this species are unlikely. As you are aware, the bald eagle no longer receives protection under the ESA; however, if eagles are found within the project area prior to commencement of work, the Service recommends that the County and NYSDOT follow the Bald Eagle Management Guidelines found on our website.*

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, these determinations may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York is available for your information.* Until the proposed project is complete, we recommend that you

check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

As a reminder, all Federally-listed species and the bald eagle are also listed by the State of New York. Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the NYSDEC. The NYSDEC contact for the Endangered Species Program is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: 518-402-8859).

Comparison of Alignments

Section III.B.3.d.2. Table III-7. The table does not include actual wetland acres from the Federal NWI map or the NYSDEC Freshwater Wetland Map. The table should be updated when wetland boundaries are confirmed. Until then, it is difficult to evaluate wetland impacts associated with each alternative. The Service recommends that the County wait until this information is available prior to deciding on the Preferred Alternative to ensure that the preferred project is the least damaging practicable alternative (LDPA).

IV.B. Social, Economic and Environmental Consequences

Section IV.B.1. The Service recommends that a habitat analysis be conducted and include the 150 foot right of way and adjacent areas with critical environmental areas (wetlands, groundwater recharge and discharge areas, streams and other water bodies, vernal pools, forested areas, etc.)

Emergent wetlands along highway corridors are typically dominated by cattail (*Typha sp.*), and contain invasive plant species such as *Phragmites australis*, and purple loosestrife (*Lythrum salicaria*). These wetlands along with scrub shrub or forested community types that have not been adversely impacted have high species diversity and provide valuable habitat for wildlife.

Amphibians that may be found in shallow emergent marshes include frogs, such as eastern American toad (*Bufo a. americanus*), northern spring peeper (*Pseudacris c. crucifer*), green frog (*Rana clamitans melanota*), and wood frog (*Rana sylvatica*), and salamanders, such as the northern redback salamander (*Plethodon c. cinereus*) (NYSDEC 2007). Other wildlife species that may be found using wetlands for habitat include white-tailed deer (*Odocoileus virginianus*), wild turkey (*Meleagris gallopavo*), red-winged blackbird (*Agelaius phoeniceus*), marsh wren (*Cistothorus palustris*), and great blue heron (*Ardea herodias*). Raptors, such as red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), sharp-shinned hawk (*Accipiter striatus*), and bald eagles (*Haliaeetus leucocephalus*) are also known to use the project area as habitat.

To minimize impacts to fish and wildlife, the Service highly recommends that the County quantify habitat loss and adverse impacts by using a wildlife habitat assessment method. There are several assessment methods available to the County, in lieu of one day field evaluation methods. The Service recommends using one of the following habitat assessment methods; the Habitat Evaluation Procedures (Service), the Highway Methodology Workbook (USACE), or a similar habitat-based evaluation method. Data should be collected and evaluated to determine what species are present in the project area, wildlife movement through the project area, existing

and potential wildlife corridors, wetlands, streams, and buffer areas. Places where wildlife typically cross existing highways or where they could potentially cross newly constructed highways, should be identified using the selected habitat assessment method.

The results of the wildlife habitat assessment study should be incorporated into the design and construction of the expanded highway or the newly constructed highway. Avoidance measures should be incorporated into the project design to protect valuable wildlife habitat, minimize fragmentation, and reduce cutting and removal of forested and shrub habitat. Filling activities should be minimized to the greatest extent possible. The assessment should be used to provide appropriate compensatory mitigation (and mitigation ratios) when avoidance and minimization is not practicable.

IV.B.3. Surface Water. The County should include the NYSDEC Stream Classification map in the Report. In addition, Scott Creek and Hyde Creek should be identified in this section along with any unnamed tributaries, water bodies, and drainage areas. The Service also recommends that the County consider protecting all waters of the United States as these water bodies contribute valuable functions to the Lake Erie watershed.

General Comments. Streams provide important ecological, water quality, and flood control functions, habitat for aquatic and non-aquatic organisms, and are a source of organic matter and sediment for downstream reaches. The movement of water, nutrients, organic material, and organisms relies on maintenance of these systems. Consequences of stream loss can include increased intensity and duration of downstream flooding, lower base flows, excess sedimentation, reduced habitat quality, reduction of organic material transport, and altered productivity of downstream areas (Meyer and Wallace 2001). Filling of even a small section of stream interferes with nutrient/sediment transport downstream and affects flow dynamics both upstream and downstream of the impact. Crossing structures can change the hydrology of the system by increasing detention time of water upstream of the crossing. With changes in hydrology may come changes in sediment transport and natural scouring of the channel during storm events or spring floods (Jackson 2003).

The Service recommends that the County evaluate ways to improve sediment transport through existing culverts, including the use of bottomless-arch (three-sided) culverts to reduce impacts to aquatic habitat. If a bottomless-arch culvert is not practicable, we recommend that an oversized culvert be installed to match the grade of the adjacent streambed upstream and downstream of the culvert. The culvert should be embedded into the natural stream bottom and appropriately sized to provide passage for fish and other aquatic organisms. (USFWS, <http://www.fws.gov/midwest/Fisheries/streamcrossings/ReplacementStructures.htm>). Maintaining or replicating streambed conditions within the oversized culverts may facilitate use by salamanders, frogs, small mammals, and aquatic invertebrates, thereby maintaining habitat connectivity (Jackson and Griffin 1991).

We also recommend that proposed culverted crossings be designed and constructed to minimize impacts to streams and allow the stream to maintain the connection to their floodplains. Three-sided culverts or oversized culverts are preferred, where feasible, to maximize the potential for fish and wildlife passage through the structures.

IV.B.4 and 5. Federal and State Wetlands

As stated above, the Service understands that wetlands within the project area will be delineated. The Service requests a copy of the delineation report when completed.

For each viable alternative, the County should assess direct and indirect impacts to waters of the United States, including wetlands, floodplains, and special aquatic sites. The County should consider impacts to wetlands due to fragmentation associated with road construction, address direct, indirect, and cumulative impacts to wetlands, avoid and minimize impacts and provide compensatory mitigation and protection of existing and mitigated wetlands.

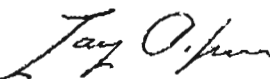
Avoidance and Minimization of Wetland Impacts. The Service recommends that the County consider wetland impacts when designing the new highway or rehabilitating an existing highway. Avoidance methods include realigning the highway to avoid wetland areas, or minimizing wetland impacts by reducing slopes at culverted stream crossings and within the highway right of way.

Compensatory Mitigation. The Service recommends that the County and NYSDOT evaluate potential mitigation sites located within the two towns that are impacted by the project. If this option is not practicable, then sites should be selected within Chautauqua County. We ask that mitigation *not* be located adjacent to the highway, as wetlands often attract wildlife, resulting in increased risk of vehicle/wildlife collisions and impaired wetland water quality from salts, oils, gasoline, and other contaminants associated with highway runoff. Wetland mitigation sites should *not* serve as storm water detention basins, in fact, highway runoff should be pre-treated before being discharged into any natural or created compensatory mitigation wetland areas. Upland buffer areas should be placed on all wetlands, including mitigation wetlands, to further protect wetlands from degradation.

The Service recommends that the County preserve and protect all remaining wetlands within the project area in perpetuity (including all mitigated wetlands). Protection of these lands will help to protect aquatic resources, including wetlands, streams, and floodplains, and riparian and wetland buffers, which will serve to improve water quality and wildlife habitat within the Lake Erie Watershed. Wetland systems absorb floodwaters and eliminate the need for additional stormwater detention basins.

We appreciate the opportunity to comment on the Report for the proposed Millennium Parkway. If there are any comments or questions regarding fish and wildlife and aquatic resource issues, please contact Sandra Doran at 607-753-9334.

Sincerely,


David Stilwell
Field Supervisor

*Additional information referred to above may be found on the Service website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Buffalo, NY (Attn: S. Doleski)
FHWA, Albany, NY (J. Burns)
NYSDOT, Buffalo, NY (R. O'Connor)
NPS, Boston, MA (D. Clark)
REO, Boston, MA (A. Raddant)
USFWS, Hadley, MA (M. Snyder)
COE, Buffalo, NY (Attn: L. Ammons)
USEPA, Region II, New York, NY
DOI, OEPC, Washington, DC (E. Smith)
BCPA (ERT), Washington, DC

References:

Jackson, Scott D. *Ecological Considerations in the Design of River and Stream Crossings*. In 2003 Proceedings of the International Conference on Ecology and Transportation, edited by C. Leroy Irwin, Paul Garrett, and K.P. McDermott. Raleigh, NC: Center for Transportation and the Environment, North Carolina State University, 2003. pp. 24.

Jackson, S.D. and C.R. Griffin. 1991. *Toward a Practical Strategy for Mitigating Highway Impacts on Wildlife*. Proceedings of the International Conference on Ecology and Transportation, Fort Myers, FL, USA, February 10-12. 1998, pp. 17-22.

Meyer, J.L. and J.B. Wallace. 2001. *Lost linkages and Lotic Ecology: Rediscovering Small Streams*. In: *Ecology: Achievement and Challenge*. M.C. Press, N.J. Huntly, and S. Levin (Editors), Blackwell Science, Maiden, Massachusetts, pp. 295-317.

2006.0006.00
February 15, 2008

New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2915

Attn: Mr. Steven Doleski
Regional Permit Administrator

Re: Millennium Parkway, Chautauqua County
PIN 5757.55

Dear Mr. Doleski:

Thank you for your attention and subsequent reply to our letter of December 11, 2007, and prompt follow-up to the Agency Scoping Meeting held January 10, 2008. This reply accordingly addresses the topics discussed in your letters dated January 9, 2008 and January 14, 2008. It also acknowledges that future transmittals are to be sent to the designated New York State Department of Environmental Conservation (NYSDEC) Region 9 staff members.

As discussed in the Draft Project Scoping Report (PSR) and at the January 10, 2008 meeting, the Draft PSR reflects preliminary screenings for critical resources within the bounds of the Critical Resource Assessment limits. In conformance with the progression of studies discussed in NYSDOT's Locally Administered Federal Aid Project Manual, the Critical Resource Assessment of the project area consisted of the review of relevant literature, maps, and inventories of sensitive resources. The sensitive resources in this instance included wetlands; rare, threatened, and endangered species; and cultural resources. These three topics were of primary concern in your letters and of high interest during the Agency Scoping Meeting.

The following points clarify the assessment methodologies and current status for those three topics.

Wetlands

For wetlands, the Critical Resource Assessment included a desk-top review of available mapping (e.g., National Wetland Inventory and State Wetland maps) and field observations from public access points by biologists from Northeast Ecological Associates (NEA). Since issuance of the Draft PSR, additional field surveys have been completed by NEA biologists along potential project corridors to the extent allowable based on landowner permission. The map review and field observations indicated the potential for wetlands in the area. The general location of the potential wetlands identified is being considered in the development of the build alternative in an effort to avoid wetland impacts to the greatest extent possible. Wetland delineations will be completed along alternative routes at a suitable point in the project development.

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F. 716.655.0937

WWW.TVGA.COM

Prior to delineation, we will coordinate the field verification of the wetlands identified during the preliminary screenings with the NYSDEC, United States Fish and Wildlife Service, and United States Army Corps of Engineers. As you noted, the field work will be completed no earlier than March 2008 due to seasonal considerations.

We appreciate and are encouraged by the commitment to collaboration on this topic and others, made by the three agencies during the recent agency scoping meeting.

On a related note, thank you for clarifying the applicability of the Memorandum of Understanding between the NYSDEC and New York State Department of Transportation on Article 15 and Article 24. It is understood that the County, as applicant, will be responsible for wetland-related permits as the Millennium Parkway Project design progresses. Mitigation plans will also be developed as the project design progresses.

Rare, Threatened, and Endangered Species

A record search was completed and contact was made with the United States Fish and Wildlife Service and the NYSDEC, including the Natural Heritage Program. Based on this outreach, and specific coordination with Charles P. Rosenberg of the Region 9 NYSDEC Division of Fish, Wildlife and Marine Resources, potential habitat for the Short-eared owl was identified and mapped. Note also that during the outreach, we were made aware of a sighting near the Dunkirk Airport during the winter of 2000. Following the mapping, a roadside survey was completed in May 2007 within the Critical Resource Assessment limits to observe the presence (or lack of) Short-eared owls during their breeding season. No Short-eared owls were observed during that field survey. The NYSDEC has requested a winter (December through April) survey also be completed. That effort is being coordinated as of the date of this letter.

We will follow up with Mr. Rosenberg regarding the sighting at the Jamestown Airport that you noted in your January 14, 2008 letter. However, we do note that the Jamestown Airport is over twenty miles away from the project area as defined for the Millennium Parkway.

Cultural Resources

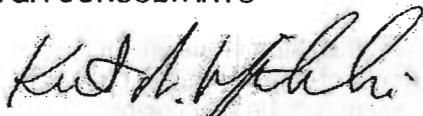
As part of the Critical Resource Assessment, an archaeological and historic structure review was conducted within the Limits of Critical Resource Assessment to determine the existence of cultural resources potentially eligible for listing in the State and/or National Register of Historic Places. The review included outreach to the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Field Services Bureau and other sources. During the January 10, 2008 meeting, the NYSOPRHP stated that resources of concern are outside of the Area of Potential Effect. Consideration and assessment of impacts to other cultural resources will continue throughout project development as required by statute.

The parallel processes of environmental assessment and potential alignment identification are highly iterative. We will undertake more detailed studies and investigations of environmental resources in a cost-effective and appropriately diligent manner as the project develops and potential feasible alternative alignments are refined.

Again, thank you for your attention and guidance. Please contact me with any comments or questions.

Very truly yours,

TVGA CONSULTANTS



Kenneth M. Wojtkowski, P.E.
Senior Project Manager
KMW/HLR/csw

cc: 2006.0006.00.2F
George Spanos, Chautauqua County Department of Public Facilities
John Bremmer, Chautauqua County Department of Public Facilities
John Burns, FHWA
Robert O'Connor, NYSDOT

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Eliot Spitzer
Governor

Carol Ash
Commissioner

February 12, 2008

Cleo Jones
NYS State Department of Transportation
100 Seneca Street
Buffalo, New York 14203

Re: FHWA, DEC
Proposed Millennium Parkway PIN5757.55
Towns of Dunkirk and Sheridan and City of
Dunkirk
DUNKIRK, SHERIDAN, Chautauqua County
07PR02679

Dear Ms. Jones:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

Enclosure

**REQUEST FOR ADDITIONAL INFORMATION
BUILDINGS/STRUCTURES/DISTRICTS**

PROJECT NUMBER 07PR02679

**(Proposed Millennium Parkway PIN5757.55/Towns of Dunkirk and Sheridan and
City of
Dunkirk,/PIN 5757.55,PIN 5757.55/T/DUNKIRK /T/SHERIDAN /C/DUNKIRK)**

In order for us to complete our evaluation of the historic signification of all buildings/structures/districts within or adjacent to your project area we will need the following additional information

- ☐ Full project description showing area of potential effect.
- ☐ Clear, original photographs of buildings/structures 50 years or older.
 - ☐ within or ☐ Immediately adjacent to the project area
 - ** key all photographs to a site map*
- ☐ Clear, original photographs of the surroundings looking out from the project site in all direction,
keyed to a site map.
- ☐ Date of construction.
- ☐ Brief history of property.
- ☐ Clear, original photographs of the following:
- ☒ Other:
The OPRHP requests that under section IV.B.9 of the Draft PSR, Historic Resources, the report include historic structural information to enable the office to evaluate potential historic resources in the project area.

Please provide only the additional information checked above. If you have any question concerning this request for additional information, please call Daniel McEneny

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

February 7, 2008

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium Parkway Project; PIN 5457.55

Mr. George Spanos
Director, Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, New York

Dear Mr. Spanos:

This is in reference to a request for a response to the Draft Project Scoping Report for PIN 5757.55 Millennium Parkway, dated October 1, 2007. The proposed project is located near the City of Dunkirk and the Towns of Dunkirk and Sheridan, Chautauqua County, New York.

We provided preliminary verbal comments during a meeting held on January 10, 2008 and are providing more detailed preliminary written comments in this letter after conducting more thorough review of the documentation and evaluation of the meeting minutes. Please note that we may provide additional comments should additional information and/or documentation be received.

Alternatives:

The stated purpose of this project is to improve tractor-trailer truck traffic access to the industrial corridor for the Towns of Dunkirk and Sheridan and the City of Dunkirk. Section 404(b)(1) of the Clean Water Act prohibits discharges into waters of the United States where there is a practicable less damaging alternative. By limiting the project area to an area to the north of I-90, at least two available alternatives that could achieve the stated purpose while limiting impact to waters and wetlands were excluded from evaluation. Specifically, it appears that routing truck traffic to Route 20 located to the south of I-90 is an alternative that should be explored. Additionally, adding an interchange north of Exit 59 at New Road/Cook Road could meet the stated purpose while reducing the impacts as well. Each of these potential and reasonable alternatives should be evaluated.

The information contained in the report regarding the methodology of the selection of alternatives listed is limited. Additional documentation to discuss the reasons for the selection of the proposed alternatives and reasons for the elimination of any other alternatives from consideration should be included in the documentation in order to provide a more clear understanding as to how these alternatives were derived.

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium Parkway Project PIN 5457.55

Wetlands

The wetland information contained in the document is currently insufficient. As discussed at the meeting on January 10, 2008, the large areas of hydric soils present in the area support the contention that wetlands in the area may be considerably larger than those depicted on the aerial photographs included in the report. A more accurate representation of the wetlands in the area should be developed and verified by our agency before an additional alternatives review is conducted. While I understand that site access may be a limiting factor, ground truthing of wetland boundaries should be accomplished. The goal is to provide a relatively high level of confidence that wetland boundaries are accurate and thereby allow for a reliable comparison of wetland impacts among the alternative alignments.

Documentation used to support the designation of the areas annotated as potential wetlands on the aerial photographs (such as the National Wetland Inventory maps and the New York State Department of Environmental Conservation maps) should be included in the report.

Discussions of impact to wetlands should also include cumulative, secondary and indirect impacts.

Wildlife:

The hazards associated with roads to both wildlife and the interaction of wildlife and vehicular traffic are well known. The report states that a field investigation will be conducted to determine existing terrestrial and aquatic ecological characteristics. Additional details such as when these investigations will be conducted, the length of time covered by these investigations, and the focus of these investigations should be available for review and comment by the appropriate agencies in order to ensure the results of these investigations are meaningful to all parties.

Culverts:

Projects that involve the installation of new or replacement culverts for the crossing of fish-bearing streams, must be designed with either a bottomless culvert or bridge that completely spans the stream's bankfull elevation, or a closed culvert with provisions for embedment as specified below. Fish-bearing streams can include streams with permanent or semi-permanent flow (i.e., perennial or intermittent streams), and streams that have the following New York State Department of Environmental Conservation classifications: AA(t), A(t), B(t) or C(t). These requirements would also apply for sections of a stream where fish were historically present but may have been lost as a result of migratory barriers when there is a reasonable expectation that fish could be restored to that stream section.

Measures shall be included in all culvert designs that promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below the

Regulatory Branch

SUBJECT: Department of the Army Application No. 2008-00274, Dunkirk Millennium Parkway Project PIN 5457.55

stream crossing should not be permanently modified by widening the stream channel or by reducing the depth of the stream.

Before replacing a culvert or other crossing structure with a larger structure it is essential that the replacement be evaluated for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.

To allow natural substrate to colonize the structure's bottom, encourage fish movement and maintain the existing channel slope, smooth box or non-corrugated round, squash, or elliptical culverts shall be embedded to a minimum depth of 2 foot or 20% of the vertical rise of the culvert. Corrugated or sufficiently roughened culverts shall be buried/embedded to a minimum depth of 1 foot. All required depths shall be measured from an average of the lowest points in elevation within stream channel cross sections taken at a minimum of three proximal locations.

Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional dimensions (i.e., a minimum of 1.25 times width of the stream channel at the ordinary high water; or a 2 year design storm) within the culvert. An average of three measurements (project location and straight sections of the stream upstream and downstream) should be used to determine appropriate opening width.

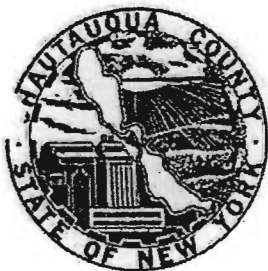
Questions pertaining to this matter should be directed to me at 716-879-4247, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: lesta.m.ammons@usace.army.mil

Sincerely,

SIGNED

Lesta Ammons
Biologist

cc: Sandra Doran, USFWS
Lingard Knutson, USEPA
Steve Doleski, NYSDEC
John Burns, FHWA
Ken Wojtkowski, TVGA Consultants



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

February 7, 2008

Federal Highway Administration
FHWA, New York Division
Leo W. O'Brien Federal Building, Room 719
Clinton Street and North Pearl Street
Albany, NY 12207

Attn: John Burns
Area Engineer

Re: Draft Project Scoping Report for the Millennium Parkway Project, PIN 5757.55.

Dear John Burns:

The purposes of this letter are to provide to your agency an update on agency coordination and project scoping activities and to transmit the revised Draft Project Scoping Report (PSR), as discussed below.

As you know, the Chautauqua County Department of Public Facilities (CCDPF), in cooperation with the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT), have initiated an Environmental Impact Statement (EIS) for the proposed Millennium Parkway Project to improve access between NY Route 60 and an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road), in Chautauqua County, New York. In accordance with 40 Code of Federal Regulations (CFR) 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), your agency has been identified as a Cooperating Agency and/or a Participating Agency, which is pursuant to Section 6002 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Public Law 109-59, 8/10/2005].

Agency Coordination Update - Project coordination began shortly after project initiation. The two most recent coordination events were the following:

- By way of letter dated October 1, 2007 from the CCDPF, your agency was asked to confirm their involvement in the project as a Cooperating Agency and/or Participating Agency pursuant to Section 6002 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Public Law 109-59, 8/10/2005]. That correspondence was also used to solicit comments on the Draft Coordination Plan, Draft Statement of Need and Purpose, and Draft PSR.
- On January 10, 2008, the Agency Scoping Meeting was held. The objectives of the meeting were to provide a project update, continue dialogue among parties, and provide an additional opportunity for the agencies to comment on the Draft Coordination Plan, Draft Statement of Need and Purpose, and Draft PSR.

Based on either correspondence, verbal confirmation or participation in the January 10, 2008 meeting, your agency's status as a Cooperating Agency and / or Participating Agency for this project has been confirmed. Project coordination will continue as part of the Coordination Plan developed specifically for this project until a Record of Decision is issued. The Draft Coordination Plan has been revised to reflect agency input provided during the January 10, 2008 meeting. As discussed during the January 10, 2008 meeting, the schedule is a guideline within SAFETEA-LU framework. The Draft Coordination Plan is provided as Appendix within the enclosed Draft PSR.



CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES

GREGORY J. EDWARDS
County Executive

George P. Spanos
Director of Public Facilities

Project Scoping Update – Please refer to the attached notice, which indicates that the Draft PSR has been placed in the Public Repositories designated for the project and that a Public Scoping Meeting has been scheduled for Monday, February 25th, 2008 from 5:00pm to 7:00pm at the Dunkirk High School, which is located at 75 West 6th Street, Dunkirk, NY 14048. Written comments must be postmarked by March 7, 2008 for consideration in the Final PSR. As stated in the Draft Coordination Plan, it is our intent to issue the Final PSR in April 2008.

If you have any questions or would like to discuss in more detail the project, please contact me directly at (716) 661-8400.

Very truly yours,

Chautauqua County Department of Public Facilities

George P. Spanos, P.E.
Director, Department of Public Facilities

Enclosure

Kenneth Wojtkowski, TVGA w/o enc.
2006.0006.00.02

Legal Notice for Public Scoping Meeting

**P.I.N. 5757.55
Millennium Parkway
City of Dunkirk and
Towns of Dunkirk and Sheridan
Chautauqua County**

The Chautauqua County Department of Public Facilities, acting as Project Sponsor, has proposed the Millennium Parkway Project to improve tractor-trailer truck traffic access from New York Route 60 to an industrial corridor, including districts zoned for industrial uses along Werle Road, Harrington Road, Progress Drive, and County Route 82 (Middle Road), in Chautauqua County, New York.

Pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA), it was determined that this action would require the preparation of an Environmental Impact Statement (EIS). Therefore, the Chautauqua County Department of Public Facilities, the New York State Department of Transportation, and the Federal Highway Administration as Joint Lead Agencies, have completed a Draft Project Scoping Report (PSR). The Draft PSR is available for public review at these Public Document Repositories that have been established for the project:

Town of Sheridan
Sheridan Town Hall
P.O. Box 116
2702 Rt. 20
Sheridan, NY 14135
Contact: Julie Szumigala, Town Clerk

Town of Dunkirk
Dunkirk Town Hall
P.O. Box 850
4737 Willow Road
Dunkirk, NY 14048
Contact: Jean Crane, Town Clerk

City of Dunkirk
Dunkirk City Hall
342 Central Avenue
Dunkirk, NY 14048
Contact: William Tuggle, City Clerk

Dunkirk Free Library
536 Central Ave
Dunkirk, NY 14048
Contact: Librarian

Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, NY 14733
Contact: John Bremmer, Engineer III

Also as part of the environmental review process for the project, a Public Scoping Meeting for receipt of comments will be held at the Dunkirk High School located at 75 West 6th Street, Dunkirk, NY 14048 on Monday, February 25th, 2008 from 5:00pm to 7:00pm.

The scoping phase of the project serves to identify potentially significant adverse environmental impacts associated with the project and appropriate mitigation measures. It is also intended to eliminate consideration of those impacts that are irrelevant or non-significant.

In addition to providing comments at the meeting, the public may submit comments on the Draft PSR in writing to the Chautauqua County Department of Public Facilities at the address listed above regarding the Millennium Parkway PIN 5757.55.

Mr. Bremmer should be contacted if a sign language interpreter, assistive listening system, or any other accommodation will be required to facilitate your participation in the Public Scoping Meeting. Also, Mr. Bremmer should be contacted at (716) 661-8423 or at the address listed above regarding any requests for additional information on the project.

Written comments must be postmarked by March 7, 2008 for consideration. Comments received at the Public Scoping Meeting and through written format will be provided equal consideration.

Demko Charity A.

From: david.valenstein@dot.gov
Sent: Thursday, January 17, 2008 12:26 PM
To: Wojtkowski, Kenneth M.
Cc: Jbremmer@co.chautauqua.ny.us; gspanos@co.chautauqua.ny.us; roconnor@dot.state.ny.us; crenn@gw.dot.state.ny.us; John.Burns@fhwa.dot.gov; Napieralski, Robert R.; Reed, Heidi; Demko Charity A.; Thompson, Kelly M.; les.fiorenzo@dot.gov
Subject: RE: PIN 5757.55 Millennium Parkway - Inter-Agency Meeting Confirmation of Attendance

Dear Mr. Wojtkowski,

The Office of Railroad Development is the FRA's responsible office for planning and environment. For local safety issues, including grade crossing safety, our regional safety offices should be consulted. It seems from your email, that the railroad concerns are safety related. The elimination of a grade crossing by other parties is not "approved" by FRA and does not present a NEPA action for FRA. As FRA has no funding committed to this project, not does it involve FRA program areas other than safety; this office doesn't need to be involved at this time. Potential impacts to the private rail line should be coordinated with the owner of the rail line (the railroad). If the design team has railroad safety concerns, I suggest they contact the FRA safety office in Boston noted below.

Sincerely,

David Valenstein

FRA Region 1

55 Broadway - Room 1077
Cambridge, MA 02142
Phone - (617)494-2302
Fax - (617)494-2967
Hot Line - 1-800-724-5991

From: Wojtkowski, Kenneth M. [mailto:KWOJTKOWSKI@TVGA.com]
Sent: Monday, January 07, 2008 2:25 PM
To: Valenstein, David <FRA>
Cc: Bremmer, John; gspanos@co.chautauqua.ny.us; Robert O'Connor; crenn@gw.dot.state.ny.us; Burns, John <FHWA>; Napieralski, Robert R.; Reed, Heidi; Demko Charity A.; Thompson, Kelly M.
Subject: RE: PIN 5757.55 Millennium Parkway - Inter-Agency Meeting Confirmation of Attendance

Dear Mr. Valenstein,

We believe that the FRA would have an interest in the Millennium Parkway Project due to a proposed at-grade railroad crossing and elimination of an at-grade railroad crossing (on the Norfolk-Southern Railroad rail-line) associated with each potential alternative alignment under consideration.

If you still do not believe that the FRA has any need to be involved in this project, please indicate the reason why and what agency (if any) would be acting on behalf of the FRA regarding the rail-lines potentially being impacted by the project.

Please contact me if you have any further questions or comments. Thank you.

Respectfully,

Ken Wojtkowski

1/21/2008

From: david.valenstein@dot.gov [mailto:david.valenstein@dot.gov]
Sent: Thursday, January 03, 2008 11:47 AM
To: Wojtkowski, Kenneth M.
Subject: RE: PIN 5757.55 Millennium Parkway - Inter-Agency Meeting Confirmation of Attendance

Dear Mr. Wojtkowski,

The FRA is not aware of any need to be involved in this project. Unless you can enlighten me as to why we might have an interest, please discontinue mailings to FRA regarding this project.

Thank You,

David Valenstein

From: Wojtkowski, Kenneth M. [mailto:KWOJTKOWSKI@TVGA.com]
Sent: Thursday, January 03, 2008 11:43 AM
To: Robert.Halbohm@ny.usda.gov; sandra_doran@fws.gov; Knutson.Lingard@epamail.epa.gov; John.Bonafide@oprhp.state.ny.us; Daniel.McEneny@oprhp.state.ny.us; Marie.Sarchiapone@oprhp.state.ny.us; Nancy.Herter@oprhp.state.ny.us; Lesta.M.Ammons@LRBO1.usace.army.mil; diane.c.kozlowski@usace.army.mil; michael.saviola@agmkt.state.ny.us; sjdolesk@gw.dec.state.ny.us; cdcranst@gw.dec.state.ny.us; Valenstein, David <FRA>; jwalker@netsync.net; townofdunkirk@roadrunner.com; coliveira1@dunkirkny.com; crenn@gw.dot.state.ny.us; roconnor@dot.state.ny.us; pnixon@dot.state.ny.us; Burns, John <FHWA>; Jeff.Berna@fhwa.dot.gov; jbremmer@co.chautauqua.ny.us; gspanos@co.chautauqua.ny.us
Cc: Napieralski, Robert R.; Reed, Heidi; Demko Charity A.
Subject: PIN 5757.55 Millennium Parkway - Inter-Agency Meeting Confirmation of Attendance

Attached please find an Agenda for the Millennium Parkway Project Inter-Agency Meeting on January 10th at 1:00pm to be held at the following location:

Jamestown Community College
North County Training Center
10807 Bennett Road, Room 117
Dunkirk, NY 14048

To date, we have received confirmation from the following agencies:

United States Department of Agriculture Natural Resource Conservation Services – *unable to attend the meeting*

United States Fish & Wildlife Service – *will attend via teleconference*

United States Environmental Protection Agency – *will attend via teleconference*

New York State Office of Parks, Recreation, & Historic Preservation – *will attend via teleconference*

United States Army Corp of Engineers – *will attend in person*

New York State Department of Transportation – *will attend in person*

Chautauqua County Department of Public Facilities – *will attend in person*

TVGA Consultants – *will attend in person*

At this time, we are requesting confirmation of availability to attend the meeting from the following agencies:

New York State Department of Agriculture & Markets

New York State Department of Environmental Conservation

Federal Railroad Administration

Town of Sheridan

Town of Dunkirk

City of Dunkirk

Federal Highway Administration

Unfortunately, we are not able to provide the option of attending via teleconference to any other agencies (maximum capacity is three). However, please note that a copy of the minutes from the upcoming meeting will be sent to all agencies regardless of attendance.

Please contact me if you have any questions or comments. Thank you.

Ken

Kenneth M. Wojtkowski, P.E.
TVGA Consultants - EXPERTS WHO CARE
Senior Associate/Senior Project Manager

1000 Maple Road | Elma, NY 14059 | P.716.655.8842 Ext.2165 | F.716.655.0937 | C.716.998.6236
kwojtkowski@tvga.com | www.tvga.com

PARTNERING TO PROVIDE QUALITY OF LIFE IMPROVEMENTS THROUGH COST-EFFECTIVE INFRASTRUCTURE SOLUTIONS.

NOTICE

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1/21/2008

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 14, 2008

Mr. Kenneth Wojtkowski
TVGA Consultants
1000 Maple Road
Elma, New York 14059

Dear Mr. Wojtkowski:

MILLENNIUM PARKWAY TOWNS OF DUNKIRK AND SHERIDAN, AND CITY OF DUNKIRK - CHAUTAUQUA COUNTY

Thank you for providing the opportunity for this Department to participate in discussions prior to your preparation of the Draft Environmental Impact Statement (DEIS) for the above-referenced proposal. This letter is to request that you send 4 copies of the document to the Department in order to expedite interoffice reviews. This will enable us to better meet the scheduled time frames.

It may be easier for you to send all of the documents to the Division of Environmental Permits at our Michigan Avenue address for us to distribute to the appropriate DEC staff. However, if it is your choice to send the documents directly to staff outside of our Division, we ask that you copy us with the cover letter to help us avoid redundancy.

The Division of Environmental Permits will request comments on the DEIS from the following DEC staff members:

- * Ms. Anne Oyer, Division of Fish, Wildlife and Marine Resources (for wetland and stream crossing issues).
- * Mr. Brian Hourigan, Division of Water (for stormwater issues).
- * Mr. Mark Hans, Division of Solid and Hazardous materials (for investigation of contaminated soils and remediation sites and/or asbestos removal if the project will require demolition of buildings).

We have briefed our wetland biologists but were not able to properly describe the process that was used to identify the wetlands which are charted on the map handed out at the January 10th meeting. Please provide us with a description, any field data and GPS points, including plotted GPS points, so that our biologists can begin evaluating the proposed routes.

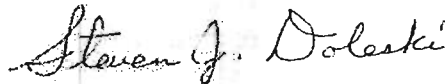
Mr. Kenneth Wojtkowski
January 14, 2008
Page 2

As discussed with you during the January 10th meeting, it will be very important to determine as quickly as possible the boundaries of State or Federal regulated wetlands that would be impacted by the four corridor options. After a consultant has provided appropriate wetland delineation information (including at least GPS points and flagging, if possible) attempts should be made in early April or May to have those wetland determinations verified in the field by this Department and the Buffalo District Corps of Engineers, with the project consultant, to resolve the quality and actual boundaries of wetland resources on site.

Also, please be advised that I have been informed by the Division of Fish, Wildlife and Marine Resources that a short-eared owl siting did occur last year near the Jamestown Airport, which would be close to the area proposed for location of the Millennium Parkway project. You should contact Ms. Anne Oyer of that Division (716/851-7010) to determine what should be done to resolve this potential rare, threatened and endangered species concern as soon as possible.

If you have questions, please contact Ms. Denise Matthews or me at (716) 851-7165.

Respectfully,



Steven J. Doleski
Regional Permit Administrator

SJD:dcm

cc: Mr. Russell Biss, NYSDEC Division of Fish, Wildlife and Marine Resources
Mr. Mark Hans, NYSDEC Division of Solid and Hazardous Materials
Mr. Brian Hourigan, NYSDEC Division of Water
Ms. Anne Oyer, NYSDEC Division of Fish, Wildlife and Marine Resources
Ms. Lesta Ammons, U.S. Dept. of the Army Corps of Engineers, Buffalo District Office
Mr. John Burns, USDOT, Federal Highway Administration
Mr. George Spanos, Chautauqua County Department of Public Facilities

CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY
PIN 5757.55

COOPERATING AGENCY SCOPING MEETING

MEETING/TELECONFERENCE MINUTES

January 10, 2008

Jamestown Community College North County Training Center

1:00 PM – 2:50 PM

Last Update: 1/18/08

ATTENDEES:

| NAME | ORGANIZATION | TELEPHONE NO. | E-MAIL ADDRESS |
|-------------------|-----------------------------------|---------------------------|-------------------------------------|
| George Spanos | CCDPF | 716-661-8400 | gspanos@co.chautauqua.ny.us |
| John Bremmer | CCDPF | 716-661-8423 | jbremmer@co.chautauqua.ny.us |
| John Burns | FHWA | 518-431-4125 ext. 252 | John.Burns@fhwa.dot.gov |
| Chris Renn | NYS DOT | 716-847-2289 | crenn@gw.dot.state.ny.us |
| Steven Doleski | NYSDEC, Region 9 | 716-851-7165 | sjdolesk@gw.dec.state.ny.us |
| Denise Matthews | NYSDEC, Region 9 | 716-851-7165 | dcmatthe@gw.dec.state.ny.us |
| Lesta Ammons | USACE | 716-879-4247 | Lesta.M.Ammons@usace.army.mil |
| Lingard Knutson | USEPA (via teleconference) | 212-637-3747 | Knutson.Lingard@epamail.epa.gov |
| Daniel McEneny | NYSOPR&HR (via teleconference) | 518-237-8643 | Daniel.McEneny@oprhp.state.ny.us |
| Marie Sarchiapone | NYSOPR&HR (via teleconference) | 518-237-8643 ext. 3284 | Marie.Sarchiapone@oprhp.state.ny.us |
| Sandra Doran | USFWS (via teleconference) | 607-753-9334 | sandra_doran@fws.gov |
| John Walker II | Town of Sheridan | 716-672-4174 | jwalker@netsync.net |
| Rob Napieralski | TVGA Consultants | 716-655-8842 | rnapierski@tvga.com |
| Ken Wojtkowski | TVGA Consultants | 716-655-8842 | kwojtkowski@tvga.com |
| Heidi Reed | TVGA Consultants | 716-655-8842 | hreed@tvga.com |
| Charity Demko | TVGA Consultants | 716-655-8842 | cdemko@tvga.com |

The objectives of the meeting were to provide a project update, continue dialogue among parties, and receive comments on the Draft Coordination Plan, Draft Statement of Need and Purpose, and Draft Project Scoping Report (PSR), all of which were distributed to the Cooperating/Participating Agencies in October 2007.

See attached agenda, presentation, and handouts.

General Project Development

- R. Napieralski provided a brief overview of the project and associated study area, including the project purpose and need, and milestones that transpired in 2007: February 2007 pre-scoping meeting with cooperating agencies, May 2007 meeting of co-lead agencies, and October 2007 distribution of Draft PSR.
- G. Spanos stated that Millennium Parkway was first introduced in 1986. The goal of the project is to improve access from NY Route 60 to an industrial corridor because of an increase in tractor-trailer truck traffic. The recent \$75 million expansion at Nestle Purina is one reason tractor-trailer truck traffic has increased. Nestle Purina and Cliffstar have other expansions planned, that will

increase tractor-trailer truck traffic as well. Congressman Higgins secured the funding for the Millennium Parkway Project. Safety and environmental improvements are the primary objectives of the project.

- H. Reed provided a brief introduction of the potential alternative alignments and the methodology used to develop them, which are presented in the Draft PSR. She noted that these alignments are preliminary and that the preferred alternative could be one of those presented, a combination of them, or none of them. The process is iterative. The information gathered to date is preliminary. Effort over the past year focused on characterizing the project area, including obtaining access permission from property owners for the project's duration.
- County will do their own right-of-way acquisition. To date, the County has not had a project that required Eminent Domain.

SAFETEA-LU Section 6002 – J. Burns provided an overview of its background, purpose, and application to date. Currently, only three projects in the Western New York region are following the SAFETEA-LU Section 6002 process: the Millennium Parkway Project, the Route 531 project in Rochester, and the Scajacquada Expressway. The Millennium Parkway is the first Locally Administered project in the FWHA region to proceed through the new process. J. Burns noted that procedures are being developed, and that currently, FHWA is handling things on a project-by-project basis.

Project Schedule – The schedule presented in the Draft Coordination Plan is based on typical SAFETEA-LU milestones and timeframes. In consideration of the County's strong desire to start construction in 2010, the group discussed opportunities to compress the schedule and in particular, to reduce review time on documents, which currently is 30 days per the Draft Coordination Plan. K. Wojtkowski suggested that the 30-day review period, as currently listed in the Project Schedule in the Draft Coordination Plan, be reduced to a 21-day review period. A 21-day review was considered feasible by NYSDOT, FHWA, Town of Sheridan, NYSOPR&HP, and USEPA. NYSDEC was unwilling to commit to specific review time frames and USACE requested 45 days for review. Suggestions that were agreed to include sending portions of a document or individual studies to agencies as the documents are generated, and having concurrent Co-Lead Agency and Cooperating/Participating Agency review of draft documents. J. Burns reminded the group that the schedule is a guideline within SAFETEA-LU framework, and that it should be realistic.

Wetlands – Much discussion focused on level of evaluation in Draft PSR and how to progress in a diligent and an efficient manner. More collaboration among the County, NYSDEC, and USACE was encouraged, as soon as possible. This would include coordinated field verifications of County's observed/potential wetlands. R. Napieralski noted that actual field investigations by qualified biologists have been conducted to supplement the table-top analysis and initial "windshield survey" presented in Draft PSR. The Fort Drum Connector Draft Environmental Impact Statement's discussion of wetland screening and delineation was mentioned as a reference. Procedural implications (timing mostly) of securing permits and identifying a state-regulated wetland, notifying landowners, and updating official maps was briefly reviewed. The County is the applicant for permit purposes on this project.

Rare, Threatened, and Endangered Species – NYSDEC, USFWS, and USACE are involved with this issue. Collaboration was encouraged. The Draft PSR includes a discussion of the County's preliminary investigations and outreach to NYSDEC and USFWS. NYSDEC mentioned that Title 11 changes might apply to this project.

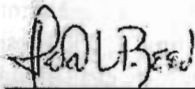
Cultural Resources – NYSOPR&HP stated that resources of concern are outside of Area of Potential Effect. No additional comments at this time.

Action Items:

- County (TVGA) - Contact USFWS regarding R,T & E determination and verbal comments on three draft documents
- County (TVGA) – Review NYSDEC's comments on three draft documents submitted in a letter to TVGA, dated January 9, 2008.
- NYSDEC – Provide wetland contact name to County (TVGA) – This was submitted in a letter dated January 14, 2008.
- County (TVGA) - Confirm with NYSDOT and NYSDEC applicability of Article 15 MOU
- County (TVGA) - Progress on notice and logistics for Public Scoping Meeting
- County (TVGA) - Finalize documents. Make documents available for public review two weeks prior to Public Scoping Meeting

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within 5 working days of receipt, they will be considered correct and filed accordingly.

Reported by



Heidi L. Reed

Project Scientist

18 January 2008
Date

cc:

Attendees

Jeff Berna, FHWA

Robert O'Connor, NYSDOT

Shelah LaDuc, NYSDOT

Kim Richardson, NYSDOT

Peter Nixon, NYSDOT

Diane Kozlowski, USACE

Anne Oyer, NYSDEC

Brian Hourigan, NYSDEC

Mark Hans, NYSDEC

Michael Saviola, NYSDA&M

Nancy Herter, NYSOPR&HP

Robert Halbohm, USDA NRCS

Richard Purol, Town of Dunkirk

Richard Frey, City of Dunkirk

Steve Baran, CCA&FPB

2006.0006.00.4A

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 9, 2008

Mr. George Spanos, Director
Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, New York 14733

Dear Mr. Spanos:

MILLENNIUM PARKWAY TOWNS OF DUNKIRK AND SHERIDAN, AND CITY OF DUNKIRK- CHAUTAUQUA COUNTY

This is to acknowledge receipt of your December 11, 2007 letter which gave notice of your intent to initiate an Environmental Impact Statement (EIS) for the above referenced project which is intended to improve tractor trailer truck access to area industries. We have reviewed the October 1, 2007 Draft Project Scoping Report and understand that the project is now being reviewed under the National Environmental Policy Act (NEPA) process and that the concerns listed in our June 1, 2007 response to your solicitation for State Environmental Quality Review Lead Agency will now be evaluated under NEPA. We plan to be in attendance at the January 10, 2008 meeting which has been scheduled to discuss the EIS and offer the following comments for your consideration:

It is our understanding that under the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA-LU), the NYS Dept. of Transportation (DOT) may be involved in "post-NEPA" oversight of the project, to assist in obtaining permits for the project in a timely fashion. Be aware that if the actual work will be delegated to the Chautauqua County Department of Public Facilities, then the Memorandum of Understanding between DOT and DEC which covers Article 15 Protection of Waters Permits and Article 24 Freshwater Wetlands Permits would not be applicable, and applications will need to be submitted to this Department for Water Quality Certification and/or for permits related to impacts to any State regulated wetlands and their 100 foot wide adjacent areas. The DOT Programmatic Permits would be applicable only if DOT performs the actual project construction.

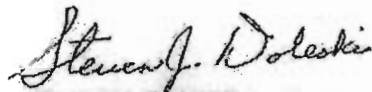
As stated in our June 1, 2007 letter (copy enclosed), the boundary surrounding the proposed routes for the project contain large acreages of hydric soil and soils with hydric inclusions. This could indicate the presence of Federal wetlands and/or unmapped State wetlands (those found to be 12.4 acres or larger). Construction plans will need to display any newly discovered wetlands along with the 100 foot wide adjacent area of any State regulated wetlands. We would also need to evaluate the locations planned to be used as mitigation for impact to those wetlands before a final permit decision could be made.

Mr. George Spanos, Director
January 9, 2008
Page 2

We suggest that at the time of application submittal, the project sponsor also submit road design plans for the total project, rather than phased submissions, to eliminate creation of redundant application processing activities.

It has been noted that an archaeological investigation has been initiated for the project. Be aware, however, that a copy of a letter from the NYS Office of Parks, Recreation and Historic Preservation stating that no further archaeological review will be necessary must be on file with this office prior to issuance of any permits.

Respectfully,



Steven J. Doleski
Regional Permit Administrator

DCM:vam

Enclosure

cc: Mr. Charles Rosenburg, NYSDEC, Division of Fish, Wildlife & Marine Resources
Mr. Robert O'Connor, NYS Department of Transportation
NYS Office of Parks, Recreation and Historic Preservation
Ms. Lesta Ammons, U.S. Department of the Army, Corps of Engineers, Buffalo District Office
Honorable Richard Frey, City of Dunkirk Mayor
Honorable Richard Purol, Town of Dunkirk Supervisor
Honorable John H. Walker, II, Town of Sheridan Supervisor
Mr. Kenneth Wojtkowski, TVGA Consultants



Natural Resources Conservation Service
Frank W. Bratt Ag. Center
3542 Turner Road
Jamestown, NY 14701

(716) 664-2351 (Extension 115)
FAX (716) 483-0773
E-mail: robert.halbohm@ny.usda.gov

December 17, 2007

George Spanos, P. E.
Director, Department of Public Facilities
454 North Work Street
Falconer, NY 14733

RE: PIN 5757.55 Millennium Parkway Project

Dear Mr. Spanos:

I am in receipt of your correspondence requesting my attendance at the January 10, 2008 meeting on the above-captioned project. Although I will be unable to attend the meeting, please be advised that the Natural Resources Conservation Service (NRCS) provides technical assistance under the Farmland Protection Policy Act (FPPA) of 1981 (PL-97-98). NRCS responds to requests for evaluations of potential projects, involving federal funding, that remove agricultural land from production.

If the Millennium Parkway Project requires such an evaluation, please submit an information packet to me that corresponds to the attached Farmland Conversion Impact Rating-Project Information Form. I have also included an AD-1006 and CPA-106 for your use. You will receive a response to the request within the time period allowed by law.

Sincerely,

/s/

Robert Halbohm
District Conservationist

cc: Kenneth Wojtkowski, TVGA
John Bremmer, DPF



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

File: 5757.55

OCT 31 2007

Mr. John Burns
Leo W. O'Brien Federal Building
Room. 719
Clinton Ave. and North Pearl Street
Albany, New York 12207

Re: P.I.N. 5757.55

Dear Mr. Burns:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Project Scoping Report for the Millennium Parkway, located in the City of Dunkirk and Towns of Dunkirk and Sheridan in Chautauqua County, New York. The purpose of the Millennium Parkway Project is to improve tractor-trailer truck traffic access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60.

The scoping document presents a thorough discussion of the existing conditions and puts forth a set of reasonable project alternatives that could meet the project purpose. The Scoping Report also sets forth a robust inventory of the information that will be needed to complete an Environmental Impact Statement for the project.

In addition to those analyses and issues identified in the document:

- The project should meet project level conformity requirements as per 40 CFR 93.109(i) before the Record of Decision is signed.
- The air quality analysis must include the emissions from all construction vehicles. EPA recommends that emissions reduction strategies be used on all construction equipment. For more information, EPA maintains a Clean Construction website at <http://www.epa.gov/cleandiesel/construction/index.htm>.
- All roadside revegetation should include the use of native plant species, as per FHWA's roadside vegetation management policy guidelines.

We appreciate the opportunity to comment on the Scoping Report for the Millennium Parkway. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Grace Musumeci".

Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi Media Programs Branch



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

Eliot Spitzer
Governor

Carol Ash
Commissioner

October 17, 2007

George P. Spanos, P.E.
Department of Public Facilities
454 North Work Street
Falconer, New York 14733

Re: FMHA, DOT
Millennium Parkway 5757.55
DUNKIRK, SHERIDAN, Chautauqua County
07PR05512

Dear Mr. Spanos:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

Enclosure

ARCHEOLOGY COMMENTS

07PR05512

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before any archeological survey activities are conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private lands.

If you have any questions concerning archeology, please contact Michael Schifferli at 518-237-8643, ext 3281

**REQUEST FOR ADDITIONAL INFORMATION
BUILDINGS/STRUCTURES/DISTRICTS**

PROJECT NUMBER 07PR05512

(Millenium Parkway 5757.55/. /T/DUNKIRK /T/SHERIDAN /C/DUNKIRK)

In order for us to complete our evaluation of the historic signification of all buildings/structures/districts within or adjacent to your project area we will need the following additional information

Full project description showing area of potential effect.

Clear, original photographs of buildings/structures 50 years or older.

within or immediately adjacent to the project area

**** key all photographs to a site map**

Clear, original photographs of the surroundings looking out from the project site in all direction,
keyed to a site map.

Date of construction.

Brief history of property.

Clear, original photographs of the following:

Other:

Please provide only the additional information checked above. If you have any question concerning this request for additional information, please call Robert T. Englert at 518-237-8643. ext 3268

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

Eliot Spitzer
Governor

10B Airline Drive, Albany, New York 12235
518-457-8876 Fax 518-457-3087
www.agmkt.state.ny.us

Patrick Hooker
Commissioner

October 15, 2007

George E. Spanos, P.E.
Chautauqua County Department of Public Facilities
454 North Work Street
Falconer, NY 14733

Re: Cooperating Agency Status; New York State Department of Agriculture & Markets

Dear Mr. Spanos:

Your written correspondence to the NYS Department of Agriculture & Markets had been previously sent to Ron Mead in the Department's Albany headquarters. I am currently responsible for a 25 county region of the state, west of Syracuse. Please send all applicable correspondence and/or "cooperating agency" information pertaining to the Millennium Parkway Project to my attention (contact info below).

The required Notice of Intent (NOI's) filing for this project (involving local governments, and public benefit corporations pursuing projects within an agricultural district which involves either the acquisition of farmland or the advance of public funds for certain construction activities) should be directed to the attention of Dr. Robert Somers in the Department's Division of Agricultural Protection and Development in Albany.

If you have any questions, please do not hesitate to contact me at (585) 658-9854, or by e-mail at michael.saviola@agmkt.state.ny.us

Sincerely,

Michael Saviola
Agricultural Resource Specialist
NYS Dept. of Agriculture & Markets
158 Main Street
Mt. Morris, NY 14510

cc: Ron Mead, NYSDAM Albany Headquarters

OCT 17 2007

Phone Notes:

Person Contacted: Steve Doleski **Phone #:** 851-7165
TVGA Rep.: R. Napieralski **Project Name:** Millennium Parkway
Date: June 25, 2007 **Project No.** 2006.0006.00
Subject: NYSDEC Response to SEQRA Lead Agency Solicitation Package

Steve Doleski was contacted regarding his June 1, 2007 letter which expressed disappointment regarding the quality of map provided and the fact that field work pertaining to wetlands had not yet been completed. I told Steve that he could contact the County or TVGA any time if he needed additional maps or other information and that we would promptly take care of any such requests. I also indicated that the project is still in the scoping phase and that it would be premature to conduct wetland delineations when the alternatives to be studied had not yet been formalized with agency and public input. I reiterated the screening process we outlined in our last meeting with the NYSDEC and informed Steve that we will have wetland biologists out in the field this summer to walk the preliminary alignments and field verify the table-top analysis we have performed. From there, we will make adjustments to avoid and/or minimize wetland impacts to the greatest extent possible and will perform delineations of the feasible alternatives that come out of the scoping process. I reminded Steve that we do not currently have any "proposed alternative routes" as referenced in his letter, and that the information we provided at our last meeting was preliminary in nature and subject to change.

Steve expressed his comfort in our process, but noted that the NYSDEC biologists have a large back-log and that this should be factored into the project schedule. Steve also reiterated the need to investigate potential impacts associated with project development in the area of known waste sites, as well as the need to address impacts of spin-off development along the road corridor if it is anticipated.

I noted that we took his letter very seriously, wanted to be sure that we address any "disappointments" the Department may have now, while we are still early in the project, and wanted to be sure that the lines of communication are kept open. Steve indicated that he was pleased with this response and that we should not "worry too much" about his letter. He also suggested that we have an agency scoping session that is separate from the public scoping to enable the agencies to provide their input without cutting into public time.

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7165 • FAX: (716) 851-7168
Website: www.dec.state.ny.us



June 1, 2007

Mr. George Spanos, Director
Chautauqua County
Department of Public Facilities
454 North Work Street
Falconer, New York 14733

Dear Mr. Spanos:

**SEQR LEAD AGENCY DESIGNATION
MILLENNIUM PARKWAY
TOWNS OF DUNKIRK AND SHERIDAN, AND
CITY OF DUNKIRK - CHAUTAUQUA COUNTY**

This is in response to your notice dated May 14, 2007 requesting SEQR Lead Agency Status for the above-noted project. From the information provided, it is apparent that the project is a Type I action in accordance with 6 NYCRR Part 617. From our February 26, 2007 meeting at your office, we understand that a National Environmental Policy Act, Environmental Impact Statement (both draft and final) will be prepared for the project because of Federal funding and the magnitude of work proposed. It is also anticipated that the impact statement might be somewhat "generic" if future site development will be included with the proposed highway layout.

We are disappointed in respect to the project area map that was provided with your correspondence since it is hard to read and the aerial photography is not very clear. Accordingly, we have performed an environmental screening using the Project Area Maps which were provided during the referenced meeting, which we hope still accurately depict the proposed alternative routes. This letter will then document and provide officially many of the comments that were made during our discussions at the meeting.

We have identified the following environmental concerns:

1. NYS regulated Freshwater Wetland DU-2 is located within the project perimeter. Should construction activities be scheduled to take place within the wetland or its regulated 100-foot-wide adjacent area, an Article 24 Freshwater Wetlands Permit would be required by this Department. Avoidance of the wetland should be considered prior to selecting the final construction route. Since large acreages within the project area contain hydric soils or hydric soil inclusions (especially if Wetland DU-2 is impacted) it is likely that there will be more presently unidentified Department regulated freshwater wetlands, which need to be located accurately for avoidance and for permitting requirements. The Chautauqua

County Department of Public Facilities (CCDPF), as sponsor of the project, is advised to request a wetland delineation from our Division of Fish, Wildlife and Marine Resources Biologist, to obtain accurate wetland and wetland adjacent area boundaries. The site plans would need to display those boundaries before our project reviewers can properly evaluate the environmental impacts of the project.

2. Please note that the United States Department of the Army, Corps of Engineers' Buffalo District Office (COE) has authority under federal law to regulate wetlands in New York State. A COE permit may be required for this proposal. You should contact the COE (1776 Niagara Street, Buffalo, New York 14207, telephone: 716/879-4330) as early as possible in the planning process to determine if the project will involve federally regulated wetlands. If Federal Wetlands are involved, the COE may require Water Quality Certification from this office.
3. Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-02-01) for Stormwater Discharge from Construction Activities. A Notice of Intent (NOI) is required to be sent to NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 and approved before construction commences. The General Permit GP-02-01 and NOI form are available on the Department's website at www.dec.state.ny.us. We have included the NOI form for your convenience.

This General Permit requires the project sponsor (operator) and all contractors and subcontractors to control stormwater runoff according to the Stormwater Pollution Prevention Plan, which is to be developed prior to filing NOI and prior to commencement of the project.
4. If the future routing includes crossing either Scott Creek or Hyde Creek, we would advise that the respective Town Code Enforcement Officer obtain guidance regarding floodplain management from Ms. Rebecca Anderson, before making a decision on the acceptability of the site plans. She can be reached at the DEC Buffalo Office, Division of Water, at 716/851-7070.
5. The northwest and southeast portions of the project area as depicted in your mapping, is located within an archaeologically sensitive area. An appropriate archaeological investigation must be conducted in order to satisfy the NYS Historic Preservation Act before any Department approvals (if necessary) may be granted for any proposed highway work or site development within those areas. You should contact the NYS Office of Parks, Recreation and Historic Preservation at 518-237-8643 (website: www.oprhp.state.ny.us/nr/main.asp) for further information.

6. Should the project require demolition of a building to facilitate the road construction, be aware that if asbestos exists in that building the protection of workers is regulated by the New York State Department of Labor (716/847-7126) and Occupational Safety and Health Administration (OSHA) 716/684-3891. In addition, the disposal of friable (readily crumbled and brittle) asbestos is regulated by this Department under 6 NYCRR Part 360-2.17(p). For more information on the disposal of friable asbestos, please contact Mr. Mark Hans (716/851-7220) at this Department.
7. Our Natural Heritage files indicate that the Short-eared Owl (*Asio flammeus*), an Endangered Species, may exist in the vicinity and should be taken into consideration during the NEPA process. Appropriate on-site field inspections should be made to document the presence or absence of this endangered owl.
8. Numerous gas wells are located within the project perimeter. It will be necessary to determine where the wells are (both functional or plugged wells) for public safety purposes if your road routing or future development would be near them. You should contact the Regional Mineral Resources Unit at our Allegany Sub-office, telephone 716/372-0645 to obtain appropriate information once the routing is determined.
9. It should also be noted that the Dunkirk Landfill, a remediation site, is located within the project perimeter. If the landfill or railroad right-of-ways are proposed to be used as highway corridors, it is obvious that solid waste concerns and/or soil contamination would be encountered and, therefore, the project sponsor is advised to contact this Department's Division of Solid and Hazardous Waste at 716/851-7220 to review any proposed soil testing or permitting/approvals.
10. As discussed at our meeting it appears very likely that development of Chadwick Bay Industrial Park and other locations within the project area might accommodate a future intermodal distribution facility since the CSXT and Norfolk Southern Railroads run through the northern portion of the site and the NYS Thruway is very close. If such development is likely, then the Environmental Impact Statement should address this possibility.

We concur that the Chautauqua County Department of Public Facilities should act as SEQR Lead Agency, based on the fact that you will require preparation of a draft and final NEPA Impact Statement. The preparation and review required through this process will allow the public and this Department, as an involved agency, sufficient time to review and comment on the necessary information that must be contained within the Final Impact Statement in order to make discretionary decisions for permit approvals.

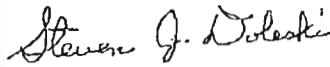
It will be extremely important to determine any new state and federally regulated wetlands (we are disappointed that more field work has not apparently been done) and delays

Mr. George Spanos
June 1, 2007
Page 4

associated with that identification will necessarily delay decision making. Trying to undertake field investigation during the late fall and winter months will probably not be feasible.

Please keep us informed of any new meetings with federal or state agencies so that we may participate and keep us routinely informed via copies of any agency written correspondence that affect the project. Your cooperation in this matter will be appreciated. If you have any questions, please feel free to contact Ms. Denise Matthews or me at 716/851-7165.

Respectfully,



Steven J. Doleski
Regional Permit Administrator

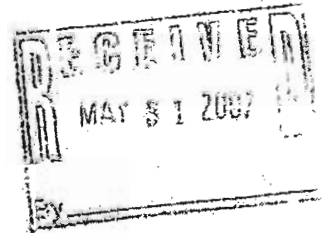
DCM:jaf
Enclosure

cc: Mr. Mark Hans, Division of Solid and Hazardous Materials
Ms. Rebecca Anderson, NYSDEC - Division of Water
Mr. Robert O'Connor, NYS Department of Transportation
NYS Office of Parks, Recreation and Historic Preservation
Ms. Lesta Ammons, U.S. Department of the Army, Corps of Engineers, Buffalo Office
Honorable Richard Frey, City of Dunkirk Mayor
Honorable Richard A. Purol, Town of Dunkirk Supervisor
Honorable John H. Walker II, Town of Sheridan Supervisor
Mr. Kenneth Wojtkowski, TVGA Consultants
Town of Dunkirk Clerk
Town of Sheridan Clerk
City of Dunkirk Clerk

Millennium Parkway
City of Dunkirk and Towns of Dunkirk and Sheridan
New York State Department of Transportation P.I.N. 5757.55

Response to Lead Agency Solicitation

Return to:
George P. Spanos, P.E.
Director, Department of Public Facilities
454 North Work Street
Falconer, New York 14733



The New York State Department of Agriculture and Markets agency agrees to the designation of the Chautauqua County Department of Public Facilities as Lead Agency for the Millennium Parkway project.

By: Michael J. Saviola Title: Agricultural Resource Specialist
Date: 5/29/07

Are these fields located in a state certified Agricultural District as per Article 25-AA (NYS Ag Districts Law)??

Concerns pertaining to potential impacts associated with the proposed action:

Potential: Impacts to agricultural fields located northeast of the Nestle Paving facility and east of Harrington Road. Project sponsor should follow NYS Department of Agriculture & Markets Guidelines for "Construction Projects Affecting Farmland" found at www.agmkt.state.ny.us/AP/APHome.html
Correspondence related to potential impacts from construction should be directed to the following:



NEW YORK STATE DEPARTMENT
OF AGRICULTURE & MARKETS
158 Main St., Mt. Morris, NY 14510
1-800-554-4501 www.agmkt.state.ny.us

MICHAEL J. SAVIOLA
Associate Environmental Analyst
Div. of Agricultural Protection & Development

585-658-9854, Fax 585-658-7954
michael.saviola@agmkt.state.ny.us

Agricultural District Notice of Intent Filing

should be directed to: Dr. Robert Somers

NYS Department of Agriculture & Markets

108 Airline Drive
Albany, New York

12235

(518) 457-2713



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

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

Elliot Spitzer
Governor

Carol Ash
Commissioner

May 22, 2007

George P. Spanos, P.E.
Department of Public Facilities
454 North Work Street
Falconer, New York 14733

Re: FHWA, DEC
Proposed Millennium Parkway PIN57557.33
Towns of Dunkirk and Sheridan and City of
Dunkirk,
DUNKIRK, SHERIDAN, Chautauqua County
07PR02679

Dear Mr. Spanos:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

Enclosure

ARCHEOLOGY COMMENTS
Q7PR02679

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before any archeological survey activities are conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private lands.

If you have any questions concerning archeology, please contact Michael SchifferlI at 518-237-8643. ext 3281

**REQUEST FOR ADDITIONAL INFORMATION
BUILDINGS/STRUCTURES/DISTRICTS**

PROJECT NUMBER 07PR02679

**(Proposed Millennium Parkway PIN57557.33/Towns of Dunkirk and Sheridan and
City o
f Dunkirk,/PIN 5757.55,PIN 5757.55/T/DUNKIRK /T/SHERIDAN /C/DUNKIRK)**

In order for us to complete our evaluation of the historic signification of all buildings/structures/districts within or adjacent to your project area we will need the following additional information

- ☐ Full project description showing area of potential effect.
- ☒ Clear, original photographs of buildings/structures 50 years or older.
 - ☒ within or ☐ immediately adjacent to the project area
 - ** key all photographs to a site map**
- ☐ Clear, original photographs of the surroundings looking out from the project site in all direction, keyed to a site map.
- ☐ Date of construction.
- ☐ Brief history of property.
- ☐ Clear, original photographs of the following:
- ☒ Other:
 - Please provide a Cultural Resource Survey (including buildings/structures)ana following the Dept. of Transportation Standards. Call Cleo Jones 847-3430 regarding the Standards.

Please provide only the additional information checked above. If you have any question concerning this request for additional information, please call Claire Ross at 518-237-8643. ext 3259

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**

CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY

COORDINATION MEETING WITH FHWA

May 21, 2007

CCDPF Sheridan Maintenance Facility

1:00 pm - 3:15 pm

MINUTES OF MEETING

| ATTENDEES | | |
|--------------------|--------------------------------|----------------------|
| NAME | ORGANIZATION | TELEPHONE NO. |
| George Spanos | Chautauqua County DPF | (716) 661-8400 |
| John Burns | Federal Highway Administration | (518) 431-4125 x252 |
| Jeff Berna | Federal Highway Administration | (518) 431-4125 x220 |
| Robert O'Connor | New York State DOT | (716) 847-3606 |
| Peter Nixon | New York State DOT | (716) 847-3243 |
| Robert Napieralski | TVGA Consultants | (716) 655-8842 x2193 |
| Heidi Reed | TVGA Consultants | (716) 655-8842 x2117 |
| Kenneth Wojtkowski | TVGA Consultants | (716) 655-8842 x2165 |

The primary objective of the meeting was to introduce the project to the FHWA; provide an overview of the progress to date and project plan; and determine appropriate National Environmental Policy Act (NEPA) project review and coordination processes. Following are highlights from the meeting. Documents referred to are hereby incorporated by reference.

The group discussed whether an Environmental Assessment (EA) or Environmental Impact Statement (EIS) would be required. At this time, a definitive path cannot be determined due to variation in alternative-specific impacts. However, it is anticipated an EIS will be required.

The project's funding was the first item discussed. \$8.4 million in earmark/appropriation, with a 20% local match required, equals approximately \$10.5M available. Earmark language, as read by R. O'Connor, states "Construct Millennium Parkway in the Towns of Dunkirk and Sheridan." Project is on the Transportation Improvement Plan for NYSDOT for \$8.4 million. FHWA needs to see remainder of funding in STIP to enable funds for design and right-of-way acquisition. Group then discussed various build scenarios and phasing based on amount of funding available. Partial build-out would need to meet independent utility criterion and stated project objectives.

The FHWA advised that local zoning as well as local and regional plans should be reviewed and considered, particularly in regard to project needs and objectives and potential development along corridor. The group then discussed the earmark language and its alignment with stated needs and objectives. It was noted that Alignment 4 is the shortest and therefore, most likely least expensive; however, the earmark language might mandate a route that includes the road being in the Town of Sheridan. The earmark must be adhered to unless a change is made via congressional action. Primary purpose of Parkway needs clarification (e.g., does it include economic development?).

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002 was introduced by FHWA. FHWA and NYSDOT are NEPA Joint Lead Agencies under this section, and the County can also serve as a NEPA Joint Lead Agency at the invitation of FHWA and NYSDOT. The section also establishes a new category of agency ("participating"), new coordination requirements, and stringent timelines. One objective is earlier, more substantial coordination. FHWA must be notified of project initiation by NYSDOT and must approve purpose and need statement. Also, Coordination Plan must be developed by Project Sponsor. FHWA to provide samples of Coordination Plan and other SAFETEA-LU-related notices, letters, etc.

MEETING MINUTES, MILLENNIUM PARKWAY, MAY 21, 2007 (CONT'D)

The County will be designated a Joint Lead Agency for NEPA via NYSDOT's project initiation letter. The County has solicited for State Environmental Quality Review Act Lead Agency status.

FHWA will coordinate directly with NYSDOT through Region 5.

It was agreed that Joint Lead Agencies would receive preliminary drafts of documents for concurrent review prior to circulation to other cooperating agencies.

The FHWA suggested that the "project limits" be redefined to include the existing truck route and to ensure compliance with logical termini guidelines. Also, the current conditions and impacts along the existing truck route need to be evaluated and presented in the project documentation. Routes that were at one time presented or simply considered should be discussed as well, so that they may be dispatched and closed from future discussion.

ACTION ITEMS:

- R. O'Connor to submit project initiation notice to J. Burns including statement regarding County's intent to take on role of Joint Lead Agency under NEPA
- TVGA to draft "Purpose & Needs" statement for County review, and for subsequent submission to J. Burns for approval
- J. Berna to send K. Wojtkowski samples of Coordination Plan and other SAFETEA-LU-related notices, letters, etc.
- TVGA to prepare Pre-Draft Project Scoping Report based on issues discussed at this meeting, and submit to the County, NYSDOT, and FHWA for review
- TVGA to develop Coordination Plan for County review, and for subsequent submission to J. Burns.

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within five working days of receipt, they will be considered correct and filed accordingly.

Reported by



31 May 07

Heidi L. Reed
Sr. Scientist

cc: Attendees

John Bremmer, CCDPF
2006.0006.00.4A

**CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
MILLENNIUM PARKWAY**

PRE-SCOPING COOPERATING AGENCY MEETING

MEETING/TELECONFERENCE MINUTES

February 26, 2007

CCDPF Sheridan Maintenance Facility

11:00 am

ATTENDEES:

| NAME | ORGANIZATION | TELEPHONE NO. |
|--------------------|---|---------------|
| George Spanos | Chautauqua County DPF | 716-661-8400 |
| John Bremmer | Chautauqua County DPF | 716-661-8423 |
| Steven Doleski | NYSDEC Region 9 Permits | 716-851-7165 |
| Denise Matthews | NYSDEC Region 9 | 716-851-7165 |
| Lesta Ammons | USACE (via telephone) | 716-879-4247 |
| Lingard Knutson | EPA (via telephone) | 212-637-3747 |
| John Walker II | Supervisor, Town of Sheridan | 716-672-4174 |
| Richard Feinen | Town of Sheridan | 716-672-2592 |
| Paul Foreman | Highway Superintendent, Town of Dunkirk | 716-366-3041 |
| Rob Napieralski | TVGA Consultants | 716-655-8842 |
| Ken Wojtkowski | TVGA Consultants | 716-655-8842 |
| Jonathan Deplanche | TVGA Consultants | 716-655-8842 |
| Heidi Reed | TVGA Consultants | 716-655-8842 |
| Amy Minser | TVGA Consultants | 716-655-8842 |

The purpose of this meeting was to provide an overview of the Millennium Parkway Project and request agency input on the methodology for selecting potential alternative alignments.

Project Overview

The project, a Locally-Administered Federal Aid project, is located in the towns of Dunkirk and Sheridan, Chautauqua County. In these towns, there is an industrial corridor bounded by the CSX and Norfolk Southern Railroad lines. At the east end of the industrial corridor, the Chautauqua County Industrial Development Agency has formed the Chadwick Bay Industrial Park. As sites in the Chadwick Bay Industrial Park and adjoining industrial sites are developed, the demand for a direct truck route between the industrial corridor and Interstate 90 is increasing. Project objectives for the Millennium Parkway Project include:

- Improve truck access to the Chadwick Bay Industrial Park and adjacent industrial corridor
- Reduce truck traffic on city streets (many streets posted for no trucks due to a combination of geometric issues and residential nature)
- Address safety concerns
- Address capacity concerns
- Reduce number of at-grade rail crossings

The existing observed truck route is along NY Route 60 from Interstate 90 to NY Route 5, then on NY Route 5 to Middle Road, and on Middle Road to Progress Drive. Trucks with trailers over 30 feet long are not permitted to use Williams Road between NY Route 60 and South Roberts Road. Many other local roads intersecting designated truck routes are posted for no truck traffic.

Build Alternative Development Process

The proposed process for Build Alternative development was presented. The key elements are:

1. Start with entire project area—"clean slate".
2. Map critical resources for potential avoidance
 - a. Wetlands and Hydric Soils
 - b. Cultural/Historic Resources
 - c. Cemeteries
 - d. Hazardous Waste Sites
 - e. Floodplains
 - f. Rare, Threatened, and Endangered Species
 - g. Critical Environmental Areas
 - h. Soils and Shallow Bedrock
3. Identify 4 potential alignments that avoid critical resources to the maximum extent practical.
4. Compare the 4 potential alignments using a broader set of social, environmental, and engineering criteria.
5. Select two alignments for evaluation in the DEIS.

NYSDEC and NWI wetlands were mapped. This information was supplemented by field observation of suspected wetland areas where accessible from public right-of-way. NYSDEC indicated that due to the widespread presence of hydric soils they would like the entire study area delineated to NYSDEC and ACE standards. However, because delineating the entire area is cost-prohibitive, wetland delineation will not be completed for the entire project study area. Instead, wetland delineation will be completed for the two alignments that are progressed in the Environmental Impact Statement (EIS) early in the process to verify that there are not additional wetlands that would affect alignment selection. Avoiding and minimizing wetland impacts is the first step. For example, Alternative Alignment 2A goes through an area of suspected wetlands so USACE would not recommend evaluating the alternative further. If in the end there are impacts that cannot be avoided, USACE and NYSDEC would prefer mitigation to be done by expanding existing wetlands within the same watershed. NYSDEC indicated that wetlands within 165 feet of each other are considered a single connected wetland. Areas with actively cultivated farmland would not be classified as wetlands.

Shallow bedrock is defined as bedrock within 5-6 feet of the surface. Bedrock in the area is shale.

The agencies prefer a comparative analysis system that presents raw quantitative data (acres, etc.) of resources potentially impacted for each of the alternatives and then qualitatively assesses the relative potential impacts from that data. NYSDEC recommended considering potential residential/health effects due to truck traffic. EPA recommended that more local issues be included in the comparative analysis criteria.

The project team will need to negotiate lead times and review times with EPA for each submission separately due to workload.

The lead agency for SEQRA needs to be determined. The FHWA will be the lead agency for NEPA.

MEETING MINUTES, February 26, 2007 (CONT.)

Items to be Included in EIS:

1. Intermodal freight operations--Would this project be expected to increase or decrease use of railroads? The agencies noted that railroads provide a more energy-efficient means of moving goods.
2. Summary of the alternative development process.
3. Cliffstar is limited in expansion potential at its existing site unless the Roblin site can be suitably remediated. This issue may be relevant to the EIS.
4. Air quality compliance may be an issue due to the proximity of a coal burning power plant.

Other Items Discussed with NYSDEC:


- Threatened and Endangered Species
- Existing truck queuing problems at Nestle, potential for increasing use of railroads
- Potential for adding off-ramp to I-90
- Physical impacts to de-listed hazardous waste sites, other formerly industry-owned property
- Drainage
- Railroad crossings
- Use of recycled materials
- Potential to spur development

Action Items:

1. TVGA to send full-size copies of Figures 1-3 to NYSDEC.
2. TVGA to provide information on the expected increase in truck traffic to EPA.
3. TVGA to send a revised Figure 1 with rail spurs to local industries labeled to EPA and USACE.
4. TVGA to obtain community master plans and the Great Lakes Master Plan to determine if the project is consistent with them.
5. TVGA to research de-listed hazardous waste sites in project area.

The above constitutes this writer's understanding of the items discussed. If any of the above is not accurate, please notify the undersigned immediately. If no exceptions are taken to the minutes within 5 working days of receipt, they will be considered correct and filed accordingly.

Reported by


Amy Minser, P. E.

Project Engineer

cc: Attendees

Robert O'Connor, NYSDOT

Peter Nixon, NYSDOT

2006.0006.00.4A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 12 2007

Kenneth Wojtkowski, P.E.
TVGA Consultants
1000 Maple Road
Elma, New York 14059

RE: Millennium Parkway, Chautauque County, New York

Dear Mr. Wojtkowski:

This is in response to your January 25, 2007 letter requesting that the Environmental Protection Agency (EPA) serve as a cooperating agency for the Millennium Parkway project. EPA is pleased to accept the offer. However, due to resource constraints, we may have to limit the number of meetings which we attend, and hope that you will consider offering video or telephone conference opportunities. Given reasonable time frames, we would be more than happy to review preliminary project documentation.

We would like to remind you that our participation does not preclude our review under the National Environmental Policy Act and comment authority under Section 309 of the Clean Air Act. We look forward to working with you on this project, and hope to be able to participate in the February 26 meeting in Dunkirk, New York via conference call. In the meantime, please contact me at (212) 637-3738 or musumeci.grace@epa.gov with any further questions or information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Grace Musumeci".

Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch

New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7010 • FAX: (716) 851-7005
Website: www.dec.state.ny.us



February 7, 2007

RECEIVED

FEB 09 2007

Ms. Gina Kahn
Northern Ecological Associates, Inc.
10 Lafayette Square, 16th Floor
Buffalo, New York 14203

Dear Ms. Kahn:

Thank you for your call to the Department of Environmental Conservation (NYSDEC) inquiring about wetlands and endangered species within the Millennium Parkway project area. As we discussed, New York State Regulated Wetland DU-2 is present in the project area (please see the enclosed map). The wetland is classified by the NYSDEC as a class II wetland.

Please note that the enclosed map shows the **approximate** location of Wetland DU-2. For a more accurate location of the wetland boundary, the landowner or their agent may request a field delineation by writing a letter of request to:

Mr. Chuck Rosenburg
NYSDEC Division of Fish and Wildlife
270 Michigan Avenue
Buffalo, NY 14203-2999

Please be advised that our review did not assess the potential for the occurrence of federally regulated wetlands within the subject property. In general, wetlands that are less than 12.4 acres in size are not regulated by the NYSDEC as Freshwater Wetlands but may be regulated by the U.S. Army Corps of Engineers. For more information about federally-regulated wetlands, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch
1776 Niagara Street
Buffalo, New York 14207
Telephone: (716) 879-4330.

During our phone conversation, you requested more details about four species listed as endangered or threatened at the state and/or federal levels that have been documented in the general vicinity of the project area: bald eagle, short-eared owl, rayed bean mussel, and clubshell mussel. The bald eagle is not known to nest in the immediate vicinity of the project area, so there is no need to complete field surveys for this species.

Ms. Gina Kahn
February 7, 2007
Page 2

The short-eared owl was observed in fields located just north of the Dunkirk Airport in 2000. If any portion of the project will affect grassland habitats, we recommend that surveys be conducted to determine whether the short-eared owl is currently present in those habitats. Please note that the short-eared owl may be present during both the breeding season (generally April through August) and winter months (generally December through April).

The records for rayed bean and clubshell mussels originate from the Cassadaga Creek watershed in the Town of Ellicott (southeastern Chautauqua County). There is no need to complete field surveys for these mussel species considering the distance separating the locations of these records from the project area and the difference in watersheds.

If I can be of further assistance, please feel free to contact me at (716) 851-7010.

Sincerely,

Charles P. Rosenberg

Charles P. Rosenberg
Senior Ecologist

CPR/sw

Enclosures

cc: Mr. Kenneth Taft, NYSDEC, Division of Environmental Permits
Wetland DU-2 File

REQUIREMENT FOR WETLAND SURVEY AND MAPPING

The Department of Environmental Conservation presently allows State regulated wetland boundaries, delineated by Department staff, to be fixed for a period of three years, providing the boundary has been professionally surveyed by a New York State Licensed Land Surveyor. Delineated boundaries that are not professionally surveyed are subject to possible change in following years if wetland conditions change. The following are the requirements for an acceptable professional survey:

1. The wetland boundary must be referenced to the outbound parcel(s) encompassing said wetlands. At least two ties by direction and distance will be established from permanent monuments (i.e., corner irons).
2. Monumentation will be set at all intersections of the outbound property lines and wetland boundary. Some suggested monumenting materials are 1 / 2 inch (or larger) re-rod of 1-1 / 4 inch galvanized iron pipe.
 - a. Wetland boundary lines that do not intersect outbound lines are not required to be permanently monumented, however, it is strongly suggested that the angle points of these lines are painted for near future relocation.
3. The map will contain the following:
 - a. Title showing location of survey by Sub-Lot, Great Lot, Tract, Township, Range, City, Village, Town, County and State.
 - b. The map must contain either a metes and bounds description of the wetland boundary and outbound tie points, or a list of coordinates and descriptions identifying each point of the wetland boundary and outbound tie points. If by metes and bounds, description of bearing (or angle) is to be shown at least to the nearest 30 seconds and distance at least to the nearest one tenth of a foot. Show acreage of wetland affecting the subject property.
 - c. A description of all monuments set or found at the intersection of the wetland boundary and outbound parcel. Show the point of beginning of the wetland boundary and ties by bearing (or angle) and distance from at least two permanent monuments (i.e., corner irons).
 - d. The map must include a statement that the surveyed boundary reflects the boundary flagged by the Department. The surveyor must apply his/her seal and signature to said statement.
 - e. The map must indicate the name and title of the Department staff who performed the delineation in the field and the date(s) on which it was conducted.
 - f. At least two copies of the survey map shall be provided to:

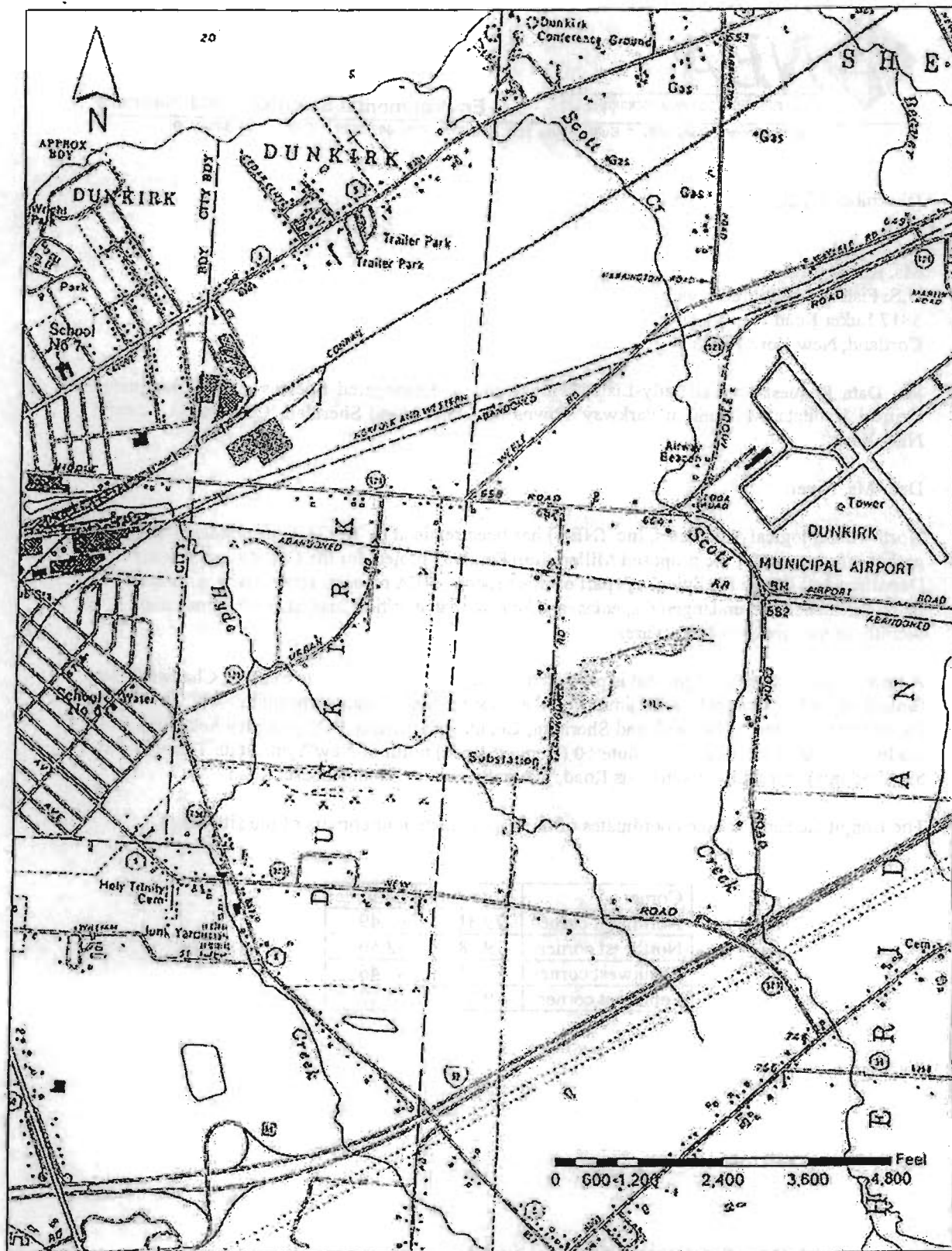
Region 9 Wildlife Unit - attn: Chuck Rosenburg
Division of Fish, Wildlife and Marine Resources
NYS Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2999

If determined to be acceptable, the map will be signed and dated by the delineator. The signed map will be placed in the Department's Wetlands File. A signed copy will also be returned to the landowner or person otherwise providing the survey.

The map should show sufficient information to allow the Department or another surveyor to re-establish the wetland boundaries for the determination of possible encroachments, construction or wetland violations.

If you have questions regarding the wetland survey and mapping requirements, contact the Real Property Unit, NYSDEC, 182 East Union, Suite 3, Allegany, New York 14706-1328, (716) 372-0645.

(10/06)



**NEA**

NORTHERN ECOLOGICAL ASSOCIATES, INC.

Environmental Scientists and Planners

10 Lafayette Square, Suite 1601 • Buffalo, New York, 14203 • (716) 849-9419 • FAX: (716) 849-9420

December 18, 2006

Ms. Robyn Niver
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

Re: Data Request for Federally-Listed Threatened & Endangered Species and/or Designated Critical Habitats: Millennium Parkway Towns of Dunkirk and Sheridan, Chautauqua County, New York

Dear Ms. Niver:

Northern Ecological Associates, Inc. (NEA) has been retained by TVGA Consultants (TVGA) to gather information for the proposed Millennium Parkway project for the Chautauqua County Department of Public Facilities. As part of this process, NEA requests review of your federally-listed threatened and endangered species, and/or designated critical habitats in the immediate vicinity of the proposed Project area.

A new roadway on new alignment is proposed for improved access to the existing Chadwick Bay Industrial Park. The study area limits for the new roadway contain approximately 2444 acres located in the towns of Dunkirk and Sheridan, Chautauqua County, NY (see attached map). The study area boundaries are from Route 60 (Bennett Road) north of New York State Thruway Exit 59 (Fredonia) and south of Williams Road, generally east, to South Roberts Road.

The Longitude and Latitude coordinates of the approximate four corners of the site are:

| Corner | Longitude | Latitude |
|------------------|-----------|----------|
| Northwest corner | -79.31 | 42.49 |
| Northeast corner | -79.28 | 42.50 |
| Southwest corner | -79.31 | 42.46 |
| Southeast corner | -79.27 | 42.47 |

R. Niver

December 18, 2006

Page 2

The study area map is enclosed for your consideration. We thank you for your assistance in this matter. If you have any questions or need additional information concerning this request, please contact myself or Matthew Stetter at (716) 849-9419.

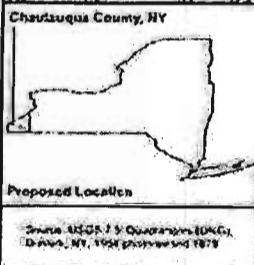
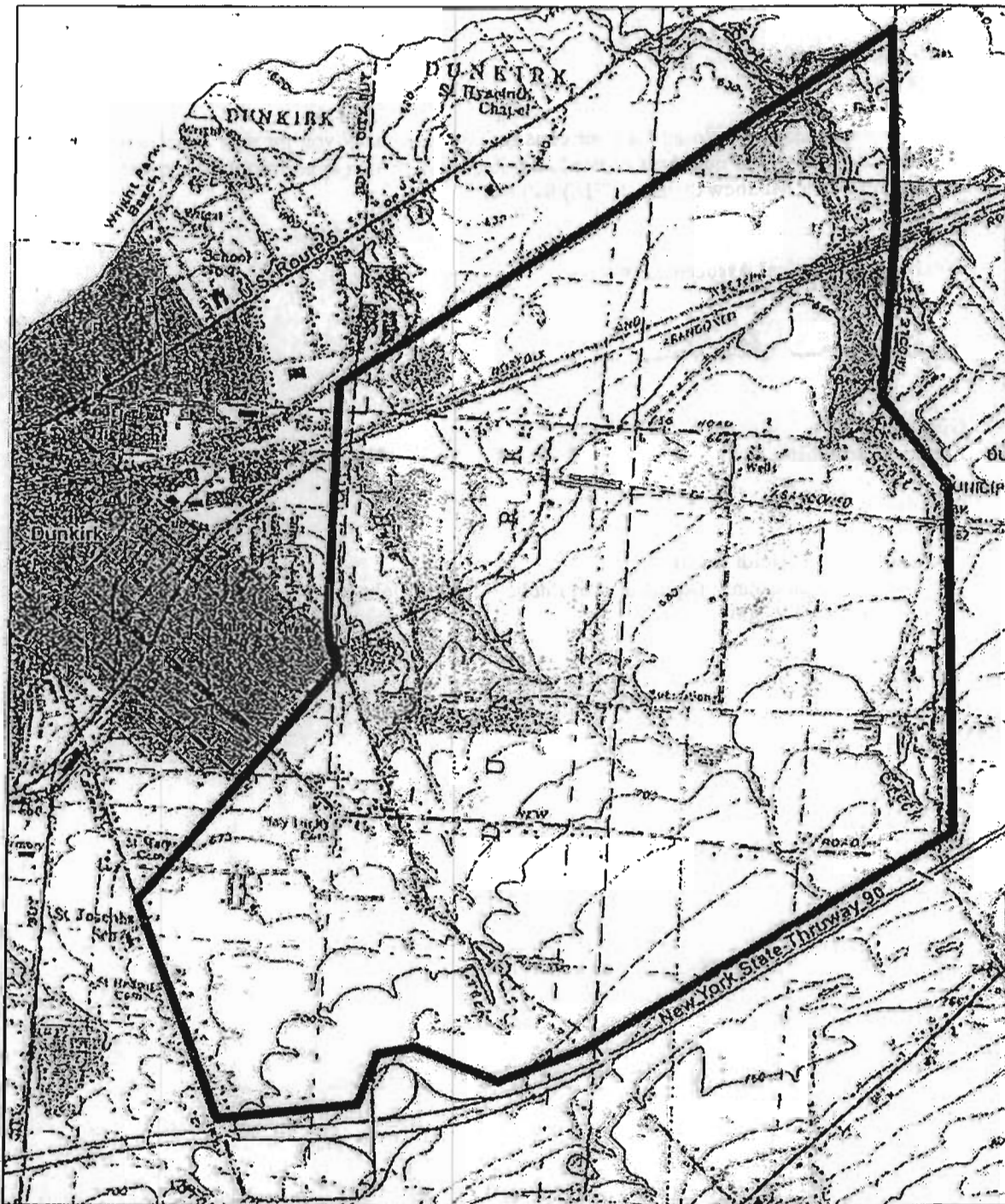
Sincerely,
Northern Ecological Associates, Inc.



Gina Kahn
Associate Scientist

Enclosures

cc: TVGA (Heidi Reed)
Chautauqua County Department of Public Facilities (John R. Bremmer, P.E.)
NEA File TV-300



Study Area located in Dunkirk, Chautauque County, New York.

Legend

Study Area

0 1,000 2,000

Feet

1 inch equals 2,000 feet.

Study Area Location Map for the
Proposed Millennium Parkway
Dunkirk, New York.

Client: TVGA
ECONOMIC SERVICES

Prepared by:

NEA
NATIONAL ENGINEERING ASSOCIATION
OF AMERICA

Date:
12/12/06



NEA

NORTHERN ECOLOGICAL ASSOCIATES, INC.

Environmental Scientists and Planners

10 Lafayette Square, Suite 1601 • Buffalo, New York, 14203 • (716) 849-9419 • FAX: (716) 849-9420

December 18, 2006

Information Services
New York Natural Heritage Program
Attn: Jean Petrusiak
625 Broadway, 5th Floor
Albany, New York. 12233-4757

Re: Data Request for Threatened & Endangered Species and Significant Natural Community
Records: Millennium Parkway Towns of Dunkirk and Sheridan, Chautauqua County, New York

Dear Ms. Petrusiak:

Northern Ecological Associates, Inc. (NEA) has been retained by TVGA Consultants (TVGA) to gather information for the proposed Millennium Parkway project for the Chautauqua County Department of Public Facilities. As part of this process, NEA requests review of your Natural Heritage records for the occurrence of any species listed as rare, endangered or threatened, as well as any records of significant natural communities in the immediate vicinity of the proposed Project area.

A new roadway on new alignment is proposed for improved access to the existing Chadwick Bay Industrial Park. The study area limits for the new roadway contain approximately 2444 acres located in the towns of Dunkirk and Sheridan, Chautauqua County, NY (see attached map). The study area boundaries are from Route 60 (Bennett Road) north of New York State Thruway Exit 59 (Fredonia) and south of Williams Road, generally east, to South Roberts Road.

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J. Petrusiak
December 18, 2006
Page 2

The study area map is enclosed for your consideration. We thank you for your assistance in this matter. If you have any questions or need additional information concerning this request, please contact myself or Matthew Stetter at (716) 849-9419.

Sincerely,
Northern Ecological Associates, Inc.

A handwritten signature in cursive script, appearing to read "Gina Kahn".

Gina Kahn
Associate Scientist

Enclosures

cc: TVGA (Heidi Reed)
Chautauqua County Department of Public Facilities (John R. Bremmer, P.E.)
NEA File TV-300

