

Appendix D10

Finding Documentation

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SHPO Project Review Number 22PR08247
NYS Route 33, Kensington Expressway Project
City of Buffalo, Erie County, New York

September 12, 2023

1 Project Description

1.1 Overview

The New York State Department of Transportation (NYSDOT), in coordination with the Federal Highway Administration (FHWA), proposes the New York State (NYS) Route 33 Kensington Expressway Project (the Project) in the City of Buffalo, Erie County, New York. The federally funded Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation, 36 CFR Part 800: *Protection of Historic Properties*.

The Section 106 process is being carried out in coordination with the preparation of a Draft Design Report / Environmental Assessment (DDR/EA) under the National Environmental Policy Act (NEPA) and the NYSDOT *Procedures for Implementation of the State Environmental Quality Review Act* (17 NYCRR Part 15), with the FHWA serving as the federal lead agency under NEPA and Section 106. This document summarizes the assessment of effects on historic properties, as identified through the Section 106 process, in consultation with the New York State Historic Preservation Office (SHPO).

The Kensington Expressway is a limited access, six-lane, divided highway built in the footprint of the Humboldt Parkway in the 1960s. The Best Street to Sidney Street segment of Kensington Expressway is depressed (below grade) and has continuous retaining walls on both sides of the expressway (heights of the walls range from approximately 8 feet to 27 feet), except for the east side between Best Street and Parade Avenue. South of Best Street, the Kensington Expressway vertical profile transitions to a more gradual cut section (without retaining walls, except at bridges) and eventually to an at-grade profile. North of Sidney Street, the profile also transitions to at-grade. Construction of the Kensington Expressway severed several local streets that crossed the Humboldt Parkway. The Project's transportation corridor includes approximately 1.2 miles of the Kensington Expressway between High Street and Northland Avenue.

Five east-west bridges traverse the transportation corridor: East Ferry Street, East Utica Street, Northampton Street, Dodge Street, and Best Street. Humboldt Parkway, which begins at Dodge Street and extends north beyond the Project limits, is adjacent to the Kensington Expressway on both sides (at the existing city street elevation) and is part of the Project. Appendix A: Exhibit 1 shows the Project limits within the City of Buffalo.

1.2 Project Description

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

The objectives of the Project are to:

- Reconnect the surrounding community by creating continuous greenspace to enhance the visual and aesthetic environment of the transportation corridor.
- Maintain the vehicular capacity of the existing transportation corridor.

- Improve vehicular, pedestrian, and bicycle mobility and access in the surrounding community by implementing Complete Street roadway design features.
- Address identified geometric and infrastructure deficiencies within the transportation corridor.

The Project's Build Alternative includes full reconstruction of the Kensington Expressway on a new vertical alignment within a tunnel system and creation of new greenspace above the Kensington Expressway (Figure 1); reconstruction of the Humboldt Parkway on the same vertical alignment as the existing Humboldt Parkway (Figure 2); removal of the bridges at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street and adding reconnection of these streets at-grade; replacement of the Best Street bridge over the Kensington Expressway; and introduction of roadway improvements that could include: milling with single-course overlay; pavement striping; replacement of existing curbs (spot locations or in their entirety), sidewalks and ramps (to comply with the Americans with Disabilities Act (ADA)), driveway aprons, street lighting and landscaping between curb and sidewalk (e.g., new topsoil and grass seeding, tree replacement); and installation of new traffic signals with pedestrian indicators and traffic calming elements, including a roundabout at the Best Street intersection.

The Project limits (limits of disturbance (LOD)) extend along the Kensington Expressway and Humboldt Parkway from approximately High Street (southern limit) to approximately Northland Avenue (northern limit), a total distance of approximately 1.2 miles, and includes areas of proposed disturbance associated with regrading.



Figure 1: Build Alternative reconstruction with a 6-lane tunnel and tree-lined parkway setting (above tunnel)

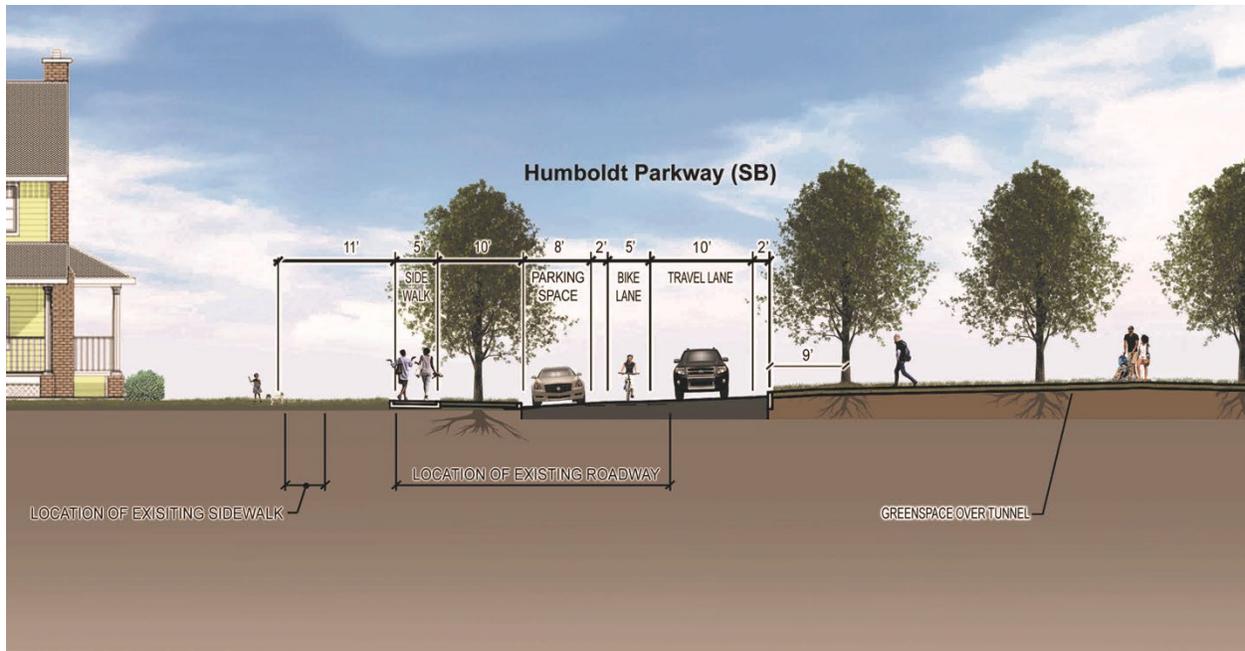


Figure 2: Humboldt Parkway typical section under the Build Alternative looking north.

1.3 Area of Potential Effects

The Area of Potential Effects (APE) is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character of historic properties, if any such properties exist” (36 CFR 800.16(d)). The APE establishes the geographical area for the identification of historic properties, including both potential archaeological resources associated with direct ground disturbance, and architectural resources which may be subject to direct or indirect effects. The APE for the Project was established by the NYSDOT and the FHWA in consultation with the SHPO, with consideration of comments received from Consulting Parties.

On May 11, 2023, NYSDOT, on behalf of the FHWA, provided a *Development of the Area of Potential Effects* document to the SHPO, defining a proposed APE for the Project. On July 20, 2023, the SHPO concurred with the APE.

In accordance with 36 CFR Part 800.4(a)(1), an APE has been defined for the Project based on a scope of work that includes: Reconstruction of the Kensington Expressway to construct a six-lane tunnel on a lowered profile between Dodge Street and Sidney Street; reconstruction of the Humboldt Parkway; and removal of the East Ferry Street, East Utica Street, Northampton Street, and Dodge Street bridges over the Kensington Expressway. The newly constructed tunnel would reconnect these streets at grade. Replacement of the Best Street bridge over the Kensington Expressway will include a roundabout. The Project would create new greenspace above the newly constructed tunnel carrying the Kensington Expressway.

The *Development of Area of Potential Effects* document concludes that certain project elements would have no potential to cause direct or indirect visual or audible effects since these Project elements would not alter the character of the existing setting. These types of improvements would occur in areas of previous disturbance within existing right-of-way and would not alter the size or

configuration of the roadways in which they are to be placed or in which associated activities are to be conducted. Areas within which these activities would occur were not included in the APE.

The APE has been defined based on the potential direct and indirect (visual and auditory) effects on architectural resources resulting from the Build Alternative, including temporary (construction-related) effects. The area representing potential direct effects to historic properties that might result from physical alterations associated with the Project has been identified and represents the LOD of the Build Alternative. In developing the APE, the existing topography and building heights have been taken into consideration. As distance from the LOD and obstructions increase, the potential for adverse effects to a resource's setting due to the introduction of new visual elements and/or audible changes decreases. The APE has been defined to include areas that would have the most proximate and unobstructed views of the Project and areas in which proposed project elements could potentially affect the character or setting of historic properties. Therefore, the APE for the Project has been delineated to include parcels that are within or immediately adjacent to (i.e., extend one parcel out from) the LOD.

Subsequent to SHPO's July 20, 2023 concurrence with the APE, changes to the project design have resulted in minor modifications to the APE. The APE was amended to include areas subject to temporary or permanent impacts in the vicinity where minimal grading/profile changes during reconstruction of the roadbed have been added into the project design. These areas include:

- The block north of the pedestrian bridge to Northland Avenue
- Approximately 80 feet east along East Ferry Street
- Approximately 20 feet east along Woodlawn Avenue
- Approximately 125 feet east and 105 feet west along East Utica Street

The maps included in Appendix A, Project Maps and APE Maps shows the updated APE.

The Project is located in a heavily developed urban area with primarily single- and multi-family dwellings dating to late-19th century to the 1920s. Other land uses include recreational, cultural, and religious institutions, and neighborhood-scale commercial development. Surrounding the APE are established, historic neighborhoods, parks, and what remains of a parkway system that originally included Humboldt Parkway and Martin Luther King, Jr. Park.

2 Steps Taken to Identify Historic Properties

2.1 Cultural Resources Screening

A cultural resources screening was prepared for the Project in April 2022. The Screening describes the assessment of the potential presence of archaeological resources and historic architectural properties within a defined Study Area. Available information on properties listed or eligible for listing in the National Register of Historic Places (NRHP) and previous surveys was obtained from SHPO Cultural Resources Information System (CRIS). The Screening included documentation of prior ground disturbance within the Study Area, an inventory of reported archaeological sites and previous surveys, an overview of precontact settlement and historical development, and a general archaeological sensitivity assessment.

The screening for architectural resources included a review of existing information from previous studies, including previous cultural resource survey reports; a review of historic photographs; and

a review of existing plans and maps of the Kensington Expressway maintained by NYSDOT. The Screening identified the following previously evaluated National Register properties in the 2022 study area: Hamlin Park Historic District (NRHP-listed), Olmsted Parks and Parkways Thematic Resources Multiple Property (NRHP-listed) (including Martin Luther King, Jr. Park), Saint Mary of Sorrows Roman Catholic Church (NRHP-listed) and 12 NRHP-eligible individual properties. The Screening also identified three potential Historic Districts in the Study Area: the Lower Humboldt Parkway-Martin Luther King, Jr. Park Historic District, the Upper Humboldt Parkway Historic District, and the Humboldt-Fillmore Historic District.

Based on the results of the screening, a Cultural Resources Screening Addendum for Archaeological Sensitivity (Screening Addendum) was prepared to assess the archaeological potential within the LOD. The Screening Addendum builds on the research, background information and preliminary assessments prepared for the Screening and identifies areas of prior disturbance. Based on the extensive prior disturbance and the lack of archaeological sensitivity at the depths of 20-30 feet below original grade, the Screening Addendum concludes that with the exception of one parcel, there is no potential for the presence of archaeological resources within the LOD for the Project. Subsequent to the Screening Addendum and based on design activities, NYSDOT is no longer proposing any ground disturbance in that parcel. Therefore, the parcel has been removed from the LOD and no archaeological survey is recommended for the Project.

On May 12, 2023, FHWA transmitted the Screening Addendum to the Seneca Cayuga Tribe of Oklahoma, the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation to seek their views on the recommendation for no further archaeological investigations. None of the Tribal Nations had comments. In coordination with the FHWA, NYSDOT submitted the Screening Addendum to the SHPO for review and concurrence with the assessment that an archaeological survey was not needed.

In a letter dated July 20, 2023 (Appendix B: Correspondence), the SHPO provided concurrence that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed.

2.2 Architectural Reconnaissance Survey

Based on the results of the 2022 Screening, an architectural reconnaissance survey was conducted to identify potential historic architectural properties within the survey area. The survey area used for the architectural survey extends, in part, beyond the APE, in order to provide context for potential historic properties within the APE. The survey was conducted by architectural historians meeting the National Park Service Professional Qualification Standards for Architectural History (36 CFR Part 61) to inventory and evaluate previously unevaluated properties over 50 years in age.

Architectural properties were evaluated for eligibility by applying the National Register Criteria for Evaluation (36 CFR Part 60.4). Districts, sites, buildings, structures, and objects are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet the following Criteria:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history
- B. Are associated with the lives of persons significant in our past
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- D. Have yielded, or may be likely to yield, information important in prehistory or history

The results were documented in the Architectural Reconnaissance Survey (May 2023) prepared in accordance with the NYSED Work Scope standards. The Architectural Reconnaissance Survey report documented 157 building properties, Martin Luther King Jr. Park, and six bridges within the Survey Area. Of those, one individual property and two historic districts were previously listed in the NRHP, and one individual property was previously determined by the SHPO to be eligible for inclusion in the NRHP. An additional three historic districts and five individual properties were recommended for inclusion in the NRHP.

Of the six bridges within the APE, five are two-span rolled beam multi-girder overpass bridges built in 1963 and 1970. The sixth bridge is a pedestrian bridge over the expressway at the north end of the APE (BIN 1022650). The pedestrian bridge was constructed in 2009 and therefore not eligible for the NRHP. Three of the five highway overpass bridges, Northampton Street (BIN 1022620), East Utica Street (BIN 1022630) and East Ferry Street (BIN 1022640), were evaluated for eligibility in relation to the adjacent historic districts. The three bridges are adjacent to historic districts (Martin Luther King, Jr. Park, Hamlin Park Historic District, Humboldt Parkway Historic Districts, (East and West), and were evaluated as potentially National Register eligible by their proximity to these districts. Because the bridges and the expressway constitute an intrusion to the historic districts, which represent neighborhoods tied to Humboldt Parkway and Humboldt Park (Martin Luther King, Jr. Park), the bridges do not have eligibility by association with these historic districts. The bridges at Best Street (BIN 1022609) and Dodge Street (BIN 1022610) were not evaluated because they meet the applicability criteria of the *Program Comment for Common Post-1945 Concrete and Steel Bridges* and are exempt from further Section 106 review.¹ The Program Comment Certification form can be found in Appendix C.

In coordination with the FHWA, the NYSDOT submitted the Architectural Reconnaissance Survey to the SHPO for review and concurrence with the eligibility recommendations for the properties identified. SHPO provided concurrence on the previously identified NRL and NRE properties and made the following determinations:

- Previously identified listed and eligible properties
 - Hamlin Park Historic District
 - Temple Beth David/Faith Missionary Baptist Church
 - Martin Luther King Park/Humboldt Park
 - Pilgrim English Evangelical Church/Young Tabernacle Holiness Church
- Individually eligible properties
 - Memorial Baptist Church
 - Humboldt Parkway Baptist Church

¹ Program Comment for Post-1945 Concrete and Steel Bridges, [Environmental Review Toolkit \(dot.gov\)](#)

- Fellowship Work Church
- Hobert Siblings/People-Stokes House
- Eligible historic districts
 - Humboldt Parkway Historic District (West)
 - Humboldt Parkway Historic District (East)
- 77 buildings contributing to the National Register-eligible (NRE) or National Register-listed (NRL) historic districts,
- 75 buildings were determined not NRE,
- Concurred that the three evaluated bridges are not NRE (Appendix A, Exhibit 1).

Table 1 lists all historic architectural resources listed on or determined eligible for the NRHP located within the APE. One property previously determined eligible for the NRHP has been demolished.

Table 1. Historic Properties within the Area of Potential Effects

Property Name	NR Number or OPRHP Unique Site Number	Location	NRHP Status
Historic Districts			
Martin Luther King, Jr. Park Historic District (Part of NRHP-listed Olmsted Parks and Parkways Thematic District) (Includes 5 contributing resources)	90NR01218	Bounded by Northampton Street and North Parade Avenue to the north, East Parade Avenue to the east, Best Street to the south, and Kensington Expressway/West Parade Avenue to the west	Listed (2002)
Hamlin Park Historic District (Includes 21 contributing resources with the APE)	13NR06421	Bounded by NYS Route 33 to the north, Humboldt Parkway South to the east, East Ferry Street to the south, and Jefferson Avenue to the west	Listed (2013)
Humboldt Parkway Historic District (West) (Includes 21 historic-contributing resources)	02940.033432	One tax lot west of Humboldt Parkway from 787 Humboldt Parkway south to Landon Street	Eligible
Humboldt Parkway Historic District (East) (Includes 30 contributing resources)	02940.033469	One tax lot east of Humboldt Parkway from 772 Humboldt Parkway south to Riley Street	Eligible
Individual Properties			
Faith Missionary Baptist Church (historic name: Temple Beth David)	18NR00020 02940.019106	626 Humboldt Parkway North	Listed (2018)
Pilgrim English Evangelical Church/ Young Tabernacle Holiness Church	02940.023821	623 Best Street	Eligible

Property Name	NR Number or OPRHP Unique Site Number	Location	NRHP Status
Memorial Baptist Church Individually Eligible and Contributing to the Humboldt Parkway Historic District (East)	02940.033423	772 Humboldt Parkway North	Eligible
Humboldt Parkway Baptist Church Individually Eligible and Contributing to the Humboldt Parkway Historic District (East)	02940.033427	790 Humboldt Parkway. North	Eligible
Fellowship World Church Individually Eligible and Contributing to the Humboldt Parkway Historic District (East)	02940.033430	878 Humboldt Parkway North	Eligible
Hovert Siblings House Peoples-Stokes House	02940.033431	58 Linden Park	Eligible
Vacant parcel Former residence – damaged by fire	02940.016817	763 Humboldt Parkway	Demolished

3 Evaluation of Project Impact on Identified Historic Properties

There are: 77 contributing buildings and structures within four eligible or listed historic districts and 6 individually NRHP-eligible or listed historic properties within the APE. (one previously identified NRE building was subsequently demolished). The locations of identified historic properties are shown in Appendix A, Exhibit 1, 1a and 1b. Most of the historic architectural properties are located within historic districts. Effects to those districts were assessed based on the Project elements that have the potential to affect historic, character-defining features of the districts as a whole and also the individual historic-contributing properties within the districts (and within the APE). The assessment of effects is based on a comparison of the existing and proposed conditions, with the understanding that the character of this area and the setting that existed during the 19th and early 20th centuries have been altered by later development, including construction of the Kensington Expressway, which has been a prominent feature. The effects are defined as direct effects and indirect effects.

3.1 Direct Effects

The Project would not entail any direct, physical impacts or changes to the historic buildings in the APE.

3.2 Indirect Effects

Indirect effects are those that may change the character of the property’s use or physical features within the property’s setting that contribute to its historic significance or introduce visual or audible elements. Indirect effects may result from construction activities and are generally temporary in nature or may result from completion and operation of the Project. Indirect effects, beneficial or

adverse, include a consideration of the introduction of visual, physical, or audible elements that may alter the character of historic properties, compared to existing conditions.

Visual changes in the physical surroundings may constitute indirect effects on historic properties when they alter characteristics that qualify the properties for the NRHP and diminish the integrity of setting. Those surroundings may include both natural and manmade features, such as topography, vegetation, and the relationship between the property and other buildings or open space. For this Project, the assessment of potential visual effects included consideration of the proposed Project elements as described in Section 1.2 above, including the creation of new greenspace on the tunnel cap and the introduction of a roundabout at Best Street.

Introduction of audible elements could result after completion of the Project. Noise modeling was conducted to analyze traffic noise levels under existing conditions and for year 2047 (ETC+20). Traffic noise modeling was performed at representative noise receiver locations within and adjacent to historic properties to predict future noise levels for the Project (Watts, 2023). The Project would reduce traffic noise levels at locations within adjacent neighborhood areas, since traffic noise from the currently depressed section of the Kensington Expressway would be attenuated by the proposed tunnel cap. The Noise Analysis concluded that many receivers would experience a perceptible (greater than 3 dBA) decrease in traffic noise levels. No receivers would experience a perceptible increase in noise levels.

3.3 Temporary (Construction-Related) Effects

Construction activities have the potential to introduce temporary direct and indirect effects on historic properties, including physical (vibration), audible, atmospheric, or visual that would cease with the completion of construction. Although the Project would be planned, designed, scheduled, and staged to minimize disruption to abutting communities and the environment during construction (see also Section 3.5 for minimization measures), short-term nuisance effects, such as construction noise, dust, and vibration, would occur temporarily in areas adjacent to construction activities. Temporary effects can also include restricting access to driveways for short durations.

3.3.1 Construction Noise

The evaluation of potential effects caused by construction-related noise to historic properties and districts considered the following:

- Construction noise differs from traffic noise:
- Construction noise would only occur during the duration of the construction contract of the Project;
- Construction activities are generally short term (i.e., less than 3 to 4 years for overall construction duration);
- Construction activities are usually limited to the daylight hours when most human activity takes place; and
- Construction noise is intermittent.

Construction of the Project would include demolition, excavation, and sub-base preparation for roadway, bridge, and tunnel construction. This work would result in temporary construction noise at nearby receptors. The levels of noise would vary widely, depending on the construction activities undertaken and the anticipated duration of the noise-generating construction activities in any one location. The parameters that determine the nature and magnitude of construction noise include the type, age, and condition of construction equipment; operation cycles; the number of pieces of construction equipment operating simultaneously; and the distance between the construction activities and receivers. While the construction means and methods may be refined by the contractor as the Project goes to construction, representative construction scenarios based on typical construction procedures have been identified for the Project and were used to assess construction-related noise effects (Watts, 2023).

Construction noise modeling takes into consideration the distance between noise-generating construction equipment and sensitive receptors (i.e., residences, churches, parks) measured at 50-foot intervals from 50 feet to 300 feet. The Roadway Construction Noise Modeling (RCNM) results indicate that average noise levels, maximum noise levels, and the use of impact devices would be considered disruptive to nearby receivers within a range of approximately 150 feet and closer. Given the mobile nature of road construction, the distances between the construction activities and receivers would change as the construction operations move along the roadway centerline. In addition, construction operations are in constant flux, and the equipment and operations would not always be at the worst-case levels predicted by the noise modeling (Watts, 2023). While temporary, construction-related increases in noise would occur, they would not result in the alteration of the National Register qualifying characteristics of historic districts or resources.

3.3.2 Construction Vibration

Construction activities have the potential to produce vibration effects. In general, vibration effects at a specific location are a function of the source strength (which is dependent upon the construction equipment and methods utilized), the distance between the equipment or construction activity and the location, the characteristics of the transmitting medium, and the building construction type at the location. Construction vibration for this Project comprises two types of vibration: vibration generated by mechanical equipment, which tends to be more continuous, and blast vibration, which is brief and episodic. Mechanical and blasting-related vibration are each discussed separately below. For each type of vibration, two types of effects are considered: 1) the potential for cosmetic damage to structures (threshold damage), and 2) the potential annoyance effects of vibration on building occupants. Vibration levels below the potential for threshold damage can still be perceptible.

Vibration from Mechanical Equipment

Based on the type of structures in the APE, the potential building damage threshold is 0.20 inches per second peak particle velocity (PPV). The operation of vibratory pile drivers would exceed this threshold at distances of less than 22 feet between the equipment and a structure. The operation of hoe rams would exceed this threshold at distances of less than 15 feet between the equipment and a structure. The closest structures are 33 feet from both operations (pile driving and hoe rams). Therefore, no buildings are expected to experience vibration from mechanical equipment that could potentially cause damage.

Vibration from Blasting

No threshold damage to buildings (i.e., cracking of plaster or drywall) is expected at any properties within the APE, regardless of distance from the proposed blasting. The potential for building damage would be avoided through the design of the blasting program, which would take into account the distance and condition of the closest structure (among other factors) in determining the appropriate charge weight per delay. The specifications for the Project would mandate criteria that were developed by the US Bureau of Mines to avoid such damage due to blasting. Furthermore, test blasting would be used to develop blast designs (including charge weights) that are consistent with maintenance of those criteria. Vibration criteria in the specifications would include both Caution and Alert levels, where Alert is the level not to be exceeded, and Caution is a slightly lower level at which blast practices must be reviewed by the NYSDOT and the Contractor.

Although infrequent and below the potential for building damage, blasting vibration would be perceptible. Therefore, to protect the interests of the NYSDOT, the Contractor, and the residents, pre- and post-construction building condition surveys would be implemented for an area up to approximately 300 feet of the proposed blasting locations (this estimated distance for the surveys would be refined during final design, as appropriate). It is important to note that the pre- and post-construction survey area of up to 300 feet does not mean that damage to buildings is expected within 300 feet of blasting. As described above, no damage to buildings is anticipated through the design of the blasting program.

Although no threshold damage is expected, any unanticipated damage to buildings found by the NYSDOT to be attributable to the construction would be repaired by the contractor in a manner that would not result in the alteration of the National Register qualifying characteristics of the building or historic district. Refer to Section 3.5 Avoidance or Minimization Efforts.

3.3.3 Temporary Easements

Some elements of the Project (described in Section 1.2 above) will require temporary easements of portions of the parcels associated with the historic properties. The extent to which any of these temporary easements might have an adverse effect on the historic resources in the APE is based on the assessment of whether there will be negative changes to the characteristics that qualify the properties for the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Temporary easements are required for activities such as relocation of existing water service in previously disturbed areas, sidewalk reconstruction with curb ramps (where needed), and landscaping. Temporary easements for these activities are anticipated to occur at discrete locations and when implemented, would only be needed for a short duration (approximately 3-weeks). They would not alter qualifying characteristics of known or potential historic properties and so would not result in effects on historic properties.

Temporary easements are also required for the construction of Support of Excavation (SOE) wall tie backs. This work will occur below the surface and will support excavation wall tie backs that are underground (a metal support wire that anchors into an underground wall). The wire is drilled underground in the rock beneath the property and does not disturb the structures or land above

them. The work will take place in a few select locations within Martin Luther King, Jr. Park Historic District.

There are a few very minor acquisitions from several properties to establish the right-of-way along the existing transportation corridor to accommodate proposed work to construct ADA curb ramps on the existing sidewalk. However, there would be no change to the buildings or setting at any of the properties. Because the existing sidewalk is part of the existing transportation corridor, the change would not alter qualifying characteristics of known or potential historic properties and so would not result in effects on historic properties.

3.4 Evaluation of Project Effects

3.4.1 NRHP Listed and Eligible Historic Districts

Martin Luther King, Jr. Park, Olmsted Parks, and Parkways Thematic Resources District Historic District

Martin Luther King, Jr. Park Historic District, located near the southern end of the APE, is an element of the Olmsted Parks and Parkways Thematic Resources District. The park is listed on the NRHP under Criterion A for its role in Buffalo's history and city development and under Criterion C for its association with Frederick Law Olmsted, a renowned landscape architect. The park consists of a 54.34-acre, slightly L-shaped area bounded by Northampton Street/North Parade Avenue (north), Best Street (south), East Parade Avenue (east), and the Kensington Expressway/West Parade Avenue (west). Contributing resources include:

- The Shelter House (1904), located next to the greenhouse and facing the original concourse
- The Buffalo Museum of Science (1926-27), located at the northwest end of the park, south of Northampton Street
- The greenhouse (1907) facing the concourse
- Humboldt Park Casino (circa 1926), located between the wading pool and the ice rink

Proposed changes: There will be no direct physical impacts to any of the buildings in the historic district as a result of the Project.

A temporary easement for the construction of the tunnel would be needed along the western edge of the park, from Herman Street north to Northampton Street. Temporary easements will also be needed for curb ramps along the park entrance along Best Street, West Parade and Fillmore, and for landscaping at the northwest corner of the park. These easements constitute a total of 1.5% of the park's 53 acres. The duration would be shorter than the overall construction period for the Project. The duration of the construction work is anticipated to last for up to one month and the support of excavation tiebacks would remain in place permanently (underground). Access to this location would be restricted for approximately half of the anticipated construction window (approximately 3 to 4 years) for the Project. The area would be returned to its current uses, in the same or improved condition, upon the completion of construction.

As discussed above, construction noise and vibration would occur during construction. These activities would be temporary in duration and would not result in the alteration of the National

Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

The reconstruction of the Best Street intersection with West Parade Avenue, Herman Street and the southwestern entrance to Martin Luther King, Jr. Park would include a roundabout, pedestrian facilities (sidewalks, bike lanes) and landscaping. These improvements would not require acquisition of land near the southwest corner entrance to Martin Luther King, Jr. Park or the entrance near the Buffalo Museum of Science. The driveway, sidewalks and curbs at the southwestern entrance to the Martin Luther King, Jr. Park historic district would be reconstructed in-kind, retaining two travel lanes and landscaping. Figure 3 illustrates the beneficial visual changes in the vicinity of the southwest entrance to the historic district.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets adjacent to Martin Luther King, Jr. Park Historic District, and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district. See Figure 1. For historic photographs of the original street grid and tree canopy, refer to the *2023 Architectural Reconnaissance Survey*.



Figure 3: Plan of Best Street crossing and roundabout under the Build Alternative between Wohlrs Avenue and Rich Street.

Hamlin Park Historic District

The Hamlin Park Historic District was listed in the NRHP in 2013. The historic district encompasses a 224-acre, rectangular area bounded by Humboldt Parkway South (east), Jefferson Avenue (west), East Ferry Street (south), and Main Street/Humboldt Parkway (north). The Hamlin Park Historic District is significant, under NRHP Criteria A and C, in the areas of community planning and development, and architecture. There are 1,368 historic-contributing buildings and 191 non-contributing buildings within the district. Twenty-one historic-contributing buildings consisting of a former church and single-family dwellings, have addresses facing

Humboldt Parkway South and comprise the eastern boundary of the district and are located within the APE.

Proposed Changes There will be no direct physical impacts to any of the buildings in the historic district as a result of the Project.

Roadway improvements, including repaving and the minor realignment of the Humboldt Parkway away (east) from the resource would temporarily restrict access to driveways. Curb bump-outs will be located at street corners along Humboldt Parkway to delineate recessed parking areas and provide shorter crosswalk distances. The installation of curb bump-outs is located at the extreme eastern boundary of the district and would not alter the street patterns or block configuration. These will not affect the National Register qualifying characteristics of the district related to the community planning and development and landscape architecture or social history. There is a minor fee acquisition of a portion of 314 Northland Avenue (not within the defined APE) to establish the right-of-way for the existing sidewalk within the transportation facility to accommodate sidewalk and ADA curb ramp work. This minor acquisition would not alter qualifying characteristics of this property or the district so would not result in effects on this historic property. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements within the remainder of the district.

As discussed above, construction noise and vibration would occur in the vicinity of the 18 residences in the Hamlin Park Historic District (including 725, 723, 717, 709, 705, 699, 695, 691, 681, 677, 673, 669, 663, 653, 649, 645, 641, 633 Humboldt Parkway). These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this historic districts or contributing resources. Minimization measures (described in Section 3.5) would be implemented.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district.

Humboldt Parkway Historic District (West)

The Humboldt Parkway Historic District (West) has been determined eligible for NRHP listing under Criterion C. The Humboldt Parkway Historic District (West) includes 21 residential buildings on Humboldt Parkway (facing the Kensington Expressway), beginning at 787 Humboldt Parkway and progressing south to Landon Street. It represents development circa 1890 to circa 1915.

Proposed Changes: There will be no direct physical impacts to any of the buildings in the historic district as a result of the Project.

Roadway improvements, including repaving and the minor realignment of the Humboldt Parkway, would temporarily impact access to driveways. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this historic districts or contributing resources. Curb bump-outs will be located at street corners along Humboldt Parkway to delineate recessed parking areas and provide shorter crosswalk distances. The installation of curb bump-outs will not affect the district's National Register qualifying

characteristic as a collection of residential buildings that developed along the former Humboldt Parkway.

Temporary easements are required for the relocation of existing water service in previously disturbed areas (865, 879, 883, 889, 893, 901 and 905 Humboldt Parkway). These easements would not alter qualifying characteristics of known or potential historic properties and so would not result in effects on historic properties. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location.

As discussed above, construction noise and vibration would occur in the vicinity of the Humboldt Parkway Historic District (West) (817, 815, 811, and 807 Humboldt Parkway) between Winslow Avenue and Glenwood Avenue. Since the depth of rock removal required between Landon Street and Woodlawn Avenue (approximate length of 1,400 feet), is anticipated to be less than 5 feet mechanical removal methods (not blasting) could be employed. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district.

Humboldt Parkway Historic District (East)

The Humboldt Parkway Historic District (East) includes the properties along Humboldt Parkway, from 772 Humboldt Parkway, south to Riley Street. The properties face west along Humboldt Parkway, overlooking the expressway. The district has been determined eligible for the NRHP under Criteria A and C for its architecture and its association with German and German American settlement patterns within the community of Buffalo. There are twenty-nine contributing resources within the district, including the Memorial Baptist Church and the Fellowship World Church, described below.

Proposed Changes: The Project would not cause direct permanent effects to the Humboldt Parkway Historic District (East).

Roadway improvements, including repaving and the minor realignment of the Humboldt Parkway, would temporarily impact access to driveways. Construction of the tunnel would temporarily restrict parking along Humboldt Parkway, likely one block at a time for two to four weeks total over the course of construction. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this historic districts or contributing resources. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location. Curb bump-outs will be located at street corners along Humboldt Parkway to delineate recessed parking areas and provide shorter crosswalk distances. The installation of curb bump-outs will not affect the district's National Register qualifying characteristic as a collection of residential and church buildings that developed along the former Humboldt Parkway or the National Register qualifying characteristics of the individually eligible churches within the district.

As discussed above, construction noise and vibration would occur in the vicinity of the Humboldt Parkway Historic District (East) (including near 832, 826, 822, 818 and 772 Humboldt Parkway). Since the depth of rock removal required between Landon Street and Woodlawn Avenue (approximate length of 1,400 feet), is anticipated to be less than 5 feet mechanical removal methods (not blasting) could be employed. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this historic districts or contributing resources. Minimization measures (described in Section 3.5) would be implemented.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district.

3.4.2 Individually NRHP Eligible and Listed Historic Properties

Faith Missionary Baptist Church (historic name: Temple Beth David)

The Faith Missionary Baptist Church, located at 626 Humboldt, was originally Temple Beth David and was listed in the NRHP in 2018. It is located on the east side of Humboldt Parkway North, just south of the pedestrian bridge over the Kensington Expressway. The church was built in 1924 and is significant under Criterion C as a good example of a Neoclassical religious building in Buffalo. According to the resource evaluation, the church building is also locally significant under Criterion A in the area of Social History for its association with the shift in the demographic composition of Buffalo's East Side from predominantly White in character to predominantly African American. The church was commissioned by the Temple Beth David congregation and served as a synagogue until 1955, when, due to the changing demographics of the neighborhood, it was sold to the Faith Missionary Church.

Proposed Changes: The Project would not cause direct permanent effects to this resource.

The driveway entrance would be reconstructed in-kind, resulting in minor, temporary physical effects to the property.

As discussed above, construction noise and vibration would occur during construction. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

Pilgrim English Evangelical Church/Young Tabernacle Holiness Church

The Pilgrim English Evangelical Church (now the Young Tabernacle Holiness Church), located at 623 Best Street, was originally the Pilgrim English Tabernacle Church and was determined eligible for the NRHP in 2023 under NRHP Criterion C in the area of architecture as an exceptional example of the English Gothic Revival style architecture. SHPO's resource evaluation also indicates that additional research may yield significance under Criterion A in the area of Ethnic History (Eastern European/German) for its associations with the early German history in Buffalo's East Side.

Proposed Changes: The Project would not cause direct permanent effects to this resource.

The Project would include the construction of a roundabout at the intersection of Best Street, Herman Street and West Parade Avenue, adjacent to the property. The church is set back from the roadway at this location and the building would not be directly affected. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location.

Traffic noise modeling concluded that this area would experience a 5 dBA decrease in traffic noise for year 2047 (ETC+20). A perceptible (greater than 3 dBA) decrease in traffic noise levels would provide beneficial effects to the setting associated with this resource.

Temporary, construction-related noise and vibration could occur during the construction of the Project. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this historic districts or contributing resources.

Memorial Baptist Church

The Memorial Baptist Church (former Episcopal Church of the Holy Communion), located at 772 Humboldt Parkway North, has been determined eligible for the NRHP under Criterion C in the area of Architecture as a representative example of a Late Gothic Revival style church. The church is contributing to the Humboldt Parkway Historic District (East). It was built in 1915 to 1916, closed in 1960, but since 1964, the church has been in use by the Memorial Baptist Church congregation. SHPO's resource evaluation also indicates that further research may yield significance under Criterion A in the area of Ethnic History for the church's association with the African American community after 1964.

Landscaping includes concrete steps on Humboldt Parkway North (which are set back approximately 8 feet from the sidewalk), a concrete sidewalk along its south side, a sign near its southwest corner, a public sidewalk along Humboldt Parkway North, and lawn.

Proposed Changes: The Project would not cause direct permanent effects to this resource.

Traffic noise modeling concluded that this area would experience a 5 dBA decrease in traffic noise for year 2047 (ETC+20). A perceptible (greater than 3 dBA) decrease in traffic noise levels would provide beneficial effects to the setting associated with this resource.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this resource.

Blasting and rock removal would occur in the vicinity (30-40 feet) of the church. As discussed above, construction noise and vibration would occur in the vicinity of this resource. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

Humboldt Parkway Baptist Church

The Humboldt Parkway Baptist Church, located at 790 Humboldt Parkway North, has been determined eligible for the NRHP under Criterion C in the area of Architecture as an example of a late Gothic Revival style church. According to the Resource Evaluation in CRIS, the church was originally organized as the Humboldt Park Methodist Episcopal Church, but the congregation dissolved in 1962. The church was then purchased by the Michigan Avenue Baptist Church congregation and renamed as the Humboldt Parkway Baptist Church. The evaluation states that additional research may yield significance under Criterion A in the area of Ethnic History for the church's association with the African American community since the 1960s.

Proposed Changes: The Project would not cause direct permanent effects to this resource.

Traffic noise modeling concluded that this area would experience a 5 dBA decrease in traffic noise for year 2047 (ETC+20). A perceptible (greater than 3 dBA) decrease in traffic noise levels would provide beneficial effects to the setting associated with this resource.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district.

Since the depth of rock removal required between Landon Street and Woodlawn Avenue (approximate length of 1,400 feet), is anticipated to be less than 5 feet, mechanical removal methods (not blasting) could be employed. As discussed above, construction noise and vibration would occur during construction. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

Fellowship World Church

The Fellowship World Church (historically the Emanuel Evangelical Reformed Church), located at 878 Humboldt Parkway North, has been determined eligible for the NRHP under Criterion C in the area of Architecture as a relatively uncommon example of a Romanesque Revival style church. The church was built in 1895. The property also contains an associated two-story American Foursquare style parsonage at 874 Humboldt Parkway. The church and parsonage are a contributing element to the Humboldt Parkway Historic District (East).

Proposed Changes: The Project would not cause direct permanent effects to this resource.

Traffic noise modeling concluded that this area would experience a 4 dBA decrease in traffic noise for year 2047 (ETC+20). A perceptible (greater than 3 dBA) decrease in traffic noise levels would provide beneficial effects to the setting associated with this resource.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment associated with this historic district.

Since the depth of rock removal required between Landon Street and Woodlawn Avenue (approximate length of 1,400 feet), is anticipated to be less than 5 feet, mechanical removal methods (not blasting) could be employed. As discussed above, construction noise and vibration would occur during construction. These activities would be temporary in duration and would not result in the alteration of the National Register qualifying characteristics of this resource. Minimization measures (described in Section 3.5) would be implemented.

Hobert Siblings Peoples-Stokes House

The Hobert Siblings Peoples-Stokes House, located at 58 Linden Park, is eligible for the NRHP under Criterion C as a good example of a Colonial Revival dwelling in Buffalo. Built in 1925, the side-gabled 2.5-story Hobart Siblings House has a symmetrical façade, central front door with sidelight and fanlight, small entry porch with classical columns and pilasters, roof dormers, double-hung windows, aligned windows, two one-story wings, and masonry cladding.

Proposed Changes: There are no anticipated direct or indirect effects to this resource. The property is not adjacent to the Project's footprint. Traffic noise modeling concluded that this area would experience a 2 dBA decrease in traffic noise for year 2047 (ETC+20), which would not be a perceptible (greater than 3 dBA) decrease. Linden Park would be reconstructed as a turn-around (dead end street); however, there would be continued access to the city street network in this area, with access improvements, post-construction.

3.4.3 Properties outside the APE

The *Development of Area of Potential Effects* document, transmitted to the SHPO on May 11, 2023, concludes that certain project elements would have no potential to cause direct or indirect visual or audible effects since these Project elements would not alter the character of the existing setting. These types of improvements would occur in areas of previous disturbance within existing right-of-way and would not alter the size or configuration of the roadways in which they are to be placed or in which associated activities are to be conducted. Areas within which these activities would occur were not included in the APE.

Specifically, there are several discrete locations where minor fee acquisitions of portions of properties are needed to establish the right-of-way for the existing sidewalk within the transportation facility to accommodate sidewalk and ADA curb ramp work. These include easements along properties previously determined NRHP listed or eligible (USN 02940.023886 - Liberty National Bank Genesee Street Branch at 892 Genesee Street, USNs 02940.006036/02940.03203 - St. Mary of Sorrows Roman Catholic Church and Complex, and USN 02940.016574 - 314 Northland Avenue within Hamlin Park Historic District) or properties that have not been inventoried (1490,1538 and 1564 Fillmore Avenue and 917, 945 and 969 Genesee Street), or whose NRHP eligibility is undetermined (USNs 02940.020913 -1011 Genesee Street and 02940.031055 -1507 Fillmore Avenue). Consistent with the *Development of Area of Potential Effects* document, these minor acquisitions would not alter qualifying characteristics of known or potential historic properties and therefore would not result in effects on historic properties.

Table 2. Summary of Changes to NRHP Eligible and Listed Historic Properties

Property Name	Contributing Properties	Changes Associated with the Project
NRHP-Listed Historic Districts		
Martin Luther King, Jr. Park Historic District (part of NRHP-listed Olmsted Parks and Parkways Thematic District)	Martin Luther King Jr. Park**; Greenhouse; Martin Luther King Jr. Park Casino; Buffalo Museum of Science; Shelter House	<p>Direct: No physical changes to the contributing buildings. In-kind replacement of pavement and sidewalk at the southwest entrance. Temporary easement of ROW along the western edge, the northwest corner, and the northeast corner, and the southern edge of the Martin Luther King, Jr. Park/District. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location.</p> <p>Indirect: Minor change in setting due to intersection improvements and new roundabout. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the property.</p>
Hamlin Park Historic District	617, 621, 623, 633, 641, 645, 649, 653, 663, 669, 673, 677, 681, 691, 695, 699, 705, 709, 717, 723 and 725 Humboldt Parkway as well as 314 Northland Avenue***	<p>Direct: No physical changes to the contributing buildings. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location. Small acquisition of property on one parcel to establish right-of-way for existing sidewalk.</p> <p>Indirect: Curb bump-outs will be located at street corners along Humboldt Parkway. Minor change in setting due to tunnel construction elements. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the District and Contributing properties.</p>

Property Name	Contributing Properties	Changes Associated with the Project
Humboldt Parkway Historic District West	787, 791, 795, 803, 807, 811 815 (house plus Carriage house), 817, 821, 835, 839, 845, 849, 855, 859, 865*, 879*, 883*, 885*(vacant lot), 889*, 893*, 901**, and 905** Humboldt Parkway	<p>Direct: No physical changes to the contributing buildings. Temporary easement for water service replacement at a few properties.</p> <p>Indirect: Curb bump-outs will be located at street corners along Humboldt Parkway. Minor visual changes to the setting due to tunnel construction elements. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>Temporary: Temporary changes during construction (noise, vibration, and driveway access) would not alter the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the property.</p>
Humboldt Parkway Historic District East	772, 788, 796, 800, 804, 814, 818, 822, 826, 832, 834, 842, 850, 860, 866, 870, 874, 878, 890 (parking lot), 896, 900, 904, 908, 912, 916, 924, 928, 932, 936, 942, Humboldt Parkway	<p>Direct: No physical changes to the contributing buildings. Design modifications have been incorporated into the Project to avoid permanent land acquisitions and easements at this location.</p> <p>Indirect: Curb bump-outs will be located at street corners along Humboldt Parkway. Minor change in setting due to tunnel construction elements. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the property.</p>
Individually NRHP-Listed		
Faith Missionary Baptist Church (historic name: Temple Beth David)	N/A	<p>Direct: No physical changes to the building.</p> <p>Indirect: Minor change in setting due to tunnel construction elements.</p> <p>The Project would not result in adverse effects to the property.</p>

Individually NRHP-Eligible		
Pilgrim English Evangelical Church/Young Tabernacle Holiness Church	N/A	<p>Direct: No physical changes to the contributing buildings.</p> <p>Indirect: Minor change in setting due to roundabout at Best Street. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the property</p>
Memorial Baptist Church (also a contributor to Humboldt Parkway Historic District East)	N/A	<p>Direct: No physical changes to the building.</p> <p>Indirect: Minor change in setting due to tunnel construction elements. Although minor changes in the surrounding setting would occur, these changes would not result in the alteration of the National Register qualifying characteristics of this historic district or its contributing resources.</p> <p>The Project would not result in adverse effects to the property.</p>
Humboldt Parkway Baptist Church	N/A	<p>Direct: No physical changes to the building.</p> <p>Indirect: Minor change in setting due to tunnel construction elements.</p> <p>The Project would not result in adverse effects to the property.</p>
Fellowship World Church** (also a contributor to Humboldt Parkway Historic District East)	N/A	<p>Direct: No physical changes to the building.</p> <p>Indirect: Minor change in setting due to tunnel construction elements.</p> <p>The Project would not result in adverse effects to the property.</p>
Hobert Siblings Peoples-Stokes House	N/A	<p>Direct: No physical changes to the house or to the property.</p> <p>Indirect: No potential for indirect effects.</p> <p>The Project would not result in effects to the property.</p>
938 Genesee Street ***	930 vacant lot part of NRE church complex (02940.032030)	<p>Direct: No physical changes to the church. Minor acquisition to establish existing sidewalk into ROW.</p> <p>The Project would result in no effects to the property.</p>

892 Genesee Street ***	N/A	Direct: No physical changes to the building. Minor acquisition to establish existing sidewalk into ROW. The Project would result in no effects to the property.
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*Indicates temporary easements for water service replacement, construction activities, and/or landscaping

**Indicates temporary easements for support of excavation tie back walls

*** Indicates FEE acquisition to establish right-of-way for existing sidewalks within the existing transportation facility to accommodate sidewalk/curb ramp work

3.5 Avoidance or Minimization Efforts

NYSDOT, in coordination with the FHWA, examined options that avoid and minimize adverse effects to historic properties as part of the undertaking. The NYSDOT developed concepts as early as 2016 and continued developing and considering conceptual designs and evaluating the performance of these concepts, as well as other engineering and environmental considerations during project scoping. The preliminary design concepts were shared for public input at a Public Scoping Meeting held on June 30, 2022, at the Buffalo Museum of Science, which included multiple methods for the public to provide input on the Project. Of these concepts, Concepts 5 and 6 would address the purpose and need and minimized impacts to adjacent buildings and add greenspace the project area.

Build Alternative: To minimize construction-related effects to the houses along Humboldt Parkway, a vertical excavation support system, soldier-pile wall and/or sheet pile wall with tiebacks, would be utilized to construct the tunnel. The overall excavation width (outside to outside of temporary support of excavation wall) would be approximately 120 to 140 feet wide.

Additionally, the Project would reduce traffic noise levels at locations within adjacent neighborhood areas, since traffic noise from the currently depressed section of the Kensington Expressway would be attenuated by the proposed tunnel cap. The Noise Analysis concluded that many receivers would experience a perceptible (greater than 3 dBA) decrease in traffic noise levels. No receivers would experience a perceptible increase in noise levels.

To minimize moderate to severe construction-related noise during construction of the Project, a Construction Noise Abatement Plan would be developed during final design during final design and would include the following components:

A Construction Noise Abatement Plan would be developed during final design and would include the following components:

- Implement a construction noise monitoring program, including establishing the noise levels that would trigger the need for investigation and/or changes to construction approaches. These noise levels would be determined during final design. If the noise levels are exceeded, the applicable construction activities would be suspended until a plan to abate the noise issues has been approved by the NYSDOT. The construction noise monitoring program would be prepared with input from the community and allow for modification of methodologies in consideration of public input received throughout

construction. The results of the noise monitoring would be available on the Project website. The public would also have the opportunity to discuss any questions or concerns with the community liaison designated for the Project and/or by visiting the staffed project outreach office.

- Coordinate work operation to coincide with time periods that would least affect neighboring residences and businesses to the extent practicable. Normal work hours would be scheduled between 6:00 a.m. and 9:00 p.m. The City of Buffalo's noise ordinance restricts construction work (including building, excavating, hoisting, grading, and pneumatic hammering) between the hours of 9:00PM and 7:00AM that would cause "sound which annoys or disturbs a reasonable person of normal sensitivities in a residential real property zone."² Although the NYSDOT is not subject to local noise ordinances, the contractor would implement reasonable efforts to accommodate the intent of the local ordinance to the extent practicable.
- No blasting or mechanical rock removal would be performed at night.
- Implement temporary construction noise abatement measures, such as shrouds or other noise curtains, acoustic fabric, physical barriers, and/or enclosures to reduce noise from pile drivers, compressors, generators, pumps, and other equipment when practicable. The need for each of these temporary measures would be assessed during final design. The effectiveness and need of these temporary measures would also be assessed in real-time throughout construction based on public input (e.g., noise concerns) and the construction noise monitoring program.
- Require motorized construction equipment to be equipped with an appropriate well-maintained muffler and require silencers to be installed on both air intakes and air exhaust when practicable.
- Require all construction devices with internal combustion engines to be operated with engine doors closed and with noise-insulating material mounted on the engine housing that does not interfere with the manufacture guidelines.
- Require the contractor to transport construction equipment and vehicles carrying rock, concrete, or other materials along designated routes that would cause the least disturbance to noise sensitive receivers when practicable.
- Require self-adjusting or manual audible back up alarms or broadband alarms in lieu of pure tone alarms for vehicles and equipment used in areas adjacent to sensitive noise receivers.
- Require the contractor to use pre-auguring equipment to reduce the duration of impact or vibratory pile driving when practicable.

² <https://ecode360.com/11767329>

A Construction Vibration Mitigation Plan would be developed during final design and would include the following components:

- Implement a construction vibration monitoring program that includes a communication and public outreach plan throughout the construction period. The construction vibration monitoring program would be prepared with input from the community and allow for modification of methodologies based on public input throughout construction. The results of construction vibration monitoring would be available for the public to view on the project website. Further, the community liaison would be available to accept vibration-related comments from the public, which would be assessed by the NYSDOT for any appropriate action. If at any time it is determined that vibration levels are unacceptable, the problematic construction operations would be suspended until a plan to mitigate the vibration issues has been approved by the NYSDOT.
- Prohibit nighttime use of impact and drilling equipment including pile drivers, jackhammers, hoe rams, core drills, direct push soil probes (e.g., Geoprobe), pavement breakers, pneumatic tools, and rock drills.
- Direct contractor to use pre-auguring equipment to reduce the duration of vibratory pile driving when reasonable.
- Notify the public in advance of the times and dates of blasting.
- Require contractor to develop and implement a blasting program designed to avoid the potential for damage to structures by modifying the weight of explosives per delay, the loading density, and the delay pattern consistent with GEM22, the Geotechnical Engineering Manual published by the NYSDOT. Blast vibration would be kept within bounds as determined by USBM RI 8507 and adjusted on an as-needed basis during construction.
- Prior to construction blasting, test blasts would be conducted to assess appropriate explosive charge weights, and if deemed appropriate, industry-standard signature hole analysis.
- Conduct vibration and airblast monitoring per the blasting program.
- Although no threshold damage is expected, any unanticipated damage to buildings or utilities found by the NYSDOT to be attributable to the construction would be repaired by the contractor. Pre- and post-construction surveys of building conditions would be conducted within a survey area of up to approximately 300 feet (this estimated distance for the surveys would be refined during final design, as appropriate).

4 • Basis for Recommended Project Finding

FHWA, in coordination with NYSDOT and in consultation with the SHPO and Consulting Parties, has applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and finds that the Project would result in a Section 106 Finding of **No Adverse Effect**.

There would be no removal or demolition of any historic properties, or any changes resulting in an alteration to the contributing features that qualify the properties for listing on the NRHP.

As stated above, easements are required for activities such as relocation of existing water service in previously disturbed areas and landscaping. Temporary easements for these activities are anticipated to occur at discrete locations and when implemented, would only be needed for a short duration (approximately 3-weeks). They would not alter qualifying characteristics of known or potential historic properties and so would not result in effects on historic properties.

Minor acquisitions of portions of several properties are needed to establish the right-of-way for the existing sidewalk within the transportation facility to accommodate sidewalk and ADA curb ramp work. These minor acquisitions would not alter qualifying characteristics of known or potential historic properties and therefore would not result in effects on historic properties.

The reconstruction of the Best Street intersection with West Parade Avenue, Herman Street would include a roundabout, pedestrian facilities (sidewalks, bike lanes) and landscaping. These improvements would result in no alteration to the contributing features that qualify the properties for listing on the National Register and would result in beneficial effects to the setting and visual environment.

Additionally, the reconstruction of the Kensington Expressway in a tunnel allows for the reconnection of surface streets and the reestablishment of the tree-lined median along Humboldt Parkway. These changes are expected to provide beneficial effects to the setting and visual environment to historic resources in the surrounding area.

The Project would reduce traffic noise levels at locations within adjacent neighborhood areas, since traffic noise from the currently depressed section of the Kensington Expressway would be attenuated by the proposed tunnel cap. The Noise Analysis concluded that many receivers would experience a perceptible (greater than 3 dBA) decrease in traffic noise levels. No receivers in the APE or in historic districts would experience a perceptible increase in noise levels post-construction.

The Project would have *no adverse effect* on the following historic properties:

- Martin Luther King, Jr. Park Historic District (part of NRHP-listed Olmsted Parks and Parkways Thematic District)
 - Martin Luther King, Jr. Park; Greenhouse; Martin Luther King, Jr. Park Casino; Buffalo Museum of Science; Shelter House
- Hamlin Park Historic District
 - 617, 621, 623, 633, 641, 645, 649, 653, 663, 669, 673, 677, 681, 691, 695, 699, 705, 709, 717, 723, and 725 Humboldt Parkway
- Humboldt Parkway Historic District West
 - 787, 791, 795, 803, 807, 811 815 (house plus separate carriage house), 817, 821, 835, 839, 845, 849, 855, 859, 865, 883, 889, 879, 893, 901, and 905 Humboldt Parkway South

- Humboldt Parkway Historic District East 772, 788, 796, 800, 804, 814, 818, 822, 826, 832, 834, 842, 850, 860, 866, 870, 874, 878, 896, 900, 904, 908, 912, 916, 924, 928, 932, 936, and 942 Humboldt Parkway North
- Faith Missionary Baptist Church (historic name: Temple Beth David) located at 626 Humboldt Parkway
- Pilgrim English Evangelical Church/ Young Tabernacle Holiness Church, located at 623 Best Street
- Memorial Baptist Church, located at 772 Humboldt Parkway North (also a contributor to Humboldt Parkway Historic District East)
- Humboldt Parkway Baptist Church located at 790 Humboldt Parkway North
- Fellowship World Church located at 878 Humboldt Parkway (also a contributor to Humboldt Parkway Historic District East)

The Project would have no effect on the following historic properties:

- Hobert Siblings and Peoples-Stokes House located at 58 Linden Park
- 930 and 938 Genesee Street – Saint Mary of Sorrows RC Church and NRE church complex
- 892 Genesee Street – Liberty National Bank Genesee Street Branch

5 Section 106 Consultation

NYS DOT and the FHWA initiated consultation with the SHPO in November 2022. SHPO was consulted on the APE, need for surveys, review of the architectural survey report and eligibility determinations, and the Finding Documentation. SHPO also participated in the Consulting Parties meetings.

5.1 Tribal Nations

The Seneca Nation of Indians, the Tonawanda Seneca Nation, the Seneca Cayuga Tribe of Oklahoma, and the Tuscarora Nation have a consultation role in accordance with 36 CFR §800.2(c)(ii), having previously identified a geographical area of interest for Section 106 consultation that includes the Project location. The FHWA formally initiated government-to-government consultation with the Tribal Nations for the Project by letter dated November 9, 2022. The Seneca Nation of Indians is the only Tribal Nation that has responded and participated to date. On February 27, 2023, a virtual Section 106 meeting for the Tribal Nations was held. The purpose of the meeting was to provide Tribal Nations participating in Section 106 consultation for this Project with Project information and an opportunity to provide input regarding the Project location and potential to affect properties of religious and cultural significance. No comments were made.

On May 12, 2023, the FHWA provided the Seneca Nation of Indians, the Tonawanda Seneca Nation, the Seneca Cayuga Tribe of Oklahoma, and the Tuscarora Nation with the Cultural Resources Screening report and the Cultural Resources Screening Addendum for Archaeological Sensitivity report. The FHWA was requested information and input from the Tribal Nations regarding the Project and the recommendation for no further archaeological investigations, as determined in the Cultural Resources Screening Addendum for Archaeological Sensitivity report. No comments were submitted.

5.2 Other Consulting Parties

Outreach to identify Section 106 Consulting Parties began in 2022 with letters and information at public meetings. Owners of properties NRHP listed, eligible or potentially eligible within the Study Area, local and regional historic preservation organizations, and other stakeholders were invited to apply for Consulting Party status. Copies of *A Citizen's Guide to Section 106 Review*, published by the Advisory Council on Historic Preservation (ACHP), applications for Consulting Party status, and other information about the Section 106 process were made available at the public meetings and on the Project website.

The FHWA and the NYSDOT coordinated to identify, approve, and notify applicants of their status as Section 106 Consulting Parties. The following organizations requested Consulting Party status and were approved by the FHWA:

- Buffalo Museum of Science: David Cinquino
- Buffalo Olmsted Parks Conservancy: Beth Downing
- Fillmore Forward: Carl Skompinski
- Hamlin Park Community & Taxpayers Association: Sandra McClary Howard
- Hamlin Park Community & Taxpayers Association: Shirley Harris
- Hamlin Park Historian: Reva Betha
- Preservation Buffalo Niagara: Bernice Radle
- Resource Council WNY: Rev. Terry King
- Individual: Florence Johnson
- Individual: Alan Oberst (also a member of Restore Our Community Coalition and Scajaquada Corridor Coalition).
- Individual: Terrence Robinson

NYSDOT, in coordination with the FHWA, held a virtual meeting with Section 106 Consulting Parties on February 28, 2023. The purpose of this meeting was to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. At the meeting NYSDOT shared the preliminary APE with the Consulting Parties and requested input on the APE and historic properties within the APE. During the meeting, Consulting Parties made comments related to the following:

- Suggestions for NYSDOT's consideration of surrounding cultural landscapes and analysis of the broader neighborhood effects
- The preliminary APE boundary and the limited view of direct and indirect effects
- The historic systemic damage to the surrounding neighborhoods during the construction of the initial Kensington Expressway in the 1960s

The NYSDOT has considered the comments received from the Consulting Parties.

A Consulting Parties package including the Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting presentation, the Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting summary, the Kensington Expressway Consulting Parties contact list, the Architectural Reconnaissance Survey, and the Finding Documentation was distributed to Consulting Party members on August 21, 2023. A second Consulting Parties meeting was held on September 1, 2023 to provide an opportunity for the Consulting Parties to comment on the draft Finding Documentation. Comments on the draft Finding Documentation were received from the Consulting Parties. These comments were considered, and revisions were made to provide additional information and clarification for the potential for effects to historic properties. Consulting Parties will have an opportunity for review and comment on the preliminary assessment of effects on historic properties. Comments received on the draft Finding Documentation will be considered as part of Section 106 consultation for the Project.

Appendix B provides additional information on Section 106 consultation and includes a timeline of when outreach occurred, and the methods used to identify Consulting Parties.

6 References

LoRusso, Mark S., and Victoria Schmitt. *Architectural Reconnaissance Survey*. Cultural Resource Survey Program, Division of Research and Collections, New York State Museum, Albany. 2023.

LoRusso, Mark S., and Daria Merwin, Ph.D. *Cultural Resource Screening*. Cultural Resource Survey Program, Division of Research and Collections, New York State Museum, Albany. 2022.

Merwin, Daria E., Ph.D. *Cultural Resources Screening Addendum for Archaeological Sensitivity*. Cultural Resource Survey Program, Division of Research and Collections, New York State Museum, Albany. 2023.

NYS DOT (New York State Department of Transportation). *Transportation Project Report: Project Scoping Report for the (PIN: 5512.52) NYS Route 33, Kensington Expressway Project*. 2022.

Watts Architecture and Engineering. *Draft Construction Noise Section of the Noise Analysis Report for the (PIN: 5512.52) NYS Route 33, Kensington Expressway Project*. July 26, 2023.

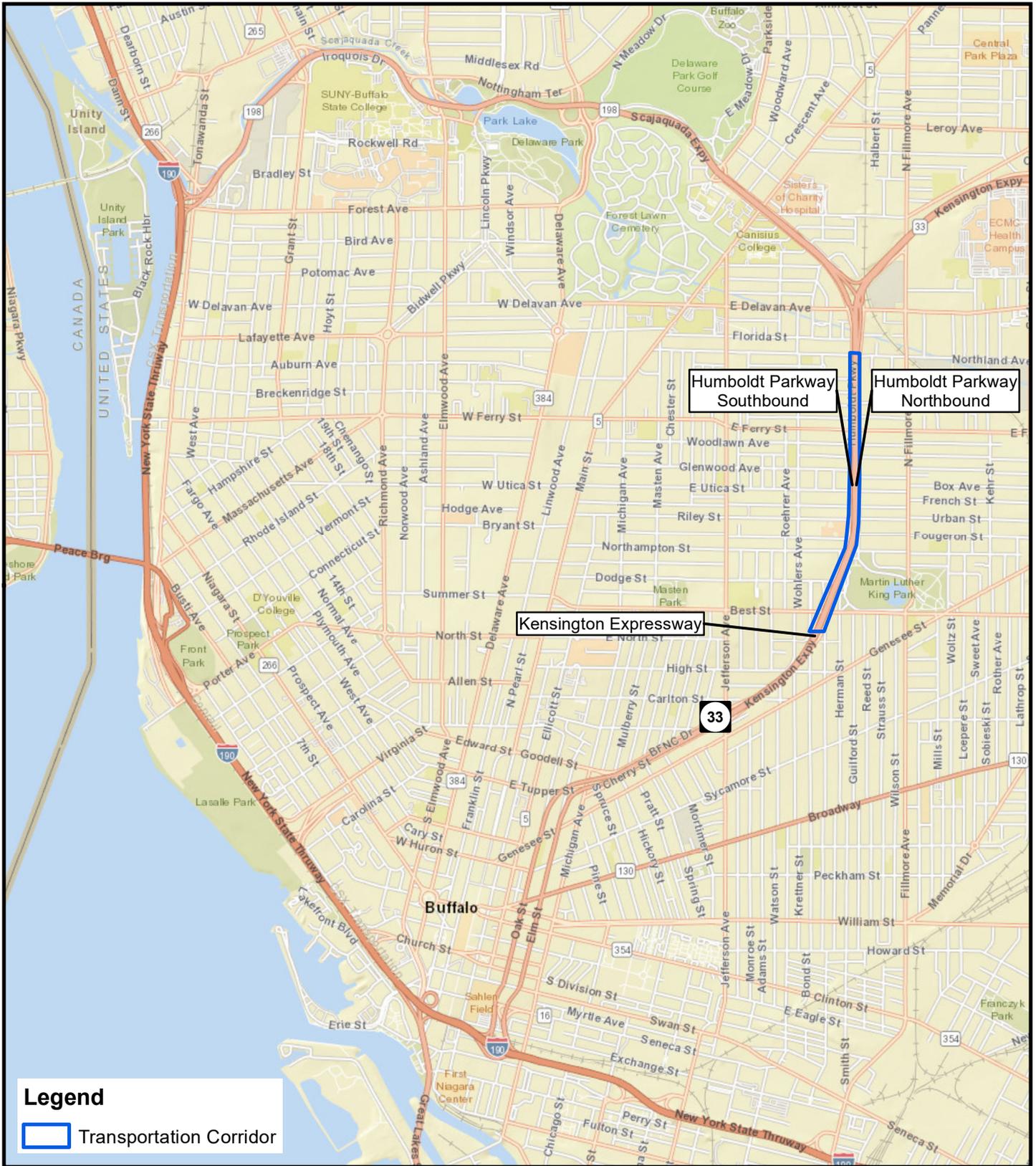
7 List of Appendices

The following appendices are included with this documentation:

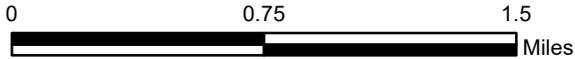
- Appendix A: Project Maps and APE Maps
- Appendix B: Section 106 Correspondence
- Appendix C: Program Comment Certification Form

Appendix A

Project Maps and APE Maps

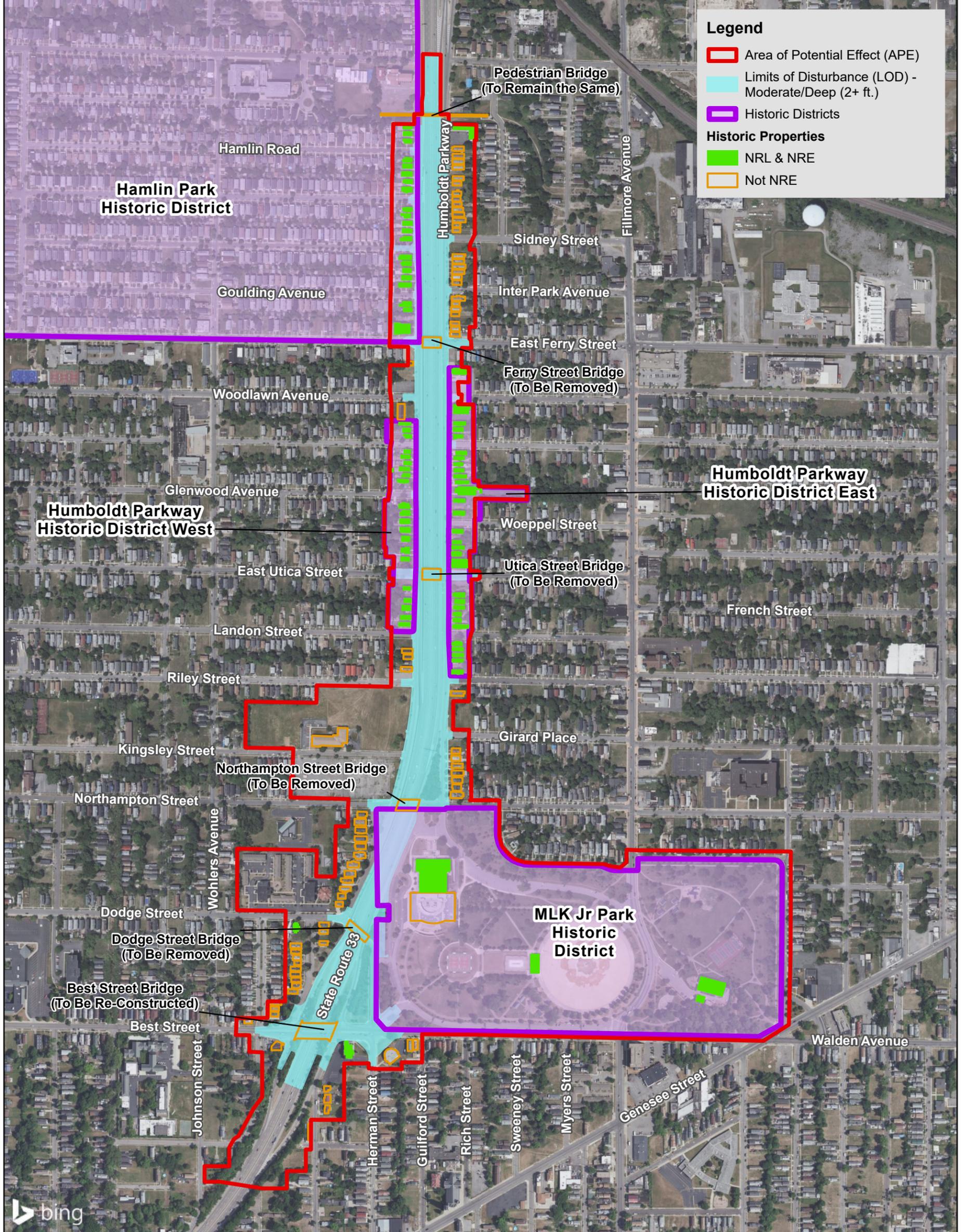


Project Location Map



Source: Erie County 2021, LaBella 2023, NYSDOT 2021, NYSGIS Clearinghouse 2022, World Street Map.

PIN 5512.52
 NYS Route 33, Kensington Expressway Project
 Erie County, NY



Legend

- Area of Potential Effect (APE)
- Limits of Disturbance (LOD) - Moderate/Deep (2+ ft.)
- Historic Districts

Historic Properties

- NRL & NRE
- Not NRE



300 State Street, Suite 201
Rochester, New York 14614
(585) 454-6100
labellapc.com

5512.52 Kensington Expressway Project

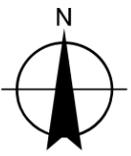
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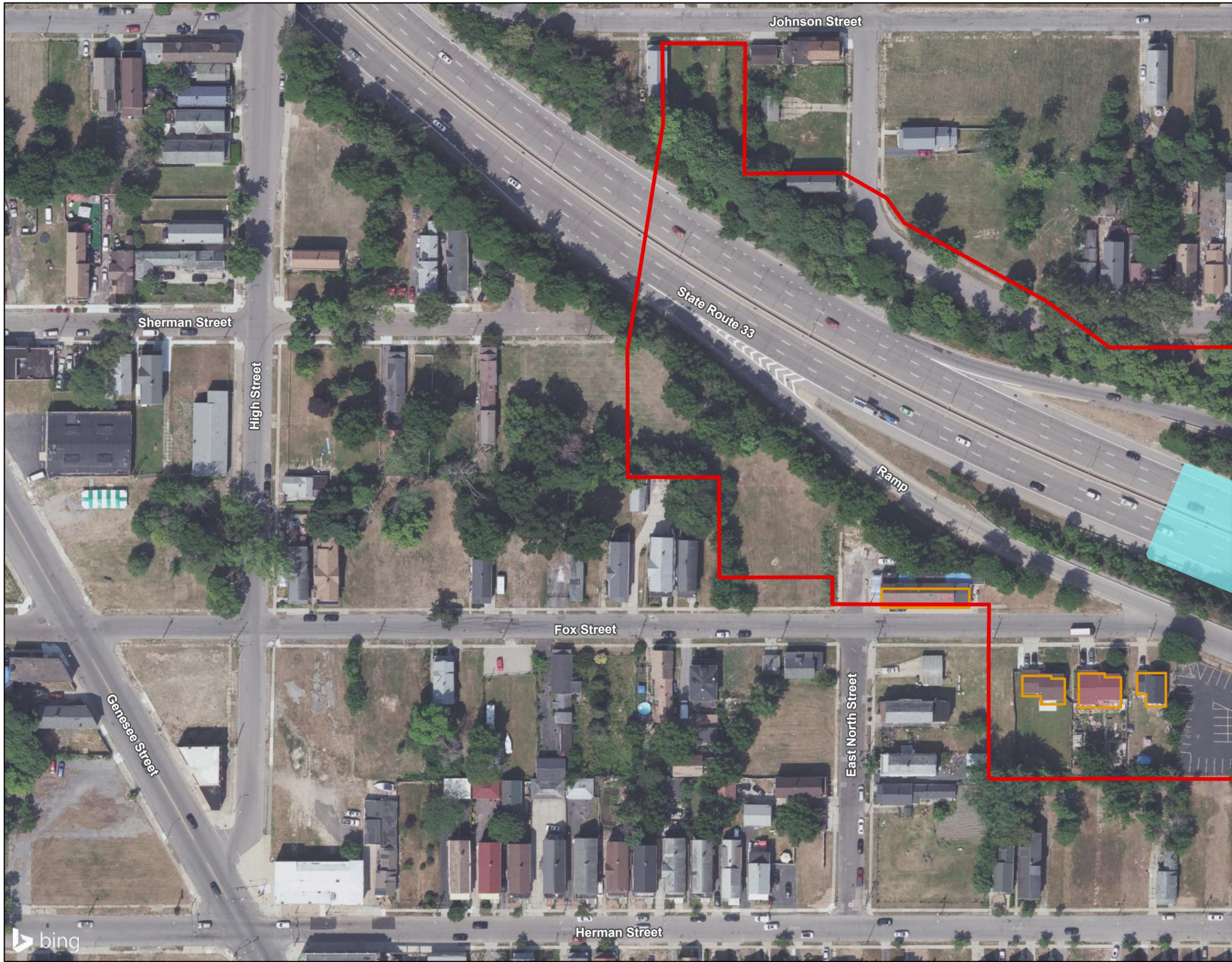
8/21/2023

Sources: Bing Maps, Erie County 2021, LaBella 2023, NYS DOT 2023, NYS GIS Clearinghouse 2022, USGS 2023.

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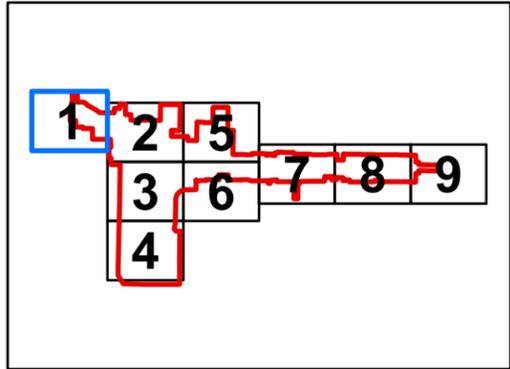
5512.52 Kensington Expressway Project

Exhibit 1
APE and
Historic Properties

8/21/2023
Page 1 of 9

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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSDOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.

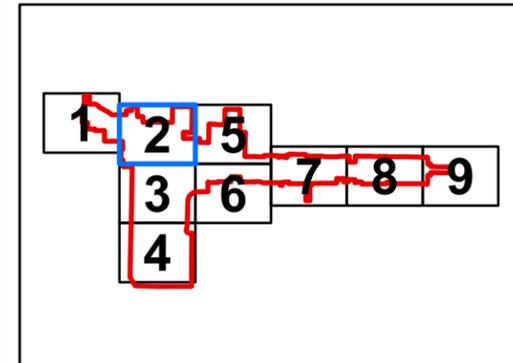
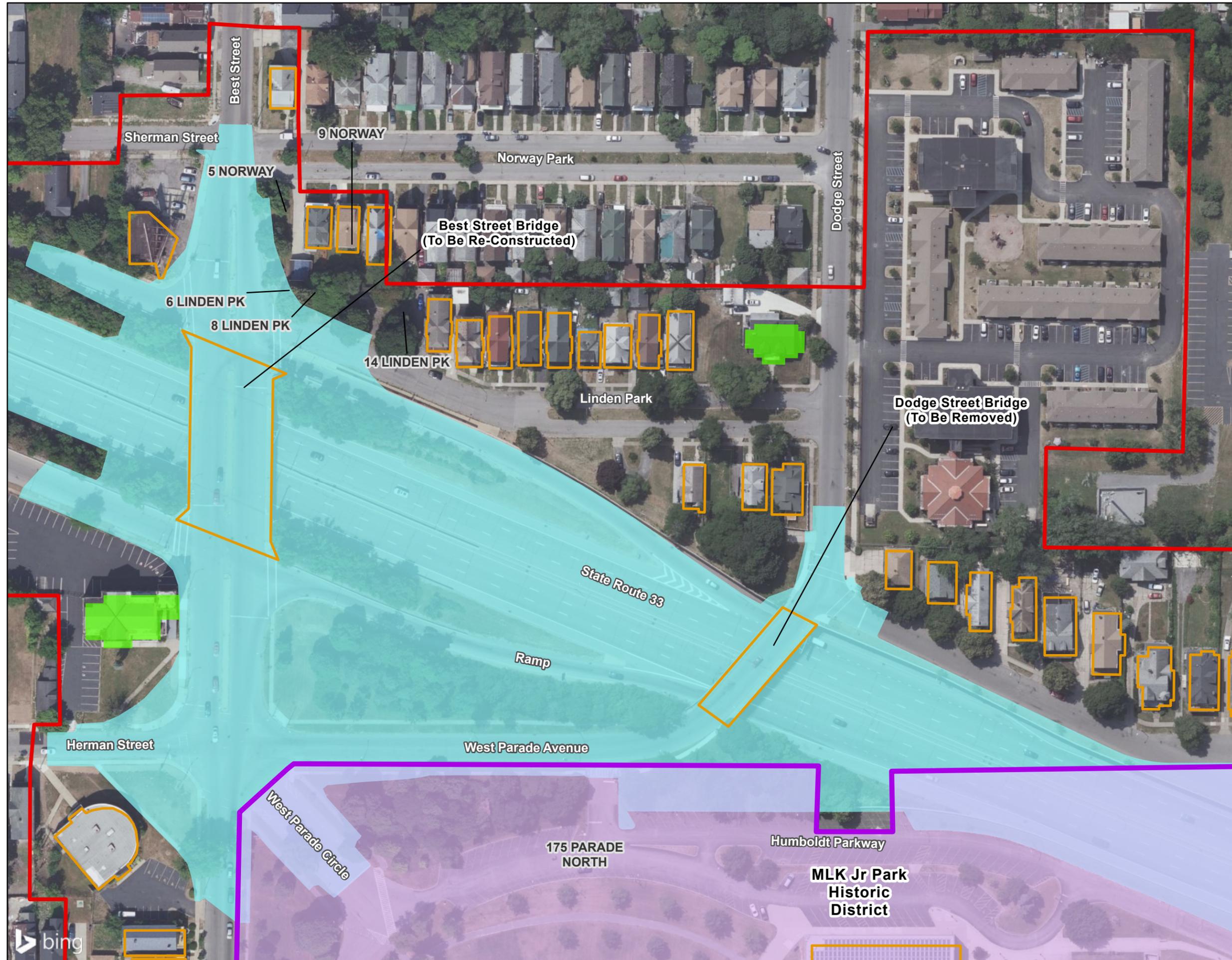
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Historic Properties

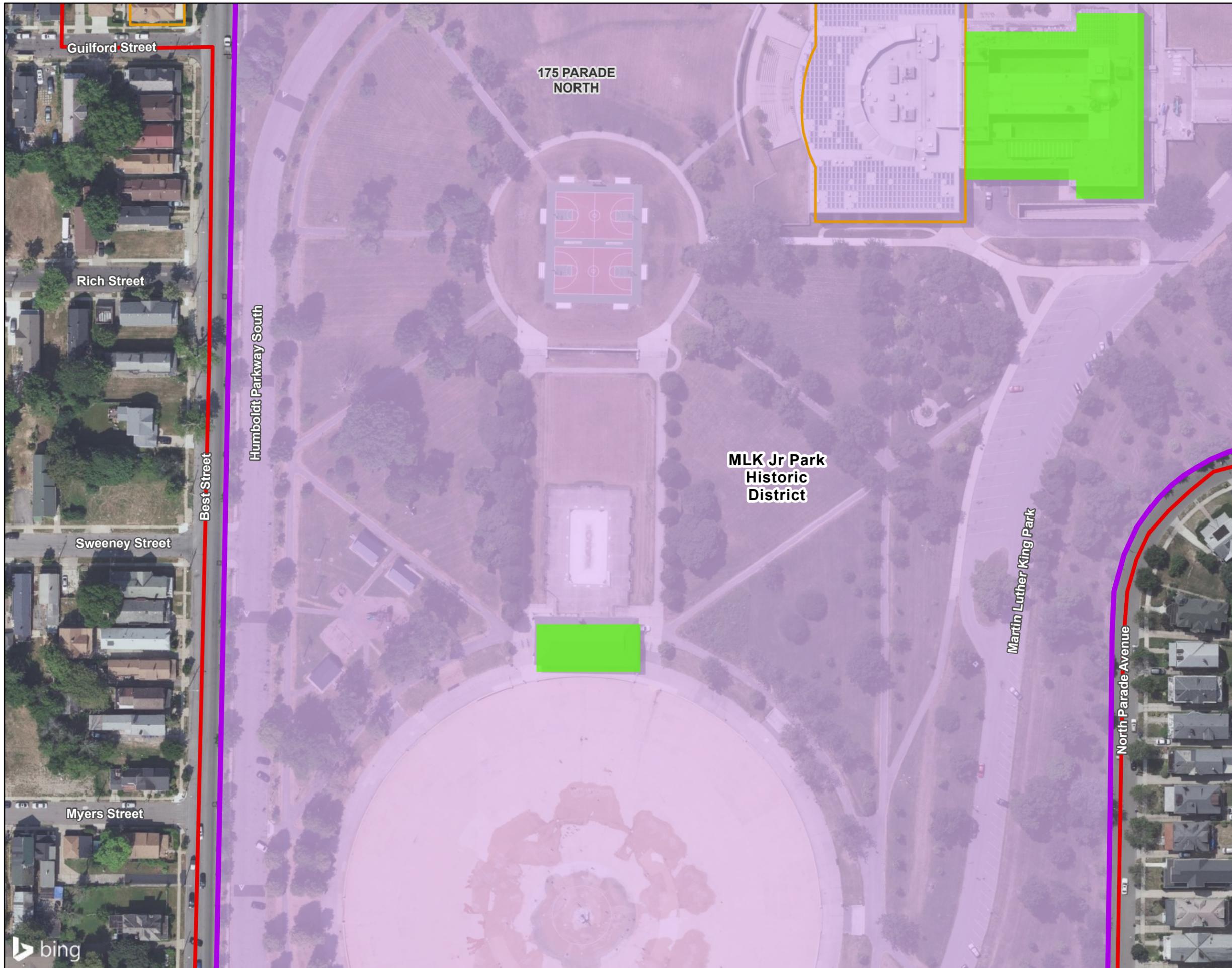
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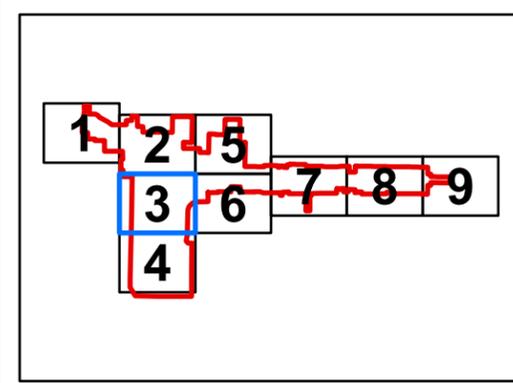
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Exhibit 1
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8/21/2023
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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSDOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.

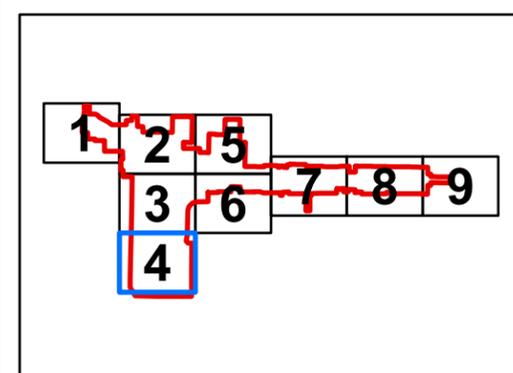
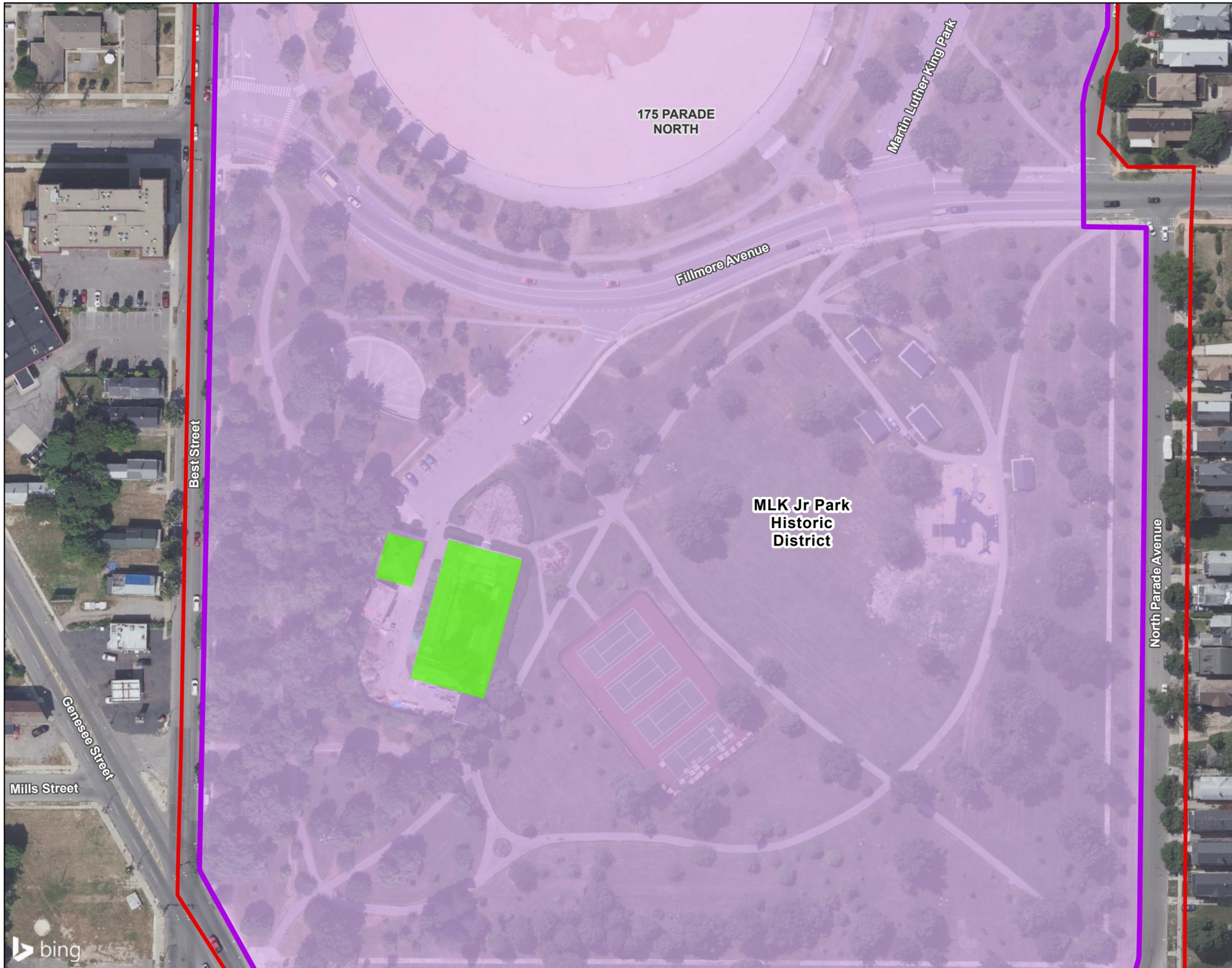
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Exhibit 1
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8/21/2023
Page 4 of 9

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- Historic Properties**
- ▭ NRL & NRE
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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSDOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.

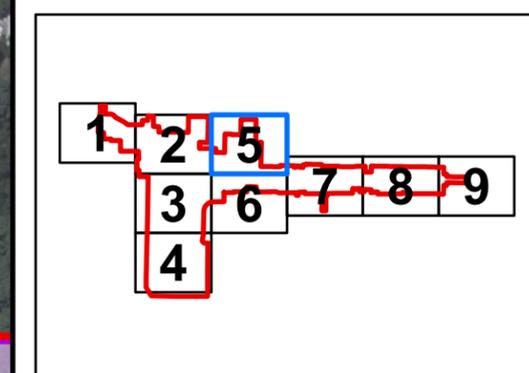
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Exhibit 1
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5512.52 Kensington Expressway Project

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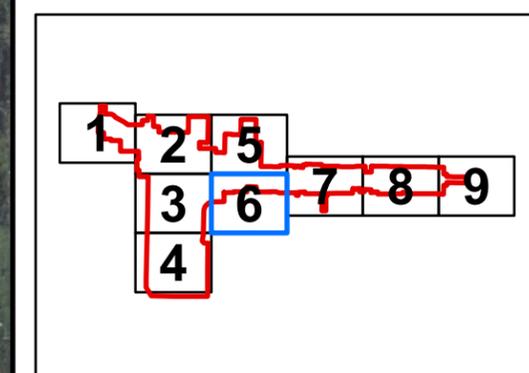
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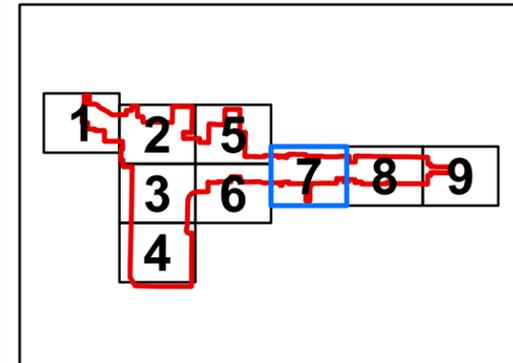
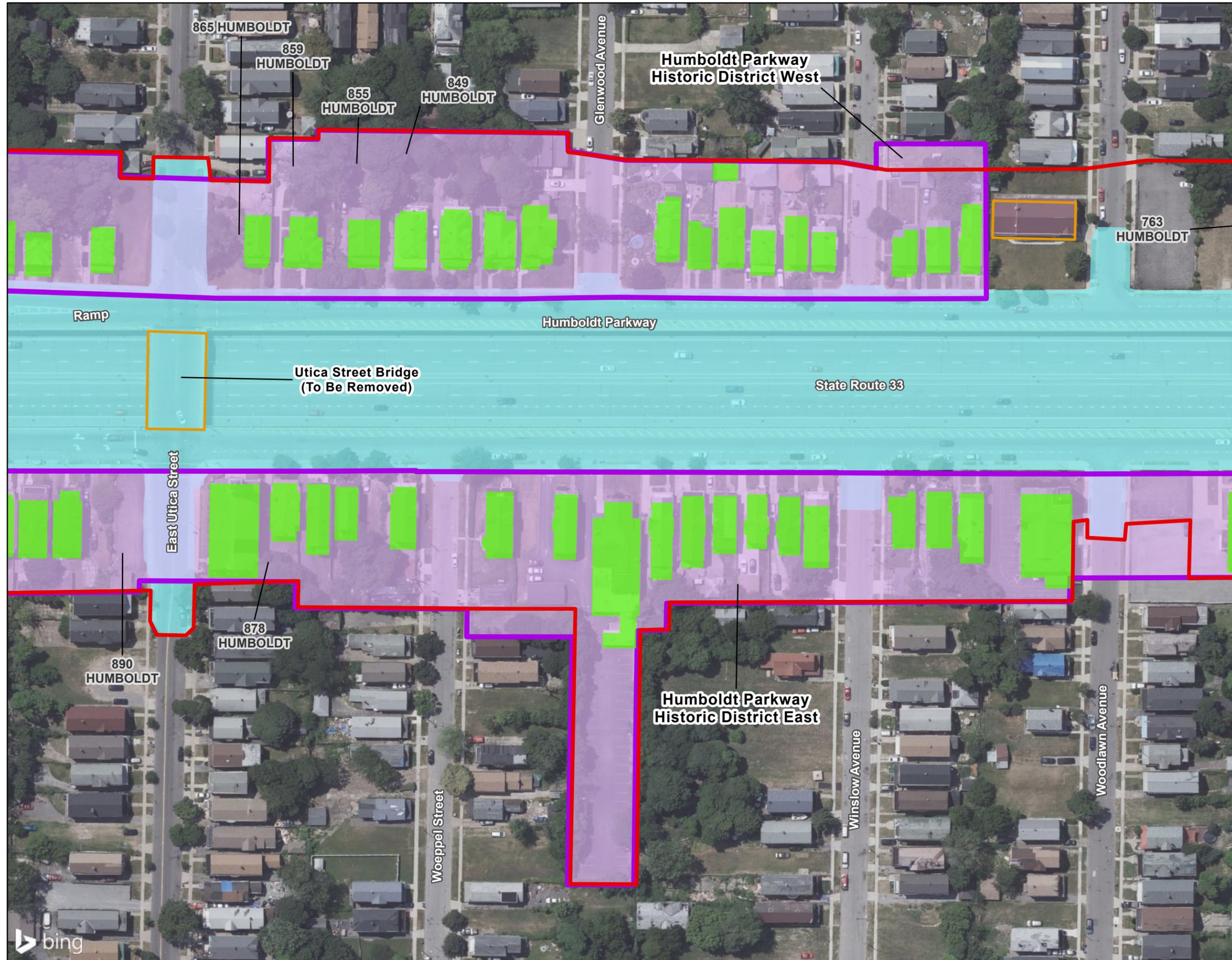
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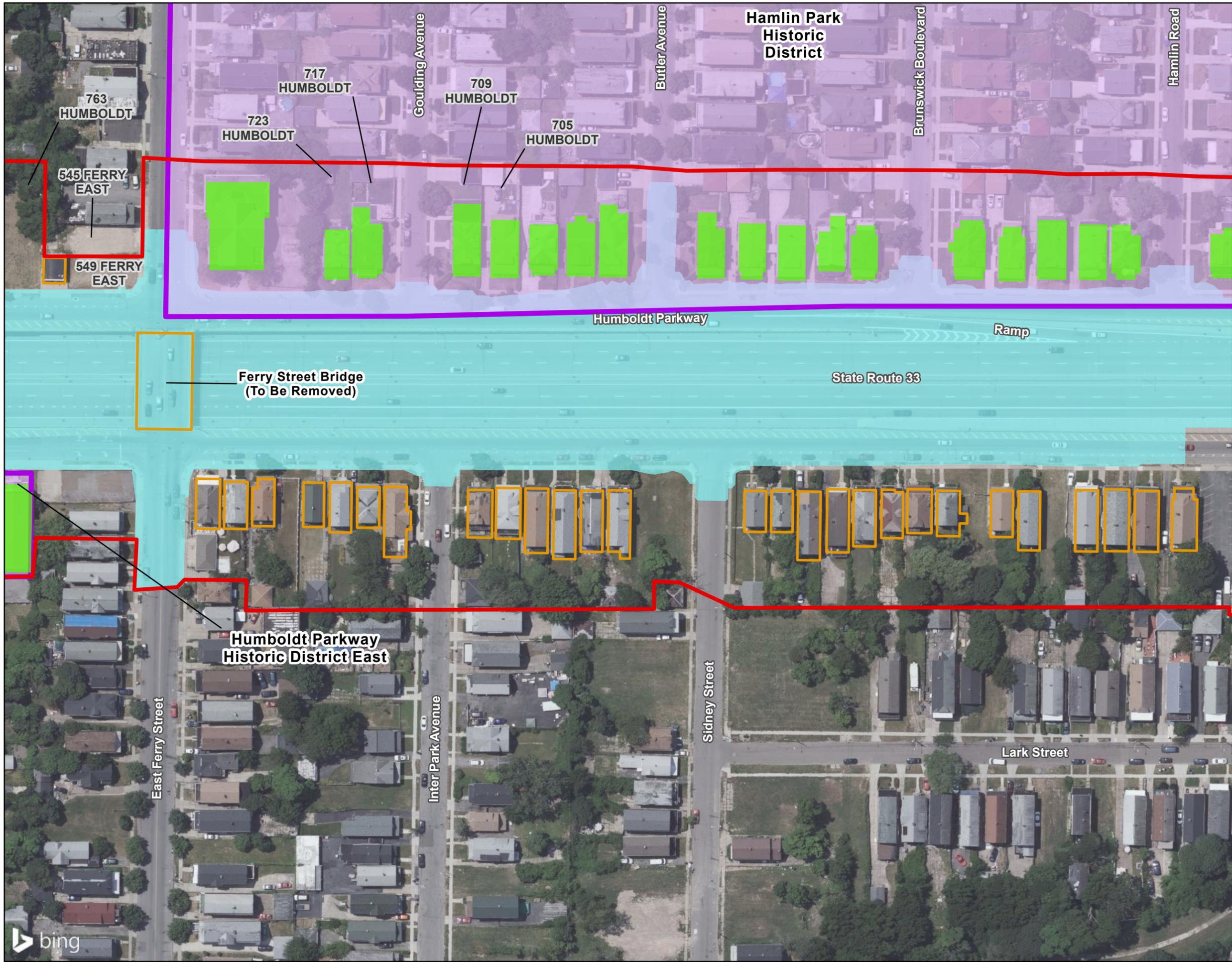
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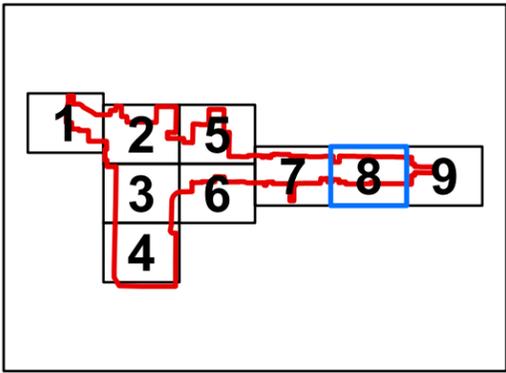
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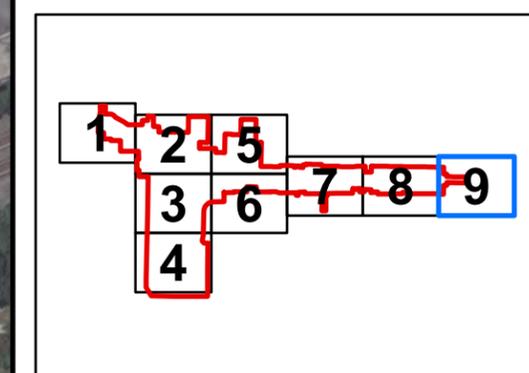
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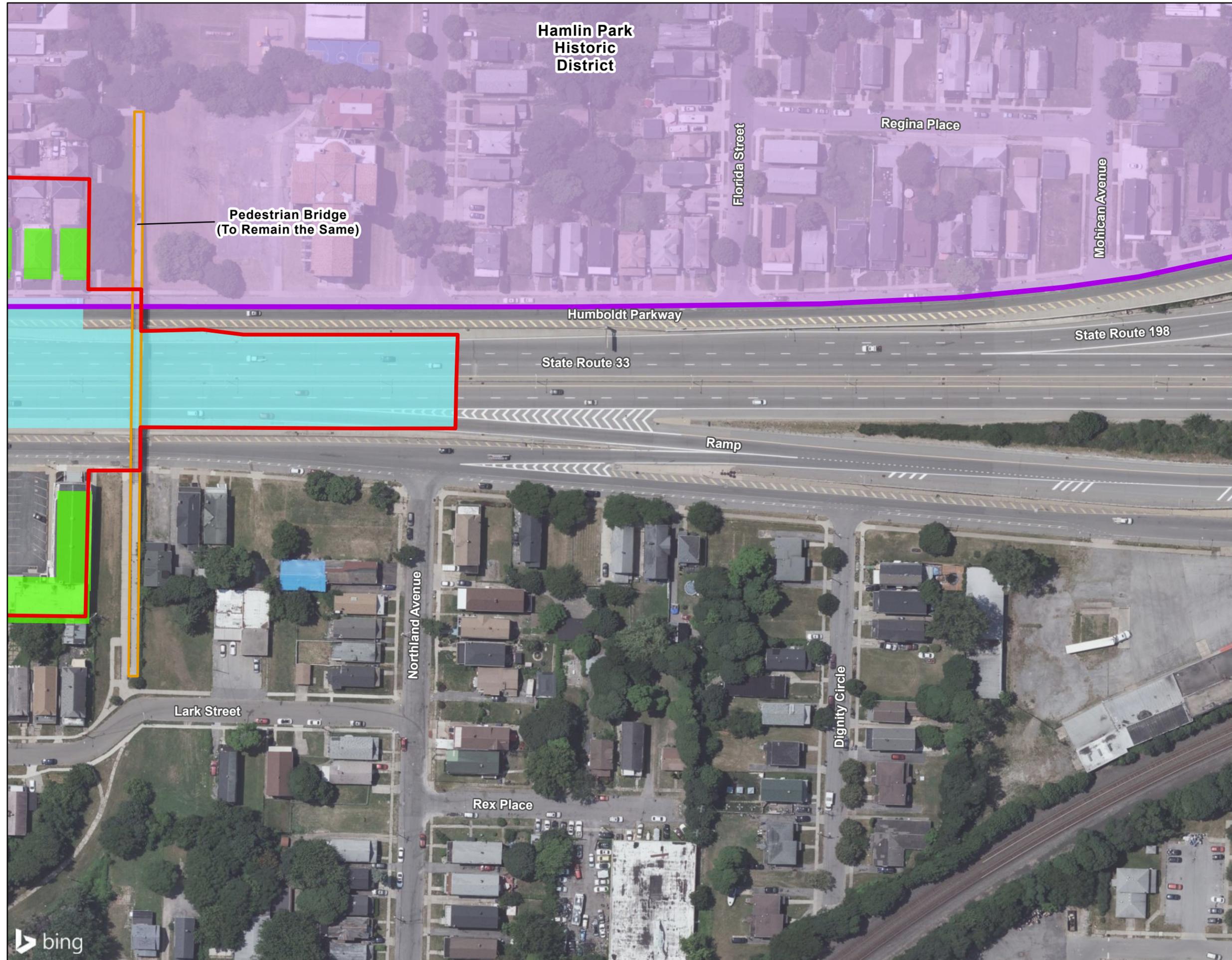
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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSDOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.



Appendix B

Section 106 Correspondence

Table 1. Summary of Consultation

Date	Agency/Organization/Individual	Type of Contact	Comments
Agencies and Tribal Nations			
11/04/22	Nancy Herter Archaeology Unit Program Coordinator NYS Office of Parks, Recreation and Historic Preservation	Letter	Section 106 Initiation of Consultation Between NYSDOT and the NY SHPO Office
11/09/22	Chief Roger Hill Tonawanda Seneca Nation	Letter	FHWA to Tonawanda Seneca Nation: Invitation to participate in Section 106 Process
11/09/22	Bryan Printup Tuscarora Nation	Letter	FHWA to Tuscarora Nation: Invitation to Participate in Section 106 process
11/09/22	Dr. Joe Stahlman, Director Seneca-Iroquois Nation of Indians	Letter	FHWA to Seneca-Iroquois Nation of Indians: Invitation to Participate in Section 106 process
11/09/22	William Tarrant, THPO Seneca Cayuga Tribe of Oklahoma	Letter	FHWA to Seneca Cayuga Tribe of Oklahoma: Invitation to Participate in Section 106 process
11/10/22	Byron Brown, Mayor City of Buffalo	Letter	NYSDOT letter to City of Buffalo: Invitation to participate in Section 106 process
11/10/22	David Busch, Chair of the Board Buffalo Museum of Science	Letter	NYSDOT letter to Buffalo Museum of Science: Invitation to participate in Section 106 process
11/10/22	Brian Hayden, Directory of Communications and Community Engagement Buffalo History Museum/Buffalo County Historical Society	Letter	NYSDOT letter to Brian Hayden, Buffalo History Museum/Buffalo County Historical Society: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	North Jefferson Branch Library	Letter	NYSDOT letter to North Jefferson Branch Library: Invitation to participate in Section 106 process
11/10/22	Mark Poloncarz, County Executive Erie County Executive's Office	Letter	NYSDOT letter to Erie County Executive's Office: Invitation to participate in Section 106 process
11/10/22	Gregory Stevens, Executive Director Niagara River Greenway Commission	Letter	NYSDOT letter to Niagara River Greenway Commission: Invitation to participate in Section 106 process

Date	Agency/Organization/Individual	Type of Contact	Comments
11/10/22	Denisca Thompson, Principal PS 53 Community School	letter	NYSDOT letter to PS 53 Community School: Invitation to participate in Section 106 process
1/11/23	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	<p>NYSDOT letter to FHWA requesting approval/denial of Section 106 Consulting Party Status for individuals and organizations:</p> <p>Buffalo Museum of Science Fillmore Forward Preservation Buffalo Niagara Resource Council of WNY</p> <p>Allentown Association Colored Girls Bike Too Niagara River Greenway Commission Clifford Boone Carla Cyrus</p>
1/12/23	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	<p>FHWA letter to NYSDOT: approval/denial of Section 106 Consulting Party Status for individuals and organizations:</p> <p>Fillmore Forward Preservation Buffalo Niagara Resource Council WNY Buffalo Museum of Science</p> <p>Carla Cyrus Clifford Boone Colored Girls Bike Too Allentown Association Niagara River Greenway Commission</p>
1/18/23	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	NYSDOT letter to FHWA requesting approval/denial of Section 106 Consulting Party Status for individuals and organizations (Buffalo Olmstead Parks conservancy and Alan Oberst)

Date	Agency/Organization/Individual	Type of Contact	Comments
1/23/23	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	letter	FHWA letter to NYSDOT: Approval of Section 106 Consulting Party Status for individuals and organizations (Buffalo Olmstead Parks conservancy and Alan Oberst)
2/13/23	Chief Roger Hill Tonawanda Seneca Nation	Letter	NYSDOT letter (on behalf of FHWA) to Tonawanda Seneca Nation: follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	Bryan Printup Tuscarora Nation	Letter	NYSDOT letter (on behalf of FHWA) to Tuscarora Nation: I follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	Dr. Joe Stahlman, Director Seneca-Iroquois Nation of Indians	Letter	NYSDOT letter (on behalf of FHWA) to Seneca-Iroquois Nation of Indians: follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	William Tarrant, THPO Seneca Cayuga Tribe of Oklahoma	Letter	NYSDOT letter (on behalf of FHWA) to Seneca Cayuga Tribe of Oklahoma: follow-up to FHWA's invitation to Participate in Section 106 process
3/14/23	Robert Davies, Director Office of Statewide Engineering, FHWA	letter	NYSDOT letter to FHWA requesting Consulting Party Status for individuals and organizations (Hamlin Park Community & Taxpayer Association and Florence Johnson)
3/15/23	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	FHWA letter to NYSDOT: approval of Consulting Party Status for individuals and organizations (Hamlin Park Community & Taxpayer Association and Florence Johnson)
4/11/23	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	letter	FHWA letter to NYSDOT: denial of Consulting Party Status for individuals and organizations (Joyce Dorsey, Linda Zinnerman)
4/11/23	Robert Davies, Director Office of Statewide Engineering, FHWA	letter	NYSDOT letter to FHWA requesting Consulting Party Status for individuals and organizations (Joyce Dorsey, Linda Zinnerman)
5/11/23	Dr. Nancy Herter, Ph.D., Director NYS Office of Parks, Recreation & Historic Preservation	Letter	NYSDOT letter (on behalf of FHWA) to the SHPO: Distribution of the Section 106 APE and surveys for Cultural Resources

Date	Agency/Organization/Individual	Type of Contact	Comments
5/12/23	Rickey L. Armstrong, Sr. President Seneca Nation of Indians	Letter	FHWA to Seneca Nation of Indians: distribution of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	Chief Roger Hill Tonawanda Seneca Nation Office	Letter	FHWA to Tonawanda Seneca Nation: distribution of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	Bryan Printup Tuscarora Nation	Letter	FHWA to Tuscarora Nation: distribution of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	William Tarrant, Tribal Historic Preservation Officer Culture/Historic Preservation Program & NAGPRA Representative Seneca Cayuga Tribe of Oklahoma	Letter	FHWA to Seneca Cayuga Tribe of Oklahoma: distribution of draft cultural resources screening reports and development of Area of Potential Effects
7/20/23	Laura Orlando-Savage, Environmental Specialist 2 Environmental Impact Statements and Special Projects Bureau NYSDOT	letter	SHPO letter to NYSDOT: RE: Request for Comments on the Distribution of the Draft Finding Documentation with SHPO Concurrence on the NRHP status for districts, properties within the APE
8/18/23	Dr. Nancy Herter, Ph.D., Director NYS Office of Parks, Recreation & Historic Preservation	Letter	NYSDOT letter (on behalf of FHWA) to the SHPO: Distribution of the draft Finding Documentation
8/18/23	Rickey L. Armstrong, Sr. President Seneca Nation of Indians	Letter	FHWA to Seneca Nation of Indians: distribution of the draft Finding Documentation
8/18/23	Chief Roger Hill Tonawanda Seneca Nation Office	Letter	FHWA to Tonawanda Seneca Nation: distribution of the draft Finding Documentation
8/18/23	Bryan Printup Tuscarora Nation	Letter	FHWA to Tuscarora Nation: distribution of the draft Finding Documentation
8/18/23	William Tarrant, Tribal Historic Preservation Officer Culture/Historic Preservation Program & NAGPRA Representative Seneca Cayuga Tribe of Oklahoma	Letter	FHWA to Seneca Cayuga Tribe of Oklahoma: distribution of the draft Finding Documentation

Date	Agency/Organization/Individual	Type of Contact	Comments
8/18/23	David Cinquino Buffalo Museum of Science	Letter	NYSDOT letter (on behalf of FHWA) to Buffalo Museum of Science: distribution of the draft Finding Documentation
9/5/23	Laura Orlando-Savage, Environmental Specialist 2 Environmental Impact Statements and Special Projects Bureau NYSDOT	letter	SHPO letter to NYSDOT Comments on Draft Finding Documentation for No Adverse Effect on historic properties
9/6/23	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	NYSDOT letter to FHWA requesting approval of Consulting Party Status for Terrence Robinson
9/7/23	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	FHWA letter to NYSDOT: Approval of Consulting Party Status for Terrence Robinson
Organizations			
11/10/22	Faisal Ansari, Principal Dural-Uloom Al-Madania	Letter	NYSDOT letter to Dural-Uloom Al-Madania Invitation to participate in Section 106 process
11/10/22	Jeffery Chambless, Pastor Mount Moriah Missionary Baptist Church,	Letter	NYSDOT letter to Jeffery Chambless, Mount Moriah Missionary Baptist Church: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Sigourney F. Cook, Executive Director King Urban Life Center	Letter	NYSDOT letter to Sigourney Cook, King Urban Life Center: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Stephanie Crockatt, Executive Director Buffalo Olmsted Parks Conservancy	Letter	NYSDOT letter to Stephanie Crockatt, Buffalo Olmsted Parks Conservancy: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Mirlene Dere, Principal Charles R. Drew Science Magnet School	Letter	NYSDOT letter to Mirlene Dere, Charles R. Drew Science Magnet School: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Katie Eggers Comeau, Vice President for Policy and Preservation Preservation League of New York State	Letter	NYSDOT letter to Katie Eggers Comeau, Preservation League of New York State: Invitation to participate in Section 106 Process as Consulting Party

Date	Agency/Organization/Individual	Type of Contact	Comments
11/10/22	Elly Fialkowski Catholic Charities of Buffalo	Letter	NYS DOT letter to Elly Fialkowski, Catholic Charities of Buffalo: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Jessie Fisher, Executive Director Preservation Buffalo Niagara	Letter	NYS DOT letter to Jessie Fisher, Preservation Buffalo Niagara: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Gwen Howard, Chair Buffalo Preservation Board	Letter	NYS DOT letter to Buffalo Preservation Board: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Reverend Terry King, Principal Officer Resource Council of WNY	Letter	NYS DOT letter to Resource Council of WNY: Invitation to participate in Section 106 Process as Consulting Party
11/10/22	Tim Tielman, Executive Director Campaign for the Greater Buffalo History, Architecture and Culture	letter	NYS DOT letter to Campaign for the Greater Buffalo History, Architecture and Culture: Invitation to participate in Section 106 process
11/10/22	Young Tabernacle Holiness Church Assembly	letter	NYS DOT letter to Young Tabernacle Holiness Church Assembly: Invitation to participate in Section 106 Process as Consulting Party
8/18/23	Rev. Terry King Resource Council WNY	Letter	NYS DOT letter (on behalf of FHWA) to Resource Council WNY: distribution of the draft Finding Documentation
8/18/23	Carl Skompinski Fillmore Forward	Letter	NYS DOT letter (on behalf of FHWA) to Fillmore Forward: distribution of the draft Finding Documentation
8/18/23	Reva Betha Hamlin Park Community & Taxpayer Association	Letter	NYS DOT letter (on behalf of FHWA) to Hamlin Park Community & Taxpayer Association: distribution of the draft Finding Documentation
8/18/23	Beth Downing Buffalo Olmsted Parks Conservancy	Letter	NYS DOT letter (on behalf of FHWA) to Buffalo Olmsted Parks Conservancy: distribution of the draft Finding Documentation
8/18/23	Shirley Harris Hamlin Park Community & Taxpayer Association	Letter	NYS DOT letter (on behalf of FHWA) to Hamlin Park Community & Taxpayer Association: distribution of the draft Finding Documentation
8/18/23	Sandra McClary Howard Hamlin Park Community & Taxpayer Association	Letter	NYS DOT letter (on behalf of FHWA) to Hamlin Park Community & Taxpayer Association: distribution of the draft Finding Documentation

Date	Agency/Organization/Individual	Type of Contact	Comments
8/18/23	Bernice Radle Preservation Buffalo Niagara	Letter	NYS DOT letter (on behalf of FHWA) to Preservation Buffalo Niagara: distribution of the draft Finding Documentation
Individuals			
11/10/22	All owners of NRHP-listed Historic Properties: Florida Farley Cynthia Lucas Polly Jean Suites, LLC	Letters	NYS DOT letters to owners of NRHP listed, eligible, or potentially eligible properties within the Study Area, and local and regional historic preservation organizations
8/18/23	Florence Johnson	Letter	NYS DOT letter (on behalf of FHWA) to Florence Johnson: distribution of the draft Finding Documentation
8/18/23	Allen Oberst	Letter	NYS DOT letter (on behalf of FHWA) to Allen Oberst: distribution of the draft Finding Documentation
Meetings			
2/27/23	Potential Consulting Parties	Tribal Nations Meeting	Project Introduction and Section 106 Consultation
2/28/23	Potential Consulting Parties	Consulting Parties Meeting #1	Project Introduction and Section 106 Consultation
9/1/23	Potential Consulting Parties	Consulting Parties Meeting #2	Project Updates and Section 106 Consultation



November 4, 2022

Nancy Herter
Archaeology Unit Program Coordinator
NYS Office of Parks, Recreation & Historic Preservation
Peebles Island State Park - P.O. Box 189
Waterford, New York 12188-0189

RE: Section 106 Initiation
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Ms. Herter:

The Federal Highway Administration (FHWA), in coordination with the New York State Department of Transportation (NYSDOT), is initiating consultation with the New York State Historic Preservation Office (SHPO) for the New York State Route 33, Kensington Expressway Project (the Project), in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties*.

The draft purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits.

Enclosed for your information is a map depicting the project location and the Study Area used in the Cultural Resources Screening Report, which will be provided to the SHPO under separate cover.

Outreach to identify Section 106 Consulting Parties is currently underway. Enclosed is a preliminary list of potential Consulting Parties based on the following:

- input received at the public scoping meeting for the Project (held on June 30, 2022), which provided opportunities to request Section 106 Consulting Party status;

- the identification of owners of National Register of Historic Places listed, eligible, or potentially eligible properties within the Study Area; and
- the identification of local and regional historic preservation organizations.

Those on the list of potential Consulting Parties will be invited to apply for Consulting Party status. Consulting Party status will be subject to FHWA approval. If additional potential Consulting Parties are identified during the Section 106 process (i.e., meeting the criteria listed above), they will be invited to apply for Consulting Party status, which would be subject to FHWA approval.

Based on the project location within their identified areas of interest for Section 106 consultation, the Seneca Nation of Indians, the Tonawanda Seneca Nation, the Seneca Cayuga Tribe of Oklahoma, and the Tuscarora Nation will also be notified of this Project under separate cover, to initiate consultation in coordination with the FHWA.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Project Location and Study Area Map
Preliminary List of Potential Consulting Parties

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

November 9, 2022

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Chief Roger Hill
Tonawanda Seneca Nation
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

RE: *Section 106 Consultation*

PIN 5512.52

New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Chief Hill:

The Federal Highway Administration (FHWA) would like to initiate consultation with the Tonawanda Seneca Nation for the proposed New York State Route 33, Kensington Expressway Project (the Project), an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties*. The Project is located in Erie County, New York. Attached, please find a map showing the project location and study area.

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

Currently, several design concepts are under consideration. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

We invite you to meet with representatives of the FHWA and NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Tonawanda Seneca Nation. We anticipate hosting a meeting at the NYSDOT Region 5 office in Buffalo in early 2023. The NYSDOT will contact you to set up a date and time, based on your availability.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Project. If you have any questions, please feel free to contact me at 518-431-8880.

Sincerely,

Robert M. Davies
Project Delivery and Engineering Team Leader

Encl: Project Location and Study Area Map

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

November 9, 2022

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Bryan Printup
Tuscarora Nation
Tuscarora Environment Office
5226 E. Walmore Road Tuscarora Nation
Lewiston, NY 14092

RE: *Section 106 Consultation*

PIN 5512.52

New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Printup:

The Federal Highway Administration (FHWA) would like to initiate consultation with the Tuscarora Nation for the proposed New York State Route 33, Kensington Expressway Project (the Project), an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties*. The Project is located in Erie County, New York. Attached, please find a map showing the project location and study area.

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

Currently, several design concepts are under consideration. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

We invite you to meet with representatives of the FHWA and NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Tuscarora Nation. We anticipate hosting a meeting at the NYSDOT Region 5 office in Buffalo in early 2023. The NYSDOT will contact you to set up a date and time, based on your availability.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Project. If you have any questions, please feel free to contact me at 518-431-8880.

Sincerely,

Robert M. Davies
Project Delivery and Engineering Team Leader

Encl: Project Location and Study Area Map

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

November 9, 2022

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Dr. Joe Stahlman, Director
Seneca-Iroquois National Museum Tribal Historic Preservation Office
Onöhsagwë:De' Cultural Center
Seneca Nation of Indians
82 W. Hetzel Street
Salamanca, NY 14779

RE: *Section 106 Consultation*

PIN 5512.52

New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Dr. Stahlman:

The Federal Highway Administration (FHWA) would like to initiate consultation with the Seneca Nation of Indians for the proposed New York State Route 33, Kensington Expressway Project (the Project), an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties*. The Project is located in Erie County, New York. Attached, please find a map showing the project location and study area.

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

Currently, several design concepts are under consideration. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

We invite you to meet with representatives of the FHWA and NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Seneca Nation of Indians. We anticipate hosting a meeting at the NYSDOT Region 5 office in Buffalo in early 2023. The NYSDOT will contact you to set up a date and time, based on your availability.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Project. If you have any questions, please feel free to contact me at 518-431-8880.

Sincerely,

Robert M. Davies
Project Delivery and Engineering Team Leader

Encl: Project Location and Study Area Map

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

November 9, 2022

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

William Tarrant
Tribal Historic Preservation Director Culture/Historic Preservation
Program & NAGPRA Representative
Seneca Cayuga Tribe of Oklahoma
Tribal Historic Preservation Office
23701 South 655 Rd, 10 Hwy
Grove, OK 74344

RE: *Section 106 Consultation*

PIN 5512.52

New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Tarrant:

The Federal Highway Administration (FHWA) would like to initiate consultation with the Seneca Cayuga Tribe of Oklahoma for the proposed New York State Route 33, Kensington Expressway Project (the Project), an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties*. The Project is located in Erie County, New York. Attached, please find a map showing the project location and study area.

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

Currently, several design concepts are under consideration. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

We invite you to meet with representatives of the FHWA and NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Seneca Cayuga Tribe of Oklahoma. We anticipate hosting a meeting at the NYSDOT Region 5 office in Buffalo in early 2023. The NYSDOT will contact you to set up a date and time, based on your availability.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Project. If you have any questions, please feel free to contact me at 518-431-8880.

Sincerely,

Robert M. Davies
Project Delivery and Engineering Team Leader

Encl: Project Location and Study Area Map

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Faisal Ansari, Principal
Darul-Uloom Al-Madania
485 Best Street
Buffalo, NY 14208

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Principal Ansari:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation "due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties (36 CFR §800.2(c)(5))."

Based on these criteria, you may qualify to participate in the Section 106 process as a "Consulting Party" for the Project. The enclosed brochure, "*Protecting Historic Properties: A Citizen's Guide to Section 106 Review*," Advisory Council on Historic Preservation, provides additional information. The brochure can also be accessed online at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Byron Brown, Mayor
City of Buffalo
65 Niagara Square, Room 201
Buffalo, NY 14202

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mayor Brown:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” Advisory Council on Historic Preservation, provides additional information. The brochure can also be accessed online at: <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

David Busch
Chair of the Board
Buffalo Museum of Science
1020 Humboldt Parkway
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Busch:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” Advisory Council on Historic

Preservation, provides additional information. The brochure can also be accessed online at:
<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)

R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Jeffrey Chambless, Pastor
Mount Moriah Missionary Baptist Church
400 Northampton St.
Buffalo, NY 14208

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Pastor Chambless:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” Advisory Council on Historic Preservation, provides additional information. The brochure can also be accessed online at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Sirgourney F. Cook
Executive Director
King Urban Life Center
938 Genesee Street
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Cook:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” Advisory Council on Historic Preservation, provides additional information. The brochure can also be accessed online at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Stephanie Crockatt, Executive Director
Buffalo Olmsted Parks Conservancy
Parkside Lodge
84 Parkside Avenue
Buffalo, NY 14214

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Crockatt:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” *Advisory Council on Historic Preservation*, provides additional information. The brochure can also be accessed online at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Mirlene Dere
Principal
Charles R. Drew Science Magnet School
1 Martin Luther King Park
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Dere:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)

R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Katie Eggers Comeau
Vice President for Policy & Preservation
Preservation League of New York State
44 Central Ave.
Albany, NY 12206

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Comeau:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)

R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Florida Farley
48 Rich Street
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Florida:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,



Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Elly Fialkowski
Catholic Charities of Buffalo
930 Genesee Street
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Fialkowski:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Jessie Fisher, Executive Director
Preservation Buffalo Niagara
617 Main Street, Suite 201
Buffalo, NY 14203

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Jessie:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Brian Hayden
Directory of Communications and Community Engagement
Buffalo History Museum/Buffalo County Historical Society
1 Museum Court
Buffalo, NY 14216

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Hayden:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Gwen Howard
Chair
Buffalo Preservation Board
Buffalo City Hall
65 Niagara Square, Room 901
Buffalo, NY 14202

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Howard:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for Section 106 Consulting Party Status
General Project Study Area Map
“Protecting Historic Properties: A Citizen's Guide to Section 106 Review,”
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)

N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Reverend Terry King
Principal Officer
Resource Council of WNY
347 E. Ferry Street
Buffalo, NY 14208

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Reverend King:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” *Advisory Council on Historic Preservation*, provides additional information. The brochure can also be accessed online at:

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If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Cynthia Lucas
44 N. Parade Ave
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Ms. Lucas:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

North Jefferson Branch Library
332 East Utica Street
Buffalo, NY 14208

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

To whom it may concern:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Polly Jean Suites LLC
1230 Genesee Street
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

To whom it may concern:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Mark Poloncarz, County Executive
Erie County Executive's Office
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Poloncarz:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Gregory Stevens, Executive Director
Niagara River Greenway Commission
P.O. Box 1132
Niagara Falls, NY 14305

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Stevens:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
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S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

November 10, 2022

Denisca Thompson, Principal
PS 53 Community School
329 Roerher Avenue
Buffalo, NY 14208

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Principal Thompson:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

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Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
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cc: R. Davies, FHWA NY Division (w/o encl.)
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R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Tim Tielman
Executive Director
Campaign for the Greater Buffalo History, Architecture and Culture
403 Main St., #705
Buffalo, NY 14203

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Tielman:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

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50 Wolf Road, POD 4-1
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If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,



Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



November 10, 2022

Young Tabernacle Holiness Church Assembly
623 Best Church
Buffalo, NY 14211

RE: Invitation to Request Section 106 Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

To whom it may concern:

As you may be aware, the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT) are advancing the New York State Route 33 (Kensington Expressway) Project located in Erie County, New York (the Project). The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) between Best Street and East Ferry Street, including Humboldt Parkway within these project limits. Information on the Project is available on the project website: <http://www.kensingtonexpressway.dot.ny.gov>.

The Project is subject to review under Section 106 of the National Historic Preservation Act. The Section 106 process (36 CFR Part 800) involves consultation among the Federal agency (FHWA), the State Historic Preservation Office (SHPO), Tribal Nations, and other Consulting Parties to consider measures to avoid, minimize, or mitigate any adverse effects on identified historic properties. Upon approval by the FHWA, individuals and organizations with a demonstrated interest in the Project may participate in Section 106 consultation “due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties (36 CFR §800.2(c)(5)).”

Based on these criteria, you may qualify to participate in the Section 106 process as a “Consulting Party” for the Project. The enclosed brochure, “*Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*,” Advisory Council on Historic Preservation, provides additional information. The brochure can also be accessed online at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

If you are interested in requesting Consulting Party status, please complete the enclosed request form, including a brief explanation of your interest in the Project and its potential effects on historic properties. Please submit the completed form via email to Jessica.prockup@dot.ny.gov or mail to:

Jessica Prockup
Environmental Specialist 3
New York State Department of Transportation
50 Wolf Road, POD 4-1
Albany, NY 12232

Please return your application by November 25, 2022.

Following review by the FHWA, the NYSDOT will notify you of the FHWA's decision to grant Consulting Party status. If you are approved as a Section 106 Consulting Party, you will receive further correspondence and project information. We anticipate holding an initial meeting with Section 106 Consulting Parties at the NYSDOT Region 5 office in Buffalo in early 2023, to familiarize you with the Project and the Section 106 process. The NYSDOT staff will contact approved Consulting Parties to confirm the meeting date and time.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: New York State Route 33 (Kensington Expressway) Project: Application for
Section 106 Consulting Party Status
General Project Study Area Map
"Protecting Historic Properties: A Citizen's Guide to Section 106 Review,"
Advisory Council on Historic Preservation

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of
Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

January 11, 2023

Robert M. Davies
Project Delivery and Engineering Team Leader
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

RE: Section 106 – Request for Approval of Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Davies:

Enclosed for Federal Highway Administration (FHWA) consideration, please find requests for Section 106 Consulting Party status for the New York State Route 33 (Kensington Expressway) Project (Project), submitted to the New York State Department of Transportation (NYSDOT) in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

The enclosed requests were submitted in response to the Public Scoping Meeting held on June 30, 2022, informing the public of the opportunity to participate in the Section 106 consultation process, and a letter, dated November 10, 2022, that the NYSDOT sent to owners of National Register of Historic Places listed, eligible, or potentially eligible properties within the Study Area, and local and regional historic preservation organizations to inform them of the potential opportunity to participate as a Consulting Party. The enclosures to this letter include copies of all written requests received by the NYSDOT, as well as a list prepared by the NYSDOT in a table format for your convenience.

The NYSDOT Office of Environment has reviewed the enclosed requests and recommends the following individuals and organizations for Consulting Party status based on their written statements of interest:

1. Buffalo Museum of Science, Mr. David Cinquino, Director of Exhibits
2. Fillmore Forward, Mr. Carl Skompinski, Board Member
3. Preservation Buffalo Niagara, Ms. Christiana Limniatis, Director of Preservation Services
4. Resource Council WNY, Rev. Terry King, Board Chairman

We respectfully request FHWA approval of the above-referenced individuals and organizations, granting Consulting Party status for participation in the Section 106 process.

After careful review and consideration of the submitted requests (enclosed), the NYSDOT concludes that the following applicants have not demonstrated the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effects on historic properties:

1. Allentown Association, Steve Lakomy
2. Colored Girls Bike Too, Jalonda Hill, Founder
3. Niagara River Greenway Commission, Greg Stevens, Executive Director
4. Clifford Boone
5. Carla Cyrus

The NYSDOT does not recommend approval of these requests for Section 106 Consulting Party status without additional information from the above individuals to demonstrate how they meet the criteria established in 36 CFR 800.2(c)(5).

The Seneca Nation of Indians, the Tonawanda Seneca Nation, the Seneca Cayuga Tribe of Oklahoma, and the Tuscarora Nation have been identified as having a consultative role in accordance with 36 CFR Part 800.2(c)(ii), since they have previously identified a geographical area of interest for Section 106 consultation that includes the Project location in the City of Buffalo, Erie County, New York.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 852-8537 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Table of Consulting Party recommendations
Requests for Consulting Party status forms

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

January 12, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Ms. Catherine Leslie
Director of Environmental Impact Statements
& Special Projects Bureau
NYSDOT
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 Consulting Party Approval
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your January 11 letter requesting approval of Section 106 Consulting Party Status for various individuals and organizations. In response to your request, we have reviewed the submitted materials. As stated in 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

After reviewing the information contained in the requests, we have approved the following individuals acting on behalf of their organizations to be consulting parties to the Section 106 process for the subject project:

1. Carl Skompinski, Fillmore Forward
2. Christiana Limniatis, Preservation Buffalo Niagara
3. Rev. Terry King, Resource Council WNY
4. David Cinquino, Buffalo Museum of Science

Furthermore, at this time, we concur with NYSDOTs assessment that the following individuals, either individually or acting on behalf of their organization, do not demonstrate the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effects on historic properties, in accordance with 36 CFR 800.2(c)(5):

1. Carla Cyrus, Individual
2. Clifford Boone, Individual
3. Jalonda Hill, Colored Girls Bike Too
4. Steve Lakomy, Allentown Association
5. Gregory Stevens, Niagara River Greenway Commission

In response to initial requests, NYSDOT has requested additional information from each of these individuals. These individuals have either been unresponsive or have failed to provide supporting information/documentation that demonstrate how the individual or organization meet the denitention under 36 CFR 800.2(c)(5).

Consulting party status entitles individual to share views, receive and review pertinent information, offer ideas and consider possible solutions together with the Federal Highway Administration, New York State Department of Transportation, and other consulting parties. Please ensure these approved parties have a copy of the Advisory Council on Historic Preservation's (ACHP) guide entitled "Protecting Historic Properties: A Citizen's Guide to Section 106 Review." If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

MATTHEW
MICHAEL
SEYMOUR

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 MATTHEW
 MICHAEL SEYMOUR
 Date: 2023.01.12
 11:05:01 -05'00'

Matthew Seymour, P.E.
 Area Engineer

cc: R. Davies, Project Delivery Engineer/Team Leader, FHWA, HPD-NY
 J. Prockup, Environmental Specialist, NYSDOT, OOE



January 18, 2023

Robert M. Davies
Project Delivery and Engineering Team Leader
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

RE: Section 106 – Request for Approval of Additional Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Davies:

Enclosed for Federal Highway Administration (FHWA) consideration, please find two additional requests for Section 106 Consulting Party status for the New York State Route 33 (Kensington Expressway) Project (Project), submitted to the New York State Department of Transportation (NYSDOT) in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

The enclosed requests were submitted at the Stakeholder Group Meeting #3 on the evening of January 11, 2023, subsequent to our initial request of FHWA approval for Section 106 Consulting Party status. Also enclosed is a list of these two additional requests in a table format for your convenience.

The NYSDOT Office of Environment has reviewed the requests and recommends the following individuals and organization for Consulting Party status, based on their written statements of interest:

1. Buffalo Olmsted Parks Conservancy, Mr. Brian Dold, Director of Planning and Research
2. Alan Oberst

We respectfully request FHWA approval of the above-referenced individuals and organization, granting Consulting Party status for participation in the Section 106 process.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 852-8537 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Table of Consulting Party recommendations
Requests for Consulting Party status forms

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

January 23, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Ms. Catherine Leslie
Director of Environmental Impact Statements
& Special Projects Bureau
NYSDOT
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 Consulting Party Approval
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your January 18 letter requesting approval of Section 106 Consulting Party Status for various individuals and organizations. In response to your request, we have reviewed the submitted materials. As stated in 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

After reviewing the information contained in the requests, we have approved the following individuals, either individually or acting on behalf of their organization, to be a consulting party to the Section 106 process for the subject project:

1. Brian Dold, Buffalo Olmsted Parks Conservancy
2. Alan Oberst, Individual

Consulting party status entitles individual to share views, receive and review pertinent information, offer ideas and consider possible solutions together with the Federal Highway Administration, New York State Department of Transportation, and other consulting parties. Please ensure these approved parties have a copy of the Advisory Council on Historic Preservation's (ACHP) guide entitled "Protecting Historic Properties: A Citizen's Guide to Section 106 Review." If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

MATTHEW
MICHAEL
SEYMOUR

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MATTHEW
MICHAEL SEYMOUR
Date: 2023.01.23
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Matthew Seymour, P.E.
Area Engineer

cc: R. Davies, Project Delivery Engineer/Team Leader, FHWA, HPD-NY
J. Prockup, Environmental Specialist, NYSDOT, OOE



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

February 13, 2023

Chief Roger Hill
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

RE: Section 106 Consultation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Chief Hill:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) would like to confirm your receipt of previous correspondence sent by the FHWA initiating consultation with the Tonawanda Seneca Nation for the New York State Route 33 (Kensington Expressway) Project (Project) (see enclosed letter and project location map). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: Protection of Historic Properties.

We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Tonawanda Seneca Nation. The virtual meeting will be held via WebEx. Please let us know if you are available on Monday, February 27, 2023, at 1:00 pm - 2:30 pm to have a joint meeting with the other Nations participating in Section 106 consultation for the Project: the Seneca Nation of Indians, the Seneca Cayuga Tribe of Oklahoma, and the Tuscarora Nation. If you prefer, we are available to meet with you individually. Please let us know your preference and availability by contacting Laura Savage at the email address below.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Kensington Expressway Project. If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Letter from FHWA (November 9, 2022)
Project location map

cc: A. Page, Attorney at Law (w/o encl.)
R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

February 13, 2023

Bryan Printup
Tuscarora Environment Office
5226 E. Walmore Road
Tuscarora Nation
Lewiston, NY 14092

RE: Section 106 Consultation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Printup:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) would like to confirm your receipt of previous correspondence sent by the FHWA initiating consultation with the Tuscarora Nation for the New York State Route 33 (Kensington Expressway) Project (Project) (see enclosed letter and project location map). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: Protection of Historic Properties.

We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Tuscarora Nation. The virtual meeting will be held via WebEx. Please let us know if you are available on Monday, February 27, 2023, at 1:00 pm - 2:30 pm to have a joint meeting with the other Nations participating in Section 106 consultation for the Project: the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Seneca Cayuga Tribe of Oklahoma. If you prefer, we are available to meet with you individually. Please let us know your preference and availability by contacting Laura Savage at the email address below.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Kensington Expressway Project. If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Letter from FHWA (November 9, 2022)
Project location map

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

February 13, 2023

Dr. Joe Stahlman, Director
Seneca-Iroquois National Museum
Tribal Historic Preservation Office
Onöhsagwë:De' Cultural Center
82 W. Hetzel Street
Salamanca, NY 14779

RE: Section 106 Consultation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Dr. Stahlman:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) would like to confirm your receipt of previous correspondence sent by the FHWA initiating consultation with the Seneca Nation of Indians for the New York State Route 33 (Kensington Expressway) Project (Project) (see enclosed letter and project location map). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: Protection of Historic Properties.

We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Seneca Nation of Indians. The virtual meeting will be held via WebEx. Please let us know if you are available on Monday, February 27, 2023, at 1:00 pm - 2:30 pm to have a joint meeting with the other Nations participating in Section 106 consultation for the Project: the Seneca Cayuga Tribe of Oklahoma, the Tonawanda Seneca Nation, and the Tuscarora Nation. If you prefer, we are available to meet with you individually. Please let us know your preference and availability by contacting Laura Savage at the email address below.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Kensington Expressway Project. If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Letter from FHWA (November 9, 2022)
Project location map

cc: S. Ray, SNI (w/o encl.)
B. Anderson, SNI (w/o encl.)
R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



**Department of
Transportation**

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

February 13, 2023

William Tarrant
Tribal Historic Preservation Director
Culture/Historic Preservation Program & NAGPRA Representative
Tribal Historic Preservation Office
23701 South 655 Rd, 10 Hwy
Grove, OK 74344

RE: Section 106 Consultation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Mr. Tarrant:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) would like to confirm your receipt of previous correspondence sent by the FHWA initiating consultation with the Seneca Cayuga Tribe of Oklahoma for the New York State Route 33 (Kensington Expressway) Project (Project) (see enclosed letter and project location map). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: Protection of Historic Properties.

We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Seneca Cayuga Tribe of Oklahoma. The virtual meeting will be held via WebEx. Please let us know if you are available on Monday, February 27, 2023, at 1:00 pm - 2:30 pm to have a joint meeting with the other Nations participating in Section 106 consultation for the Project: the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation. If you prefer, we are available to meet with you individually. Please let us know your preference and availability by contacting Laura Savage at the email address below.

On behalf of the FHWA and NYSDOT, we look forward to your participation in Section 106 consultation for the Kensington Expressway Project. If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Letter from FHWA (November 9, 2022)
Project location map

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



Department of
Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

March 14, 2023

Robert M. Davies
Director, Office of Statewide Engineering
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

RE: Section 106 – Request for Approval of Additional Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Davies:

Enclosed for Federal Highway Administration (FHWA) consideration, please find four additional requests for Section 106 Consulting Party status for the New York State Route 33 (Kensington Expressway) Project (Project), submitted to the New York State Department of Transportation (NYSDOT) in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

The enclosed requests were submitted on March 1, 2023. Also enclosed is a list of these four requests in a table format for your convenience.

The NYSDOT Office of Environment has reviewed the requests and recommends the following individuals and organization for Consulting Party status, based on their written statements of interest in combination with their relation to the Hamlin Park Historic District, which is included in the National Register of Historic Properties maintained by the Secretary of the Interior:

1. Ms. Reva Betha, Hamlin Park Historian, Hamlin Park Community & Taxpayers Association

2. Ms. Shirley Harris, Hamlin Park Community & Taxpayers Association
3. Ms. Sandra McClary Howard, Hamlin Park Community & Taxpayers Association
4. Ms. Florence Johnson

We respectfully request FHWA approval of the above-referenced individuals and organization, granting Consulting Party status for participation in the Section 106 process.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 852-8537 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Table of Consulting Party recommendations
Requests for Consulting Party status forms

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

March 15, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Ms. Catherine Leslie
Director of Environmental Impact Statements
& Special Projects Bureau
NYSDOT
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 Consulting Party Approval
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your March 14 letter requesting approval of Section 106 Consulting Party Status for various individuals and organizations. In response to your request, we have reviewed the submitted materials. As stated in 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

After reviewing the information contained in the requests, we have approved the following individuals, either individually or acting on behalf of their organization, to be a consulting party to the Section 106 process for the subject project:

1. Shirley Harris, Hamlin Park Community & Taxpayer Association
2. Reva Betha, Hamlin Park Community & Taxpayer Association
3. Sandra McClary Howard, Hamlin Park Community & Taxpayer Association
4. Florence Johnson, Individual

Consulting party status entitles individual to share views, receive and review pertinent information, offer ideas and consider possible solutions together with the Federal Highway Administration, New York State Department of Transportation, and other consulting parties. Please ensure these approved parties have a copy of the Advisory Council on Historic Preservation's (ACHP) guide entitled "Protecting Historic Properties: A Citizen's Guide to Section 106 Review." If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

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MATTHEW MICHAEL
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Date: 2023.03.15
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Matthew Seymour, P.E.
Area Engineer

cc: R. Davies, Director of Office of Statewide Engineering, FHWA, HEA-NY
J. Prockup, Environmental Specialist, NYSDOT, OOE



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

April 11, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Ms. Catherine Leslie
Director of Environmental Impact Statements
& Special Projects Bureau
NYSDOT
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 Consulting Party Approval
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your April 11 letter requesting approval of Section 106 Consulting Party Status for various individuals and organizations. In response to your request, we have reviewed the submitted materials. As stated in 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

After reviewing the information provided, we concur with NYSDOT's assessment that the following individuals, either individually or acting on behalf of their organization, do not demonstrate the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effects on historic properties, in accordance with 36 CFR 800.2(c)(5):

1. Joyce Dorsey, Individual
2. Linda Zimmerman, Individual

In response to initial requests, NYSDOT has requested additional information from each of these individuals. These individuals have either been unresponsive or have failed to provide supporting information/documentation that demonstrate how the individual or organization meet the dentition under 36 CFR 800.2(c)(5). If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

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MATTHEW
MICHAEL SEYMOUR
Date: 2023.04.11
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Matthew Seymour, P.E.
Area Engineer

cc: R. Davies, Director Office of Statewide Engineering, FHWA, HEA-NY
J. Prockup, Environmental Specialist, NYSDOT, OOE
N. Herter, Division Director, NYS Division for Historic Preservation
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD
S. Vaidya, Regional Design Engineer, NYSDOT, R5
R. James, Assistant Regional Design Engineer, NYSDOT, R5
T. Smith, Director, NYSDOT, OOE



April 11, 2023

Robert M. Davies
Director, Office of Statewide Engineering
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

RE: Section 106 – Request for Consulting Party Status Decision
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Davies:

Enclosed for Federal Highway Administration (FHWA) consideration, please find requests for Section 106 Consulting Party status for the New York State Route 33 (Kensington Expressway) Project (Project), submitted to the New York State Department of Transportation (NYSDOT) in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

The enclosed requests were submitted at Stakeholder Meeting #5 held on March 8, 2023. The NYSDOT has followed up with each of the two applicants and requested a brief explanation of their interest in the Project and its potential effects on historic properties. No further information has been received.

After careful review and consideration of the submitted requests (enclosed), the NYSDOT concludes that the following applicants have not demonstrated the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effects on historic properties:

1. Joyce Dorsey
2. Linda Zinnerman

The NYSDOT does not recommend approval of these requests for Section 106 Consulting Party status without additional information from the above individuals to demonstrate how they meet the criteria established in 36 CFR 800.2(c)(5).

If you have questions or would like additional information, please contact Jessica Prockup at (518) 852-8537 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Requests for Consulting Party status forms (Joyce Dorsey, Linda Zimmerman)

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)



May 11, 2023

Nancy Herter, Ph.D.
Director, Technical Preservation Services Bureau
NYS Office of Parks, Recreation & Historic Preservation
Peebles Island State Park - P.O. Box 189
Waterford, New York 12188-0189

RE: Section 106: Area of Potential Effects and Surveys
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Nancy Herter:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is submitting the enclosed *Cultural Resources Screening Addendum for Archaeological Sensitivity* and the *Development of the Area of Potential Effects* to the New York State Historic Preservation Office (SHPO) for review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The *Architectural Reconnaissance Survey* is also being submitted separately through CRIS in response to the existing survey request.

The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

The Cultural Resources Screening (April 8, 2022) previously submitted to the SHPO indicated that there are archaeologically sensitive areas in the vicinity of the project area. Based on the results of the screening and subsequent discussions, the enclosed *Cultural Resources Screening Addendum for Archaeological Sensitivity* has been prepared for the Project. The Screening Addendum builds on the research, background information and preliminary assessments prepared for the April 2022 Cultural Resources Screening and identifies areas of prior disturbance using information provided by the NYSDOT. The results of the *Screening Addendum* indicate that there is no potential for the presence of archaeological resources within the proposed Limits of Disturbance for the Project, with the exception of one parcel. However, as a result of

ongoing design activities, the NYSDOT is no longer proposing any ground disturbance in that parcel. Therefore, the parcel has been removed from the Limits of Disturbance, and no archaeological survey is recommended for the Project.

As described in the enclosed *Development of the Area of Potential Effects*, a proposed Area of Potential Effects (APE) has been defined for the Project in accordance with 36 CFR 800.4(a)(1) and incorporates a geographical area that considers potential direct and indirect effects. The APE has been defined to establish the scope of effort for the inventory and evaluation of architectural resources that may be affected by the Project. The APE is based on a work scope that accounts for the full reconstruction of the Kensington Expressway within a tunnel system between Dodge Street and Sydney Street, including:

- Reconstruction of the Kensington Expressway on a new vertical alignment within a tunnel system and creation of new greenspace above the Kensington Expressway
- Reconstruction of the Humboldt Parkway on the same vertical alignment
- Removal of the bridges at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street; the newly constructed tunnel would reconnect these streets at-grade
- Replacement of the Best Street bridge over the Kensington Expressway

Using a Survey Area consistent with the proposed APE, an Architectural Reconnaissance Survey has been conducted. One individual property and two historic districts were previously listed in the National Register of Historic Places, and one individual property was previously determined by the SHPO to be eligible for inclusion in the National Register of Historic Places. Based on the results of the Architectural Reconnaissance Survey, the NYSDOT recommends three additional historic districts and five individual properties eligible for inclusion in the National Register of Historic Places. The Architectural Reconnaissance Survey report documents 157 building properties, Martin Luther King Jr. Park, and six bridges within the Survey Area.

Based on review of the provided information, the NYSDOT respectfully requests the written concurrence of the SHPO with the assessment that an archaeological survey is not needed, with the definition of the APE for the identification of historic architectural properties, and with the eligibility recommendations of the properties identified in the Architectural Reconnaissance Survey.

If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Cultural Resources Screening Addendum
Development of the Area of Potential Effects

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

May 12, 2023

Leo W. O'Brien Federal Building
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Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Rickey L. Armstrong, Sr., President
Seneca Nation of Indians
90 Ohi:yo' Way
Salamanca, NY 14779

Subject: PIN 5512.52 – Section 106 Consultation: Cultural Resources Screening and APE
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Mr. Armstrong:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the reports entitled *Cultural Resources Screening* (April 8, 2022), *Cultural Resources Screening Addendum for Archaeological Sensitivity* (April 17, 2023), and *Development of Area of Potential Effects* (April 20, 2023), prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Seneca Nation of Indians in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). These reports are also being transmitted to the New York State Historic Preservation Office (SHPO).

The *Cultural Resources Screening* describes the assessment of the potential presence of archaeological resources and historic architectural properties within a defined Study Area. The report provides an inventory of reported archaeological sites and previous surveys, an overview of precontact settlement and historical development, and a general sensitivity assessment for the Project. The *Cultural Resources Screening Addendum for Archaeological Sensitivity* summarizes the findings of the *Cultural Resources Screening* and assesses the archaeological potential of a more refined survey area, delineated based on proposed work activities. Based on the documentation of extensive prior disturbance and the lack of archaeological sensitivity at the depths of 20-30 feet below original grade, the report concludes that with the exception of one parcel, no archaeological potential exists within the survey area. However, as a result of ongoing design activities, the NYSDOT is no longer proposing any ground disturbance in that parcel. Based on the results of the *Cultural Resources Screening*, architectural surveys are being conducted to identify potential historic architectural properties within the survey area.

The *Development of Area of Potential Effects* summarizes the activities conducted to delineate a proposed Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1). The APE

incorporates a geographical area that considers potential direct and indirect effects on historic architectural properties.

The FHWA is seeking the views of the Seneca Nation of Indians regarding the Project and the recommendation for no further archaeological investigations. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Seneca Nation of Indians by **June 12, 2023**.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Seneca Nation of Indians.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

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MATTHEW MICHAEL
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Date: 2023.05.12
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Matthew Seymour, P.E.
Senior Area Engineer

Encl: *Cultural Resources Screening* (April 8, 2022)
Cultural Resources Screening Addendum for Archaeological Sensitivity (April 17, 2023)
Development of Area of Potential Effects (May 10, 2023)

cc: R. Davies, FHWA NY Division (w/o encl.)
K. Hogan, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)
J. Stahlman, Seneca Nation of Indians (w/o encl.)
S. Ray, Seneca Nation of Indians (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

May 12, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Chief Roger Hill
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Subject: PIN 5512.52 – Section 106 Consultation: Cultural Resources Screening and APE
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Chief Hill:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the reports entitled *Cultural Resources Screening* (April 8, 2022), *Cultural Resources Screening Addendum for Archaeological Sensitivity* (April 17, 2023), and *Development of Area of Potential Effects* (April 20, 2023), prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Tonawanda Seneca Nation in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). These reports are also being transmitted to the New York State Historic Preservation Office (SHPO).

The *Cultural Resources Screening* describes the assessment of the potential presence of archaeological resources and historic architectural properties within a defined Study Area. The report provides an inventory of reported archaeological sites and previous surveys, an overview of precontact settlement and historical development, and a general sensitivity assessment for the Project. The *Cultural Resources Screening Addendum for Archaeological Sensitivity* summarizes the findings of the *Cultural Resources Screening* and assesses the archaeological potential of a more refined survey area, delineated based on proposed work activities. Based on the documentation of extensive prior disturbance and the lack of archaeological sensitivity at the depths of 20-30 feet below original grade, the report concludes that with the exception of one parcel, no archaeological potential exists within the survey area. However, as a result of ongoing design activities, the NYSDOT is no longer proposing any ground disturbance in that parcel. Based on the results of the *Cultural Resources Screening*, architectural surveys are being conducted to identify potential historic architectural properties within the survey area.

The *Development of Area of Potential Effects* summarizes the activities conducted to delineate a proposed Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1). The APE

incorporates a geographical area that considers potential direct and indirect effects on historic architectural properties.

The FHWA is seeking the views of the Tonawanda Seneca Nation regarding the Project and the recommendation for no further archaeological investigations. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Tonawanda Seneca Nation by **June 12, 2023**.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Tonawanda Seneca Nation.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

Sincerely,
MATTHEW
MICHAEL
SEYMOUR

Matthew Seymour, P.E.
Senior Area Engineer

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MATTHEW MICHAEL
SEYMOUR
Date: 2023.05.12 07:35:35
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Encl: *Cultural Resources Screening* (April 8, 2022)
Cultural Resources Screening Addendum for Archaeological Sensitivity (April 17, 2023)
Development of Area of Potential Effects (May 10, 2023)

cc: R. Davies, FHWA NY Division (w/o encl.)
K. Hogan, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)
A. Page, Attorney at Law (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

May 12, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Bryan Printup
Tuscarora Nation
Tuscarora Environment Office
5226 E. Walmore Road
Tuscarora Nation
Lewiston, NY 14092

Subject: PIN 5512.52 – Section 106 Consultation: Cultural Resources Screening and APE
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Mr. Printup:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the reports entitled *Cultural Resources Screening* (April 8, 2022), *Cultural Resources Screening Addendum for Archaeological Sensitivity* (April 17, 2023), and *Development of Area of Potential Effects* (April 20, 2023), prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Tuscarora Nation in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). These reports are also being transmitted to the New York State Historic Preservation Office (SHPO).

The *Cultural Resources Screening* describes the assessment of the potential presence of archaeological resources and historic architectural properties within a defined Study Area. The report provides an inventory of reported archaeological sites and previous surveys, an overview of precontact settlement and historical development, and a general sensitivity assessment for the Project. The *Cultural Resources Screening Addendum for Archaeological Sensitivity* summarizes the findings of the *Cultural Resources Screening* and assesses the archaeological potential of a more refined survey area, delineated based on proposed work activities. Based on the documentation of extensive prior disturbance and the lack of archaeological sensitivity at the depths of 20-30 feet below original grade, the report concludes that with the exception of one parcel, no archaeological potential exists within the survey area. However, as a result of ongoing design activities, the NYSDOT is no longer proposing any ground disturbance in that parcel. Based on the results of the *Cultural Resources Screening*, architectural surveys are being conducted to identify potential historic architectural properties within the survey area.

The *Development of Area of Potential Effects* summarizes the activities conducted to delineate a proposed Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1). The APE incorporates a geographical area that considers potential direct and indirect effects on historic architectural properties.

The FHWA is seeking the views of the Tuscarora Nation regarding the Project and the recommendation for no further archaeological investigations. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Tuscarora Nation by **June 12, 2023**.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Tuscarora Nation.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

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MATTHEW MICHAEL
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Date: 2023.05.12
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Matthew Seymour, P.E.
Senior Area Engineer

Encl: *Cultural Resources Screening* (April 8, 2022)
Cultural Resources Screening Addendum for Archaeological Sensitivity (April 17, 2023)
Development of Area of Potential Effects (May 10, 2023)

cc: R. Davies, FHWA NY Division (w/o encl.)
K. Hogan, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

May 12, 2023

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New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

William Tarrant
Tribal Historic Preservation Director
Culture/Historic Preservation Program & NAGPRA Representative
Tribal Historic Preservation Office
23701 South 655 Rd, 10 Hwy
Grove, OK 74344

Subject: PIN 5512.52 – Section 106 Consultation: Cultural Resources Screening and APE
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear William Tarrant:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the reports entitled *Cultural Resources Screening* (April 8, 2022), *Cultural Resources Screening Addendum for Archaeological Sensitivity* (April 17, 2023), and *Development of Area of Potential Effects* (April 20, 2023), prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Seneca Cayuga Tribe of Oklahoma in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). These reports are also being transmitted to the New York State Historic Preservation Office (SHPO).

The *Cultural Resources Screening* describes the assessment of the potential presence of archaeological resources and historic architectural properties within a defined Study Area. The report provides an inventory of reported archaeological sites and previous surveys, an overview of precontact settlement and historical development, and a general sensitivity assessment for the Project. The *Cultural Resources Screening Addendum for Archaeological Sensitivity* summarizes the findings of the *Cultural Resources Screening* and assesses the archaeological potential of a more refined survey area, delineated based on proposed work activities. Based on the documentation of extensive prior disturbance and the lack of archaeological sensitivity at the depths of 20-30 feet below original grade, the report concludes that with the exception of one parcel, no archaeological potential exists within the survey area. However, as a result of ongoing design activities, the NYSDOT is no longer proposing any ground disturbance in that parcel. Based on the results of the *Cultural Resources Screening*, architectural surveys are being conducted to identify potential historic architectural properties within the survey area.

The *Development of Area of Potential Effects* summarizes the activities conducted to delineate a proposed Area of Potential Effects (APE) in accordance with 36 CFR 800.4(a)(1). The APE incorporates a geographical area that considers potential direct and indirect effects on historic architectural properties.

The FHWA is seeking the views of the Seneca Cayuga Tribe of Oklahoma regarding the Project and the recommendation for no further archaeological investigations. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Seneca Cayuga Tribe of Oklahoma by **June 12, 2023**.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Seneca Cayuga Tribe of Oklahoma.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

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MATTHEW MICHAEL
SEYMOUR
Date: 2023.05.12
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Matthew Seymour, P.E.
Senior Area Engineer

Encl: *Cultural Resources Screening* (April 8, 2022)
Cultural Resources Screening Addendum for Archaeological Sensitivity (April 17, 2023)
Development of Area of Potential Effects (May 10, 2023)

cc: R. Davies, FHWA NY Division (w/o encl.)
K. Hogan, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
C. Leslie, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 20, 2023

Laura Orlando-Savage
Environmental Specialist 2
NYS DOT Main Office
50 Wolf Road
Albany, NY 12232

RE: FHWA
PIN 5512.52: NYS Route 33, Kensington Expressway Project
Between Best Street and East Ferry Street, including Humboldt Parkway
City of Buffalo, Erie County
22PR08247

Dear Ms. Orlando-Savage:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the *Cover Letter* (dated May 11, 2023), the *Reconnaissance Level Architectural Resources Survey Report*, the *Development of the Area of Potential Effects*, and the *Cultural Resources Screening Addendum for Archaeological Sensitivity* in accordance with Section 106 of the National Preservation Act of 1966 (NHPA). These comments are those of the SHPO and relate only to historic/cultural resources.

Based on our review of the *Development of the Area of Potential Effects* (APE), the SHPO concurs with the definition of the indirect and direct APE.

SHPO Architectural Comments

We have reviewed the *Reconnaissance Level Architectural Resources Survey Report* (dated May 18, 2023) prepared by Mark S. LoRusso of the Cultural Resources Survey Program, New York State Museum. Based on this review, the SHPO offers the following comments.

Properties Identified as State and National Register Listed Within Survey Boundaries

The SHPO concurs that the following are listed on the State and National Registers:

1. Hamlin Park Historic District (USN 02940.027688, SR and NR 2013)
2. Temple Beth David/Faith Missionary Baptist Church (USN 02940.019106, SR and NR 2018)
3. MLK Park/Humboldt Park (USN 02940.000004, State and National Register listed as part of Olmsted Parks and Parkways Thematic nomination, SR 1981, NR 1982) – MLK Park contains numerous contributing resources including the Buffalo Museum of Science (USN 02940.003876)

Properties Previously Identified as State and National Register Eligible (NRE)

The SHPO concurs that the following appears to be State and National Register Eligible:

1. Pilgrim English Evangelical Church/Young Tabernacle Holiness Church, 623 Best Street (USN 02940.023821): Reconfirmed as potentially NRE under criterion C in the area of Architecture.

Properties Recommended as Individually State and National Register Eligible (NRE)

The SHPO makes the following comments:

1. Tried Stone Baptist Church, 771 Humboldt Parkway (USN 02940.033421): Based on the available information, architecturally, this church does not appear to be individually NRE. It has been painted, perhaps parged, and has a more recent addition.
2. Memorial Baptist Church, 772 Humboldt Parkway (USN 02940.033423): Based on the provided information, this church appears eligible under criterion C in the area of Architecture.
3. Humboldt Parkway Baptist Church, 790 Humboldt Parkway (USN 02940.033427): Based on the provided information, this church appears eligible under criterion C in the area of Architecture.
4. Fellowship World Church, 878 Humboldt Parkway (USN 02940.033430): Based on the provided information, this church appears eligible under criterion C in the area of Architecture.
5. The House at 58 Linden Park (Hobert Siblings/Peoples-Stokes House), 58 Linden Park (USN 02940.033431): Based on the provided information, this house appears to be eligible under criterion C in the area of Architecture.

Bridges Identified as not State and National Register Eligible within Survey Boundaries

The SHPO concurs that the following bridges within the survey area do NOT appear to be eligible for the State and National Registers of Historic Places:

1. BIN 1022620 (USN 02940.035692), Northampton Street over Kensington Expressway (NY Route 33) - built 1963
2. BIN 1022630 (02940.035693), East Utica Street over Kensington Expressway (NY Route 33) - built 1970
3. BIN 1022640 (02940.035694), East Ferry Street over Kensington Expressway (NY Route 33) - built 1970

Properties Recommended as not State and National Register Eligible (NRE)

The SHPO has determined that the following properties are not individually NRE:

ADDRESS	USN
919 Humboldt Parkway	02940.036578
923 Humboldt Parkway	02940.036579
931 Humboldt Parkway	02940.036641
638 Humboldt Parkway	02940.019107
644 Humboldt Parkway	02940.019108

648 Humboldt Parkway	02940.019109
652 Humboldt Parkway	02940.019110
658 Humboldt Parkway	02940.019111
660 Humboldt Parkway	02940.019112
666 Humboldt Parkway	02940.019113
670 Humboldt Parkway	02940.019114
672 Humboldt Parkway	02940.019115
674 Humboldt Parkway	02940.019116
678 Humboldt Parkway	02940.019117
682 Humboldt Parkway	02940.019118
684 Humboldt Parkway	02940.019119
686 Humboldt Parkway	02940.019120
700 Humboldt Parkway	02940.036560
704 Humboldt Parkway	02940.036561
706 Humboldt Parkway	02940.036562
710 Humboldt Parkway	02940.036563
712 Humboldt Parkway	02940.036564
716 Humboldt Parkway	02940.036565
724 Humboldt Parkway	02940.036566
726 Humboldt Parkway	02940.036567
728 Humboldt Parkway	02940.036568
732 Humboldt Parkway	02940.036569
740 Humboldt Parkway	02940.036570
746 Humboldt Parkway	02940.036571
750 Humboldt Parkway	02940.036572
950 Humboldt Parkway	No building (vacant lot)
954 Humboldt Parkway	02940.036577
988 Humboldt Pkwy	02940.033504
992 Humboldt Pkwy	02940.033505
1002 Humboldt Pkwy	02940.033506
1004 Humboldt Pkwy	02940.033507
1008 Humboldt Pkwy	02940.033508
1012 Humboldt Pkwy	02940.033509
1016 Humboldt Pkwy	02940.033510
60-62 W Parade Avenue	02940.036583
66 W Parade Avenue	02940.036584
70 W Parade Avenue	02940.036585
74 W Parade Ave	02940.033512
80 W Parade Ave	02940.033513
86 W Parade Ave	02940.033514
90 W Parade Ave	02940.033515
96 W Parade Ave	02940.033516
106 W Parade Ave	02940.028250
112 W Parade Ave	02940.033511
CAO's St Martin Village (former German RC Orphan Asylum) 564 Dodge Street	02940.017770
594 Dodge Street	02940.036586

16 Linden Park	02940.036587
22 Linden Park	02940.036588
26 Linden Park	02940.036589
28 Linden Park	02940.036591
32 Linden Park	02940.036592
36 Linden Park	02940.036593
38 Linden Park	02940.036595
42 Linden Park	02940.036607
44 Linden Park	02940.036610
47 Linden Park	02940.036612
51 Linden Park	No building (vacant lot)
53 Linden Park	02940.036614
59 Linden Park	02940.036615
2 Norway Park	02940.036616
5 Norway Park	02940.036619
9 Norway Park	02940.036620
11 Norway Park	02940.036622
659 Best Street	02940.036628
661 Best Street	02940.036630
405 Fox Street	02940.036631
409 Fox Street	02940.036633
415 Fox Street	02940.036635
Musician Big 6 VP Club 600 E North Street	02940.036639

Proposed State and National Register Eligible Historic Districts

1. Lower Humboldt Parkway Historic District (USN 02940.033432)
2. Humboldt-Fillmore Historic District (USN 02940.033469)
3. Lower Humboldt Parkway-MLK Jr Park Historic District (USN 02940.033503)

While the SHPO concurs that the district identified as the Lower Humboldt Parkway Historic District does appear to be NRE, as submitted, we cannot concur with the recommendations of the two districts to the east; the Humboldt-Fillmore and Lower Humboldt Parkway-MLK Jr. Park historic districts. Based on the survey findings, we recommend that there are two potential State and National Register historic districts, tentatively called **Humboldt Parkway Historic District (West)** and **Humboldt Parkway Historic District (East)**. While both sides of Humboldt Parkway would have developed concurrently, with the same development context adjacent to the parkway, the division created by the current Kensington Expressway divides these neighborhoods into two historic districts. The survey makes a compelling argument that properties adjacent to parkways were larger, grander, and potentially architect-designed residences; this trend is seen adjacent to other parkway development in Buffalo including Richmond Avenue and McKinley Parkway.

SHPO Archaeological Comments

Based on our review of the *Cultural Resources Screening Addendum for Archaeological Sensitivity*, the SHPO concurs that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed.

If you have any building/structure questions, please contact jennifer.walkowski@parks.ny.gov or (518) 268-2137. If you have an archaeological questions or questions regarding the APE definition, please contact nancy.herter@parks.ny.gov or (518) 268-2179. Please note that this letter replaces our letter of July 5, 2023 and includes additional buildings/structures eligibility recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Herter".

Nancy Herter
Director, Technical Preservation Services Bureau



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Reverend Terry King
Resource Council WNY
347 E. Ferry Street
Buffalo, NY 14208

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Reverend King:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

The Architectural Survey Report was previously submitted to the New York State Preservation Office (SHPO). The SHPO provided concurrence on the previously identified National Register-eligible (NRE) or National Register-listed (NRL) properties and made eligibility determinations on historic districts and individual properties.

The draft Finding Documentation summarizes the assessment of effects on historic properties conducted to date. As discussed in the Finding Documentation, the NYSDOT has applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and recommends that the Project would result in a Section 106 Finding of **No Adverse Effect**. There would be no removal or demolition of any historic properties, or any changes resulting in an alteration to the contributing features that qualify the properties for listing on the National Register for Historic Places (NRHP). At this time, the NYSDOT respectfully requests comments on the preliminary Finding Documentation for effects on historic properties **by September 1, 2023**.

As a follow up from our last meeting on February 28, 2023, today, NYSDOT also transmitted:

- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting presentation
- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting summary
- The Kensington Expressway Consulting Parties contact list

The second Consulting Parties Meeting will be held on **Friday September 1, 2023**, from 10:00 AM to 12:00 PM. Please save the date. A meeting invite will follow.

If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



August 18, 2023

Carl Skompinski
Fillmore Forward
8294 Hunters Cove
Williamsville, NY 14221

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Carl Skompinski:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

The Architectural Survey Report was previously submitted to the New York State Preservation Office (SHPO). The SHPO provided concurrence on the previously identified National Register-eligible (NRE) or National Register-listed (NRL) properties and made eligibility determinations on historic districts and individual properties.

The draft Finding Documentation summarizes the assessment of effects on historic properties conducted to date. As discussed in the Finding Documentation, the NYSDOT has applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and recommends that the Project would result in a Section 106 Finding of **No Adverse Effect**. There would be no removal or demolition of any historic properties, or any changes resulting in an alteration to the contributing features that qualify the properties for listing on the National Register for Historic Places (NRHP). At this time, the NYSDOT respectfully requests comments on the preliminary Finding Documentation for effects on historic properties **by September 1, 2023**.

As a follow up from our last meeting on February 28, 2023, today, NYSDOT also transmitted:

- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting presentation
- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting summary
- The Kensington Expressway Consulting Parties contact list

The second Consulting Parties Meeting will be held on **Friday September 1, 2023**, from 10:00 AM to 12:00 PM. Please save the date. A meeting invite will follow.

If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



August 18, 2023

Nancy Herter, Ph.D.
Director, Technical Preservation Services Bureau
NYS Office of Parks, Recreation & Historic Preservation
Peebles Island State Park - P.O. Box 189
Waterford, New York 12188-0189

RE: Section 106: Draft Finding Documentation and Section 4(f) Use
OPRHP 22PR08247
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Nancy Herter:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is submitting the enclosed draft Finding Documentation to the New York State Historic Preservation Office (SHPO) for review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The draft Finding Documentation is also being shared with the Tribal Nations and Consulting Parties for review and comment.

The draft Finding Documentation summarizes the assessment of effects on historic properties conducted to date. As discussed in the Finding Documentation, the NYSDOT has applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and recommends that the Project would result in a Section 106 Finding of **No Adverse Effect**. There would be no removal or demolition of any historic properties, or any changes resulting in an alteration to the contributing features that qualify the properties for listing on the National Register for Historic Places (NRHP).

The Project, a recipient of FHWA funds, is also subject to the requirements of Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 (now codified in 23 USC §138 and 49 USC §303), and the FHWA implementing regulation, 23 CFR Part 774. Section 4(f) prohibits the Secretary of Transportation from approving any program or project that requires the use of a Section 4(f) resource, including public parks/recreation areas and historic sites, unless there is no feasible and prudent avoidance alternative to the use of such land and all possible planning has been

undertaken to minimize harm to the Section 4(f) resource. However, a *de minimis* impact finding may be made when certain uses of Section 4(f) land will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). In accordance with the applicable regulations and FHWA guidance, the historic properties identified in the Finding Document are considered Section 4(f) historic sites.

The NYSDOT anticipates temporary occupancy of small portions of historic properties for activities such as relocation of existing water service in previously disturbed areas, sidewalk reconstruction with curb ramps, landscaping, and construction of a Support of Excavation wall for tie back. Temporary easements for these activities are anticipated to occur at discrete locations and would only be needed for a short duration (approximately 2-4 weeks). Consistent with criteria set forth in 23 CFR Part 774.13(d), the temporary occupancy of these historic sites would not be a use of these Section 4(f) properties for the following reasons:

- In each location, the total amount of time required for construction would be less than one month, which is less than the three- to four-year duration for construction of the Project, and there would be no change in the ownership of the land.
- The Project involves only minor construction activities, including limited excavation to replace existing water service, sidewalk work with Americans with Disabilities Act (ADA) curb ramps, landscaping, and support of excavation walls within the Martin Luther King Park Historic District.
- Once complete, there would be no permanent adverse physical impacts to the historic sites.
- The land being utilized would be fully restored.

As discussed in the Finding Documentation, there would also be a few minor fee acquisitions from properties to establish the right-of-way for existing sidewalks within the existing transportation facility to accommodate sidewalk/ADA curb ramp work. However, because the existing sidewalk is part of the existing transportation corridor and there would be no impact to the buildings or the setting, this change would not adversely affect the attributes that qualify known or potential historic sites for protection under Section 4(f). Therefore, the FHWA intends to make a *de minimis* impact finding.

On behalf of FHWA, the NYSDOT respectfully requests that SHPO, as an official with jurisdiction over the Section 4(f) historic sites identified in the Finding Documentation, provide concurrence in writing with FHWA's proposed *de minimis* finding for those historic sites where minor acquisitions would occur to establish the right-of-way and with the determination that the temporary occupancy of certain historic sites associated with construction activities meets the conditions under 23 CFR Part 774.13(d) so that the temporary occupancy does not constitute a use within the meaning of Section 4(f). Please provide your concurrence in a letter, which will be made part of the administrative record for the Project, and please include statements similar to the following:

“The proposed use of land from historic sites under the New York State Route 33 (Kensington Expressway) Project Build Alternative is unavoidable. The temporary occupancy of historic sites for construction of the Build Alternative meets the conditions under 23 CFR Part 774.13(d) so that the temporary occupancy does not constitute a use within the meaning of Section 4(f). The State Historic Preservation Office concurs that the minor acquisition from historic sites would not adversely affect the historic qualities that qualify them to be on or eligible for the National Register and qualify them for protection under Section 4(f).”

The final version of the Finding Documentation will address substantive comments received from SHPO, the Tribal Nations and/or Consulting Parties, as appropriate, and will be included in the Draft Design Report/Environmental Assessment. At this time, the NYSDOT respectfully requests the written concurrence of the SHPO with the recommended finding of No Adverse Effect on historic properties, based on the provided documentation, and with the anticipated Section 4(f) *de minimis* impact finding and temporary occupancy. We would appreciate your response no later than September 1, 2023.

If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/lb/bb

Encl: Draft Finding Documentation (August 18, 2023)

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

August 18, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Rickey L. Armstrong, Sr., President
Seneca Nation of Indians
90 Ohi:yo' Way
Salamanca, NY 14779

Subject: PIN 5512.52– Section 106 Consultation: Finding Documentation
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Mr. Armstrong:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the draft Finding Documentation, prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Seneca Nation of Indians in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). This draft Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The draft Finding Documentation summarizes the assessment of effects on historic properties. In a letter dated July 20, 2023, the SHPO provided concurrence that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed. Therefore, the assessment of effects is based on identified historic architectural properties.

The FHWA is seeking the views of the Seneca Nation of Indians regarding the Project's effects finding. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Seneca Nation of Indians by September 1, 2023.

A virtual Consulting Parties meeting will be held on September 1, 2023 in the morning. We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to offer your views regarding the Section 106 findings for the Project. A WebEx invite will be sent in the coming week. If you prefer, we are available to meet with you individually. Please let us know your preference.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Seneca Nation of Indians.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

Digitally signed by
MATTHEW MICHAEL
SEYMOUR
Date: 2023.08.18
14:47:14 -04'00'

Matthew Seymour, P.E.
Senior Area Engineer

Encl: draft *Finding Documentation* (August 18, 2023)

cc: R. Davies, Director of Engineering, FHWA, HEA-NY (w/o encl.)
K. Kramer, Environmental Specialist, FHWA, HEA-NY (w/o encl.)
K. Hogan, Civil Rights Specialist, FHWA, HEA-NY (w/o encl.)
N. Herter, Division Director, NYS Div. for Historic Preserv. (PR# 22PR08247) (w/o encl.)
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD (w/o encl.)
C. Leslie, Director EIS & Special Projects Bureau, NYSDOT, OOE (w/o encl.)
T. Smith, Director, NYSDOT, OOE (w/o encl.)
S. Vaidya, Regional Design Engineer, NYSDOT, Region 5 (w/o encl.)
A. Gott, Assistant Regional Design Engineer, NYSDOT Region 5 (w/o encl.)
J. Stahlman, THPO, Seneca Nation of Indians (w/o encl.)
S. Ray, Director of Transportation, Seneca Nation of Indians (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

August 18, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Chief Roger Hill
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Subject: PIN 5512.52– Section 106 Consultation: Finding Documentation
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Chief Hill:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the draft Finding Documentation, prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Tonawanda Seneca Nation in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). This draft Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The draft Finding Documentation summarizes the assessment of effects on historic properties. In a letter dated July 20, 2023, the SHPO provided concurrence that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed. Therefore, the assessment of effects is based on identified historic architectural properties.

The FHWA is seeking the views of the Tonawanda Seneca Nation regarding the Project's effects finding. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Tonawanda Seneca Nation by September 1, 2023.

A virtual Consulting Parties meeting will be held on September 1, 2023 in the morning. We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to offer your views regarding the Section 106 findings for the Project. A WebEx invite will be sent in the coming week. If you prefer, we are available to meet with you individually. Please let us know your preference.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Tonawanda Seneca Nation.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

Digitally signed by
MATTHEW MICHAEL
SEYMOUR
Date: 2023.08.18
14:47:46 -04'00'

Matthew Seymour, P.E.
Senior Area Engineer

Encl: draft *Finding Documentation* (August 18, 2023)

cc: R. Davies, Director of Engineering, FHWA, HEA-NY (w/o encl.)
K. Kramer, Environmental Specialist, FHWA, HEA-NY (w/o encl.)
K. Hogan, Civil Rights Specialist, FHWA, HEA-NY (w/o encl.)
N. Herter, Division Director, NYS Div. for Historic Preserv. (PR# 22PR08247) (w/o encl.)
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD (w/o encl.)
C. Leslie, Director EIS & Special Projects Bureau, NYSDOT, OOE (w/o encl.)
T. Smith, Director, NYSDOT, OOE (w/o encl.)
S. Vaidya, Regional Design Engineer, NYSDOT, Region 5 (w/o encl.)
A. Gott, Assistant Regional Design Engineer, NYSDOT Region 5 (w/o encl.)
A. Page, Attorney at Law (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

August 18, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Bryan Printup
Tuscarora Nation
Tuscarora Environment Office
5226 E. Walmore Road
Tuscarora Nation
Lewiston, NY 14092

Subject: PIN 5512.52– Section 106 Consultation: Finding Documentation
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Mr. Printup:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the draft Finding Documentation, prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Tuscarora Nation in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). This draft Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The draft Finding Documentation summarizes the assessment of effects on historic properties. In a letter dated July 20, 2023, the SHPO provided concurrence that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed. Therefore, the assessment of effects is based on identified historic architectural properties.

The FHWA is seeking the views of the Tuscarora Nation regarding the Project's effects finding. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Tuscarora Nation by September 1, 2023.

A virtual Consulting Parties meeting will be held on September 1, 2023 in the morning. We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to offer your views regarding the Section 106 findings for the Project. A WebEx invite will be sent in the coming week. If you prefer, we are available to meet with you individually. Please let us know your preference.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Tuscarora Nation.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

Digitally signed by
MATTHEW MICHAEL
SEYMOUR
Date: 2023.08.18
14:48:20 -04'00'

Matthew Seymour, P.E.
Senior Area Engineer

Encl: draft *Finding Documentation* (August 18, 2023)

- cc: R. Davies, Director of Engineering, FHWA, HEA-NY (w/o encl.)
K. Kramer, Environmental Specialist, FHWA, HEA-NY (w/o encl.)
K. Hogan, Civil Rights Specialist, FHWA, HEA-NY (w/o encl.)
N. Herter, Division Director, NYS Div. for Historic Preserv. (PR# 22PR08247) (w/o encl.)
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD (w/o encl.)
C. Leslie, Director EIS & Special Projects Bureau, NYSDOT, OOE (w/o encl.)
T. Smith, Director, NYSDOT, OOE (w/o encl.)
S. Vaidya, Regional Design Engineer, NYSDOT, Region 5 (w/o encl.)
A. Gott, Assistant Regional Design Engineer, NYSDOT Region 5 (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

August 18, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPD-NY

William Tarrant
Tribal Historic Preservation Director
Culture/Historic Preservation Program & NAGPRA Representative
Tribal Historic Preservation Office
23701 South 655 Rd, 10 Hwy
Grove, OK 74344

Subject: PIN 5512.52– Section 106 Consultation: Finding Documentation
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Mr. Tarrant:

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is transmitting the draft Finding Documentation, prepared for PIN 5512.52, New York State Route 33, Kensington Expressway Project (the Project) for review by the Seneca Cayuga Tribe of Oklahoma in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations (36 CFR Part 800). This draft Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The draft Finding Documentation summarizes the assessment of effects on historic properties. In a letter dated July 20, 2023, the SHPO provided concurrence that there is no potential for the presence of archaeological resources within the APE due to previous ground disturbance and that an archaeological survey is not needed. Therefore, the assessment of effects is based on identified historic architectural properties.

The FHWA is seeking the views of the Seneca Cayuga Tribe of Oklahoma regarding the Project's effects finding. Based on your review of the enclosed documents, the FHWA respectfully requests written comments from the Seneca Cayuga Tribe of Oklahoma by September 1, 2023.

A virtual Consulting Parties meeting will be held on September 1, 2023 in the morning. We invite you to meet with representatives of the FHWA, the New York State Historic Preservation Office (SHPO), and the NYSDOT to offer your views regarding the Section 106 findings for the Project. A WebEx invite will be sent in the coming week. If you prefer, we are available to meet with you individually. Please let us know your preference.

We appreciate your participation in the Section 106 process for this Project and look forward to continuing consultation with the Seneca Cayuga Tribe of Oklahoma.

If you have any questions concerning these reports, please contact Laura Savage at Laura.Savage@dot.ny.gov or 518-457-4052.

If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

**MATTHEW
MICHAEL
SEYMOUR**

Digitally signed by
MATTHEW MICHAEL
SEYMOUR
Date: 2023.08.18
14:48:54 -04'00'

Matthew Seymour, P.E.
Senior Area Engineer

Encl: draft *Finding Documentation* (August 18, 2023)

cc: R. Davies, Director of Engineering, FHWA, HEA-NY (w/o encl.)
K. Kramer, Environmental Specialist, FHWA, HEA-NY (w/o encl.)
K. Hogan, Civil Rights Specialist, FHWA, HEA-NY (w/o encl.)
N. Herter, Division Director, NYS Div. for Historic Preserv. (PR# 22PR08247) (w/o encl.)
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD (w/o encl.)
C. Leslie, Director EIS & Special Projects Bureau, NYSDOT, OOE (w/o encl.)
T. Smith, Director, NYSDOT, OOE (w/o encl.)
S. Vaidya, Regional Design Engineer, NYSDOT, Region 5 (w/o encl.)
A. Gott, Assistant Regional Design Engineer, NYSDOT Region 5 (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Reva Betha
Hamlin Park Historian
25 Blaine Avenue
Buffalo, NY 14208

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Reva Betha:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

The Architectural Survey Report was previously submitted to the New York State Preservation Office (SHPO). The SHPO provided concurrence on the previously identified National Register-eligible (NRE) or National Register-listed (NRL) properties and made eligibility determinations on historic districts and individual properties.

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If you have questions or would like additional information, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



Department of
Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

David Cinquino
Buffalo Museum of Science
1020 Humboldt Parkway
Buffalo, NY 14211

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear David Cinquino:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

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cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



August 18, 2023

Beth Downing
Buffalo Olmsted Parks Conservancy
84 Parkside Ave.
Buffalo, NY 14214

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Beth Downing:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Shirley Harris
Hamlin Park Community & Taxpayers Association
285 Humboldt Parkway
Buffalo, NY 14208

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Shirley Harris:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



August 18, 2023

Florence Johnson
40 Pansy Place
Buffalo, NY 14208

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Florence Johnson:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Sandra McClary Howard
Hamlin Park Community & Taxpayers Association
143 Hamlin Road
Buffalo, NY 14208

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Sandra McClary Howard:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Alan Oberst
189 14th Street
Buffalo, NY 14213

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Alan Oberst:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

Encl: Draft Finding Documentation (August 18, 2023)
Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

August 18, 2023

Bernice Radle
Preservation Buffalo Niagara
617 Main Street, Suite 201
Buffalo, NY 14203

RE: Section 106: Draft Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Bernice Radle:

On behalf of the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) is transmitting the draft Finding Documentation for your review in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800: *Protection of Historic Properties* as part of continuing consultation for the New York State Route 33 (Kensington Expressway) Project (Project). The Architectural Reconnaissance Survey is also being transmitted for your information.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

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Architectural Reconnaissance Survey

cc: R. Davies, FHWA NY Division (w/o encl.)
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R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

September 5, 2023

Laura Orlando-Savage
Environmental Specialist 2
NYS DOT Main Office
50 Wolf Road
Albany, NY 12232

Re: FHWA
PIN 5512.52: NYS Route 33, Kensington Expressway Project
City of Buffalo, Erie County
22PR08247

Dear Laura Orlando-Savage:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the August 18, 2023 *Draft Finding Documentation* in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based upon this review, the SHPO has no comments or concerns regarding the *Draft Finding Documentation* and concurs with the Section 106 Finding of **No Adverse Effect** on historic properties.

In addition, it is the opinion of the SHPO that the proposed use of land from historic sites under the New York State Route 33 (Kensington Expressway) Project Build Alternative is unavoidable. The temporary occupancy of historic sites for construction of the Build Alternative meets the conditions under 23 CFR Part 774.13(d) so that the temporary occupancy does not constitute a use within the meaning of Section 4(f). The SHPO concurs that the minor acquisition from historic sites would not adversely affect the historic qualities that qualify them to be on or eligible for the National Register and qualify them for protection under Section 4(f)."

If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,

Nancy Herter
Director, Technical Preservation Services Bureau



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

September 6, 2023

Robert M. Davies
Director, Office of Statewide Engineering
Federal Highway Administration
New York Division
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

RE: Section 106 – Request for Approval of Additional Consulting Party Status
PIN 5512.52
New York State Route 33, Kensington Expressway Project
Erie County, New York

Dear Mr. Davies:

Enclosed for Federal Highway Administration (FHWA) consideration, please find an additional request for Section 106 Consulting Party status for the New York State Route 33 (Kensington Expressway) Project (Project), submitted to the New York State Department of Transportation (NYSDOT) in accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

The enclosed request was submitted to the Project's Community Outreach Office on August 30, 2023. The NYSDOT Office of Environment has reviewed the request and recommends Terrence Robinson for Consulting Party status, based on his written statements of interest.

We respectfully request FHWA approval of the above-referenced individual, granting Consulting Party status for participation in the Section 106 process.

If you have questions or would like additional information, please contact Jessica Prockup at (518) 417-6642 or Jessica.Prockup@dot.ny.gov.

Sincerely,

Catherine Leslie

Catherine Leslie
Director, Environmental Impact Statements & Special Projects Bureau

CL/jp/bb

Encl: Requests for Consulting Party status form

cc: M. Seymour, FHWA NY Division (w/o encl.)
N. Herter, NYSOPRHP (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
D. Laistner, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

September 7, 2023

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Ms. Catherine Leslie
Director of Environmental Impact Statements
& Special Projects Bureau
NYSDOT
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 Consulting Party Approval
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your September 6 letter requesting approval of Section 106 Consulting Party Status for various individuals and organizations. In response to your request, we have reviewed the submitted materials. As stated in 36 CFR Part 800.2(c)(5):

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

After reviewing the information contained in the requests, we have approved the following individual to be a consulting party to the Section 106 process for the subject project:

1. Terrence Robinson, Individual

Consulting party status entitles individual to share views, receive and review pertinent information, offer ideas and consider possible solutions together with the Federal Highway Administration, New York State Department of Transportation, and other consulting parties. Please ensure these approved parties have a copy of the Advisory Council on Historic Preservation's (ACHP) guide entitled "Protecting Historic Properties: A Citizen's Guide to Section 106 Review." If you have any questions, please feel free to contact me at (518) 431-8882.

Sincerely,

MATTHEW
MICHAEL
SEYMOUR

Digitally signed by
MATTHEW
MICHAEL SEYMOUR
Date: 2023.09.07
06:44:19 -04'00'

Matthew Seymour, P.E.
Senior Area Engineer

- cc: R. Davies, Director Office of Statewide Engineering, FHWA, HEA-NY
N. Herter, Division Director, NYS Division for Historic Preservation
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD
S. Vaidya, Regional Design Engineer, NYSDOT, R5
A. Gott, Assistant Regional Design Engineer, NYSDOT, R5
D. Laistner, Project Manager, NYSDOT, R5
T. Smith, Director, NYSDOT, OOE

Appendix C
Bridge Certification Form
2023

Certification Worksheet for Program Comment for Common Post-1945 Concrete and Steel Bridges and Culverts associated with PIN 5512.52

	Consideration 1	Consideration 2 (part 1)	Consideration 2 (part 2)	Consideration 3	Consideration 4	Consideration 5	Summary
BIN or CIN	Year Built	Type	Sub type	Bridge Eligible or Listed or adjacent an Eligible or listed resource?	Spans of: Arch bridges, truss bridges, bridges with movable spans, suspension bridges, cable-stayed bridges, or covered bridges?	On Excepted Bridges List?	Meets all Considerations of Program Comment?
1022609	1963	Steel Multi-Beam or Multi-Girder bridges	Steel-rolled multi-beams	No	No	No	Yes- Program Comment Does Apply
1022610	1963	Steel Multi-Beam or Multi-Girder bridges	Steel-rolled multi-beams	No	No	No	Yes- Program Comment Does Apply
		--	--	--	--	--	--
		--	--	--	--	--	--
		--	--	--	--	--	--
		--	--	--	--	--	--

Completed by: *Laura Savage* Region MO CRC Date 6/27/2023
Laura Orlando-Savage

Consideration 2: The Program Comment is only applicable to the following bridge and culvert Types and Subtypes:

Type: Reinforced concrete slab bridges

Subtype

- (i) Reinforced concrete cast-in-place slabs
- (ii) Reinforced concrete pre-cast slabs
- (iii) Pre-stressed concrete slabs

Type: Reinforced concrete beam and girder bridges

Subtype

- (i) Reinforced concrete Tee Beams
- (ii) Reinforced concrete channel beams
- (iii) Pre-stressed concrete I-Beams and BulbTees
- (iv) Pre-stressed concrete box beams

Type: Steel Multi-Beam or Multi-Girder bridges

Subtype

- (i) Steel-rolled multi-beams
- (ii) Steel fabricated (built up) girders

Type: Culverts and reinforced concrete boxes

Subtype

- (i) Reinforced concrete boxes
- (ii) Concrete box culverts
- (iii) Concrete pipe culverts
- (iv) Steel pipe culvert



Date: 6/29/2023

Region 5 Structures Engineer