

Appendix D10

Finding Documentation and Section 106 Correspondence

Finding Documentation

PIN: 5512.52

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

January 2024

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 Design Report / Environmental Assessment (DR/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 Project's transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street. The segment of Kensington Expressway within the transportation corridor 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 Limits include approximately 1.3 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: Project Location Map 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 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 of physical disturbance with potential direct effects (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 1.3 miles and includes areas of proposed disturbance associated with regrading.

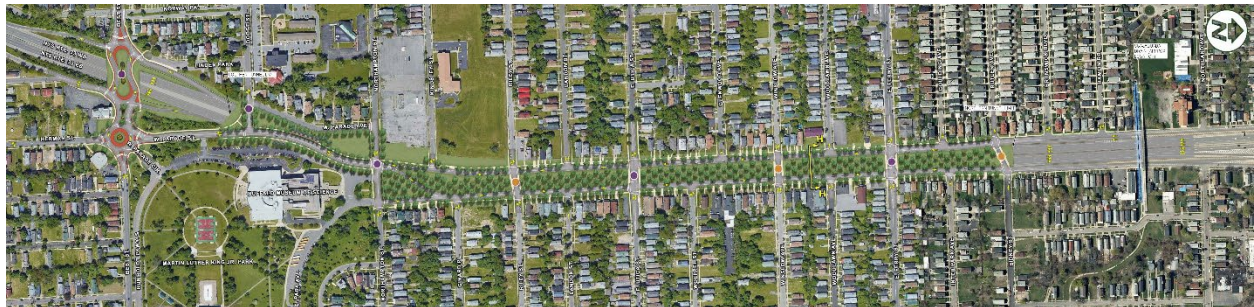


Figure 1: Build Alternative reconstruction with a 6-lane tunnel and tree-lined parkway setting (above tunnel)

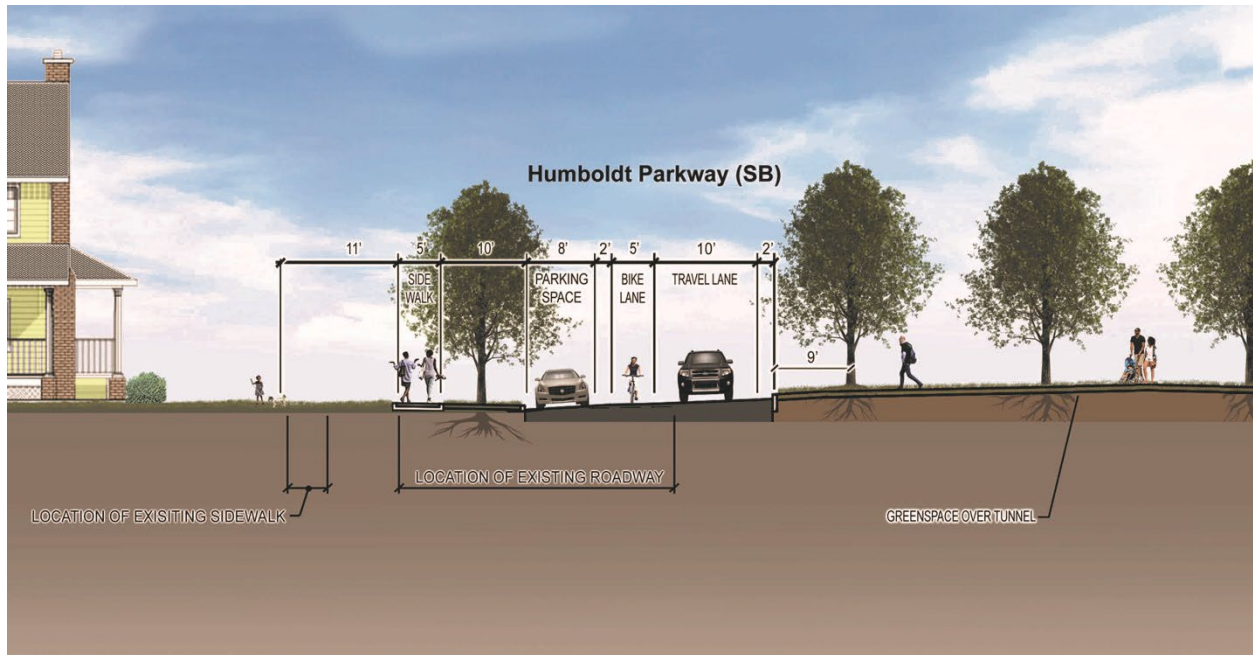


Figure 2: Humboldt Parkway typical section under the Build Alternative looking north.

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 response to Consulting Parties comments, the FHWA, in consultation with the NYSDOT and the SHPO, extended the APE to include areas of additional project elements, including in-kind work conducted along certain streets outside the Project Limits. The revised APE was provided to Consulting Parties on December 22, 2023, and includes the area roughly bounded by High Street and Genesee Street as the southern limit, Northland Avenue as the northern limit, Johnson Street and Wohler’s Avenue as the western limit, and Fillmore Avenue and the entirety of MLK park as the eastern limit. The maps included in Appendix A, the APE and Historic Properties shows the updated 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; in-kind repair or replacement of highway infrastructure, streetscape or landscape elements; 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 PIN 5512.52, NYS Route 33 Kensington Expressway Project – Finding Documentation City of Buffalo, Erie County, New York

reconnect these streets at grade. Replacement of the Best Street bridge over the Kensington Expressway would include a roundabout. The Project would create new greenspace above the newly constructed tunnel carrying the Kensington Expressway.

The APE has been delineated to include areas with the potential for direct and indirect (visual and auditory) effects on architectural resources resulting from the Build Alternative, including temporary (construction-related) effects. Locations where only in-kind work is proposed is also included.

The in-kind work would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Since the repair or replacement would be with the same materials or similar substitute materials that are physically and visually compatible with the existing features, these project elements would not modify the view from the current setting of known or potential historic properties along the city streets. Compared to existing conditions and the character of the built environment, this in-kind work would have no effect, as defined in 36 CFR 800.16(i), upon historic properties.

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 defining areas with a potential for indirect effects, 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 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 are identified as the area for potential indirect effects and are delineated to include parcels that are within or immediately adjacent to (i.e., extend one parcel out from) the LOD.

2 Steps Taken to Identify Historic Properties

2.1 Cultural Resources Screening

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.

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: Section 106 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 LOD and the area for potential indirect effects, in order to provide context for potential historic properties within the LOD and the area for potential indirect effects. 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 LOD, 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

¹ Program Comment for Post-1945 Concrete and Steel Bridges, [Environmental Review Toolkit \(dot.gov\)](https://www.dot.ny.gov/EnvironmentalReviewToolkit)
 PIN 5512.52, NYS Route 33 Kensington Expressway Project – Finding Documentation
 City of Buffalo, Erie County, New York

- Humboldt Parkway Baptist Church
- 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 2).

In consideration of the modification to the APE in December 2023, the FHWA determined that the efforts to identify historic resources for the Project (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are sufficient and satisfy the requirements of 36 CFR 800.4(b)(1). Additional identification efforts, including surveys are not warranted given the scope and nature of the proposed in-kind work and the lack of potential to effect known or potential historic properties as discussed in Section 1.3.

Table 1 lists all historic architectural resources listed on or determined eligible for the NRHP located within the areas for potential direct and indirect effects. One property previously determined eligible for the NRHP has been demolished.

Table 1. Historic Properties within the Areas for Potential Direct and Indirect 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 4 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
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
Hobert 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 NRHP eligible or listed properties (including 3 individually eligible properties) that contribute to four NRHP eligible or listed historic districts and 3 additional individually NRHP eligible or listed properties within the areas for potential direct and indirect effects. (one previously identified NRE building was subsequently demolished). The locations of identified historic properties are shown in Appendix A, Exhibit 2. 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 areas of potential direct and indirect effects. 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.

3.3.4 Acquisitions

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 area for potential indirect effects.

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) (787, 791, 795, 803, 807, 811, 815, 817, 821, 835, 839, 845, 849, 855, 859, 865, 879, 883, 885*(vacant lot), 889, 893, 901, and 905 Humboldt Parkway). These activities would be temporary in duration and would not result in the alteration of the National
PIN 5512.52, NYS Route 33 Kensington Expressway Project – Finding Documentation
City of Buffalo, Erie County, New York

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 thirty 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) (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). 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.

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 Adjacent to In-kind work and/or with Minor Fee Acquisitions

The Project includes in-kind, local street improvements along various City of Buffalo streets adjacent to the Kensington Expressway and Humboldt Parkway. The bounding street limits of these improvements are generally High Street to the south, Northland Avenue to the north, Fillmore Avenue to the east, and Wohlers Avenue to the west. This in-kind work, defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing features, includes the following: milling and paving, ADA ramp upgrades, new traffic signals with pedestrian indicators, curb replacements (as needed), sidewalk replacement (as needed), driveway apron replacement (as needed), streetlight replacement (as needed), and landscaping between curbs and sidewalks, including new topsoil and grass seeding and tree planting. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Furthermore, these project elements would not modify the view from the current setting of known or potential historic properties along the city streets. Compared to existing conditions and the character of the built environment, this in-kind work would have no effect, as defined in 36 CFR 800.16(i), upon known or potential historic properties.

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). 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 Historic Properties in the Areas for Potential Direct and Indirect Effects

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, and 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>

Property Name	Contributing Properties	Changes Associated with the Project
Individually NRHP-Eligible		
Pilgrim English Evangelical Church/Young Tabernacle Holiness Church	N/A	Direct: No physical changes to the contributing buildings. 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. The Project would not result in adverse effects to the property
Memorial Baptist Church (also a contributor to Humboldt Parkway Historic District East)	N/A	Direct: No physical changes to the building. 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. The Project would not result in adverse effects to the property.
Humboldt Parkway Baptist Church	N/A	Direct: No physical changes to the building. Indirect: Minor change in setting due to tunnel construction elements. The Project would not result in adverse effects to the property.
Fellowship World Church** (also a contributor to Humboldt Parkway Historic District East)	N/A	Direct: No physical changes to the building. Indirect: Minor change in setting due to tunnel construction elements. The Project would not result in adverse effects to the property.
Hobert Peoples-Stokes House	N/A	Direct: No physical changes to the house or to the property. Indirect: No potential for indirect effects. The Project would not result in effects to the property.

*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.

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.

² <https://ecode360.com/11767329>

- 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.

In-kind, local street improvements would occur in areas of previous disturbance within the existing right-of-way and 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.

On August 18, 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 draft Finding Documentation and on September 12, 2023, the FHWA provided the Tribal Nations with the

revised draft Finding Documentation. On October 3, 2023, the Seneca Nation of Indians responded that they do not have comments or concerns about the project and requested regular updates on ground disturbing activities.

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: Catherine Stephenson
- Cultural Landscape Foundation: Nord Wennerstrom
- 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 Section 106 Consultation Package was distributed to consulting parties on August 21, 2023. The Section 106 Consultation Package included a copy of materials from the first Consulting Parties Meeting Presentation held on February 28, 2023 (meeting presentation and meeting

summary), Consulting Party members' contact information, the Architectural Reconnaissance Survey, and the draft Finding Documentation. A second Consulting Parties meeting, held on September 1, 2023, provided Consulting Parties with an opportunity to comment on the draft Finding Documentation. Comments provided by the Consulting Parties were considered and the Finding Documentation Report was subsequently revised to provide additional information and clarification on the potential for effects to historic properties. A revised Draft Finding Documentation was then distributed to consulting parties for a final 30-day review on September 12, 2023. Several comments on the revised Draft Finding Document were submitted; therefore, a third consulting party meeting was held on November 28, 2023 to answer questions and try to resolve disagreements. Throughout the consultation process, several comments have continued to be raised. On December 22, 2023, FHWA, in consultation with the SHPO and NYSDOT, prepared and transmitted comment responses as a record of FHWA's official conclusions regarding these comments (Appendix B, Section 106 Correspondence). These comment responses have been incorporated into this final Finding Documentation.

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.

NYSDOT (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.

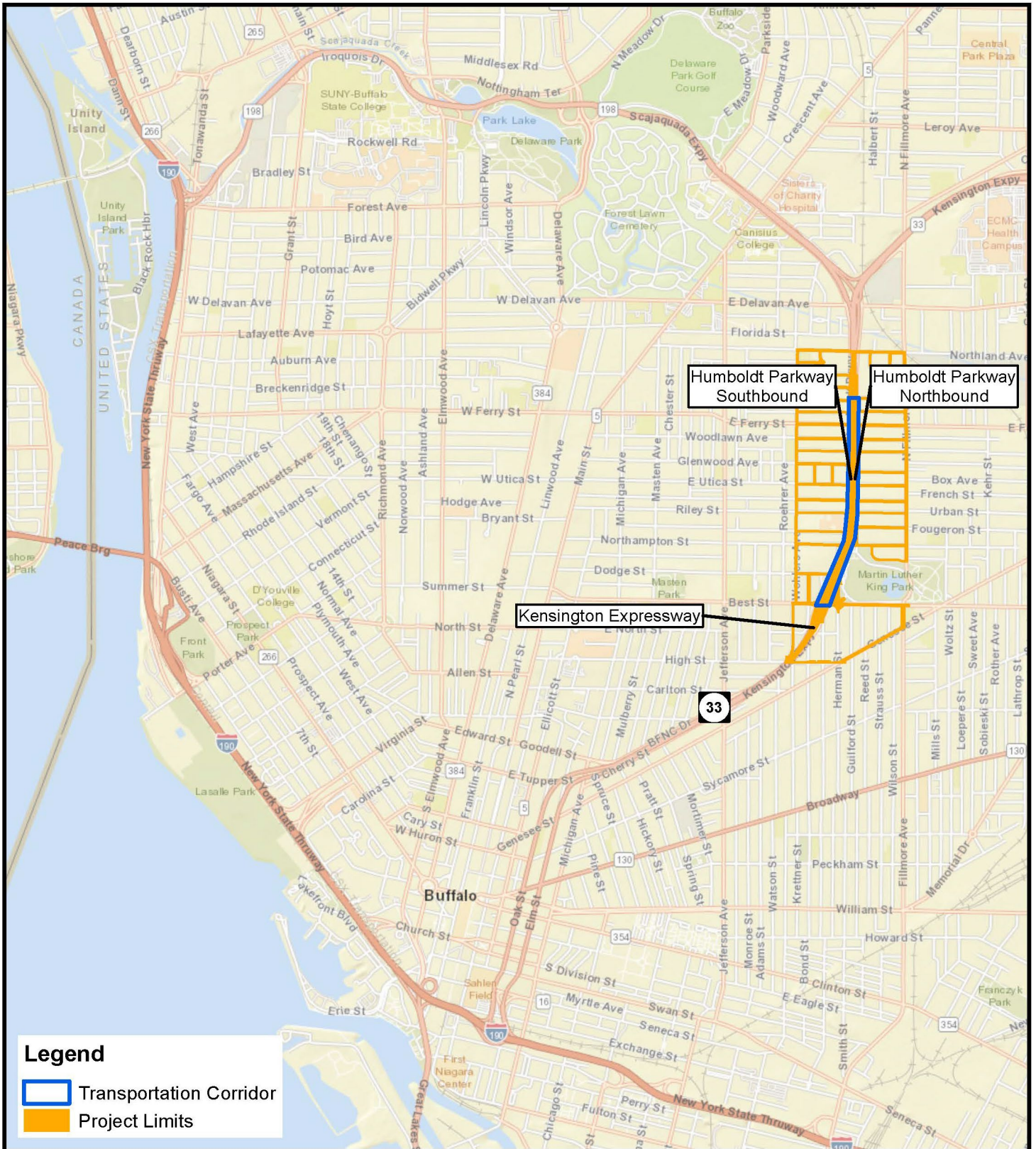
7 List of Appendices

The following appendices are included with this documentation:

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

Appendix A

Project Maps and APE Maps



Humboldt Parkway
Southbound

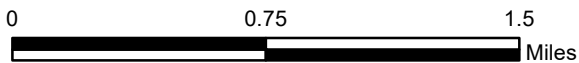
Humboldt Parkway
Northbound

Kensington Expressway

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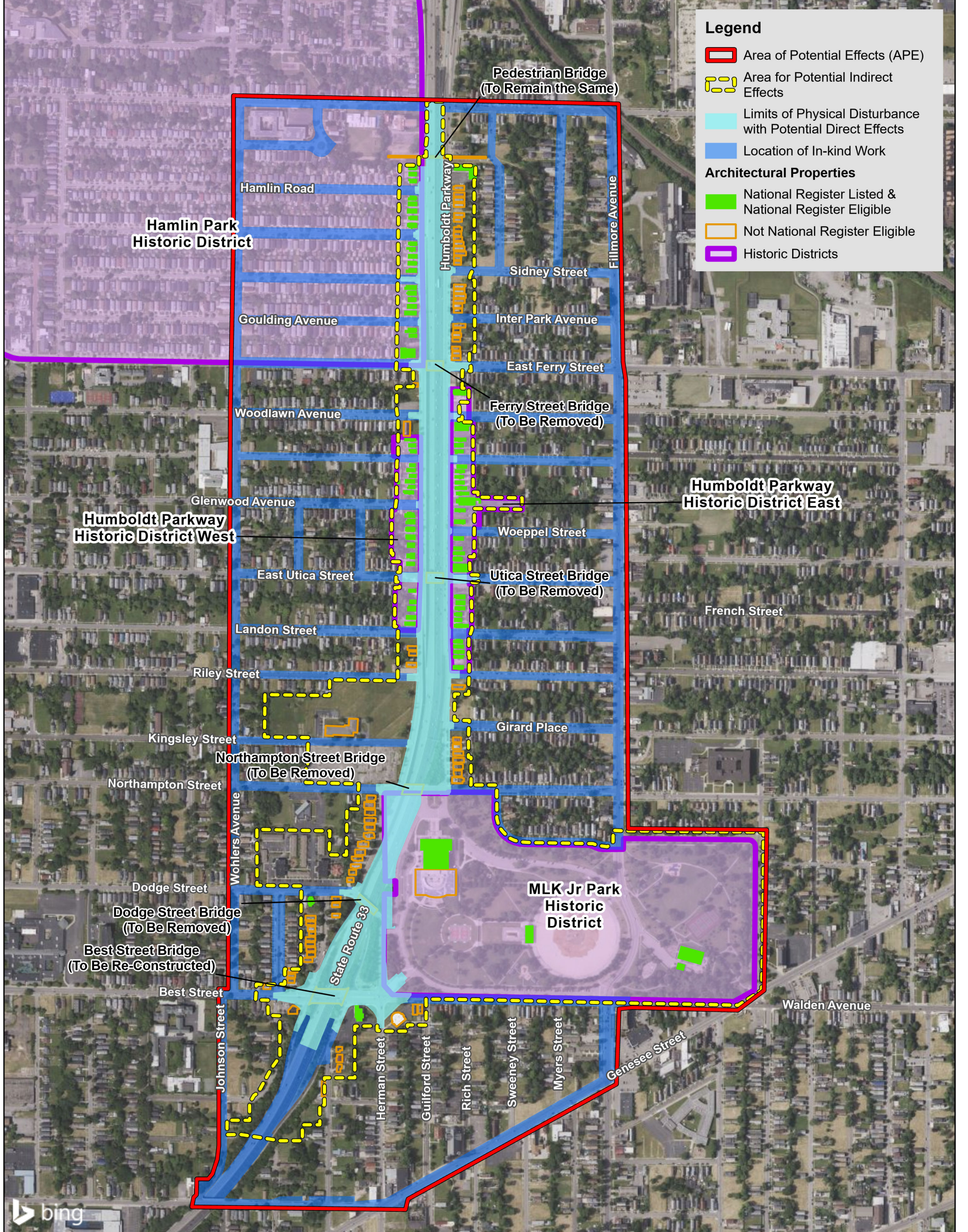
- Transportation Corridor
- Project Limits



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 Effects (APE)
- Area for Potential Indirect Effects
- Limits of Physical Disturbance with Potential Direct Effects
- Location of In-kind Work

Architectural Properties

- National Register Listed & National Register Eligible
- Not National Register Eligible
- Historic Districts



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5512.52 Kensington Expressway Project

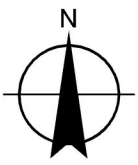
Exhibit 1 APE and Historic Properties Overview

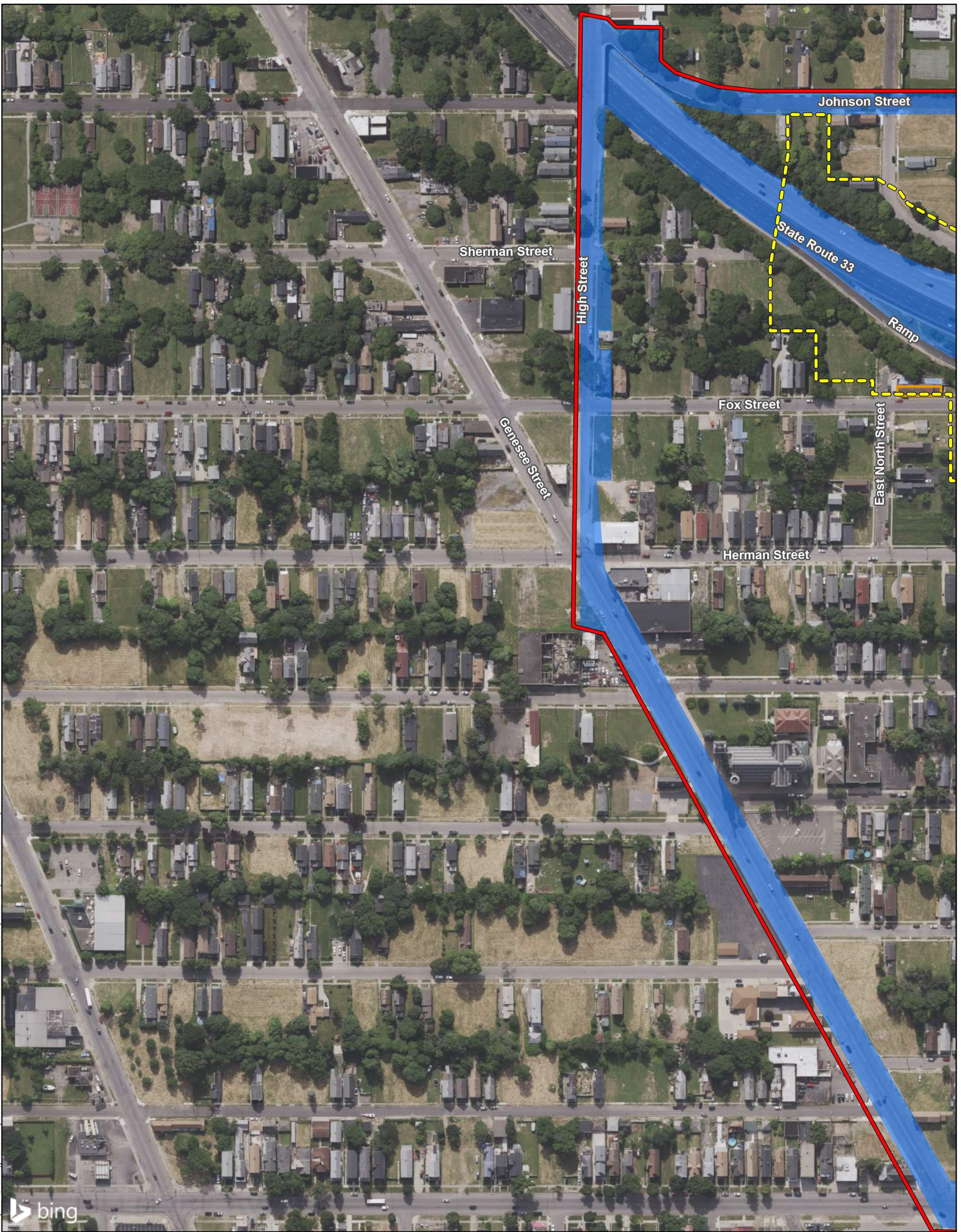
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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.

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5512.52 Kensington Expressway Project

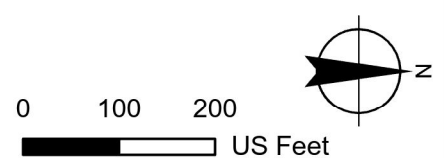
Exhibit 2 APE and Historic Properties

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Page 1 of 5

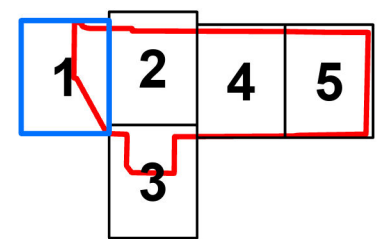
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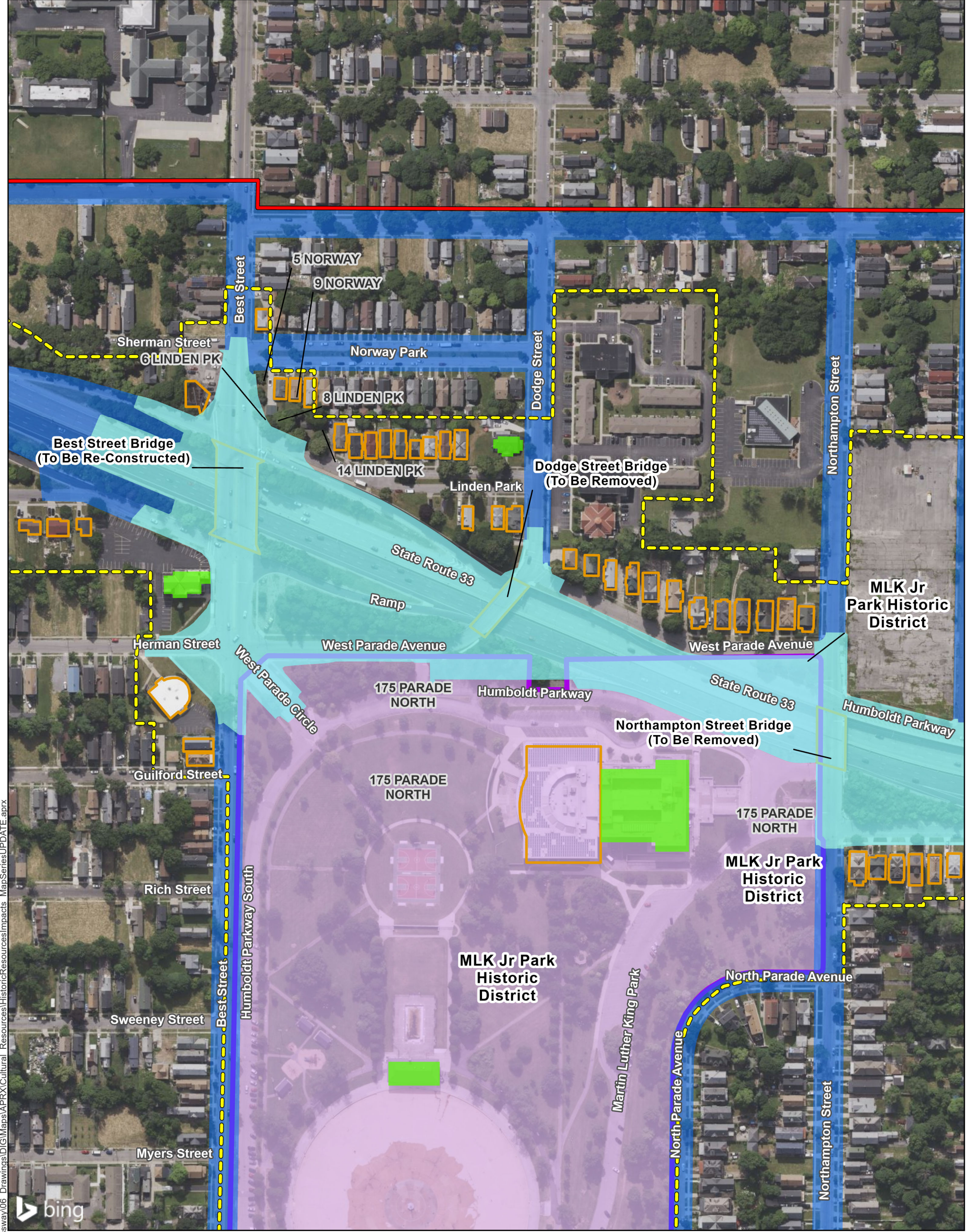
- Area of Potential Effects (APE)
- Area for Potential Indirect Effects
- Limits of Physical Disturbance with Potential Direct Effects
- Location of In-kind Work
- Architectural Properties**
- National Register Listed & National Register Eligible
- Not National Register Eligible
- Historic Districts



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



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Exhibit 2 APE and Historic Properties

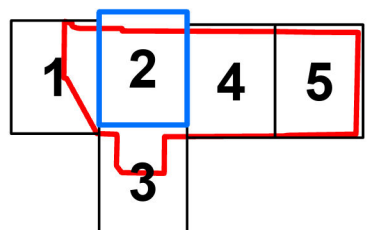
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- Not National Register Eligible
- Historic Districts



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



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Exhibit 2
 APE and
 Historic Properties

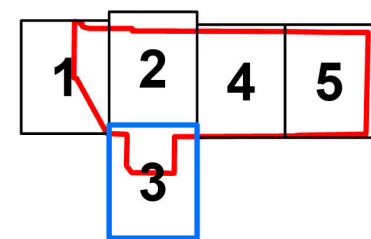
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- Architectural Properties**
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- Not National Register Eligible
- Historic Districts



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





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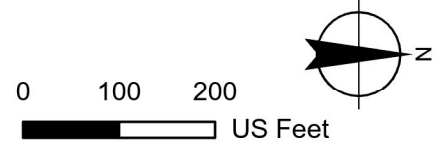
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Exhibit 2 APE and Historic Properties

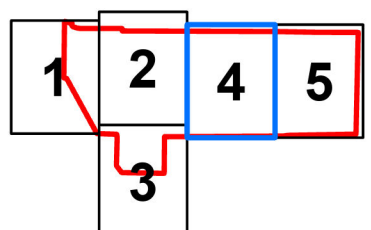
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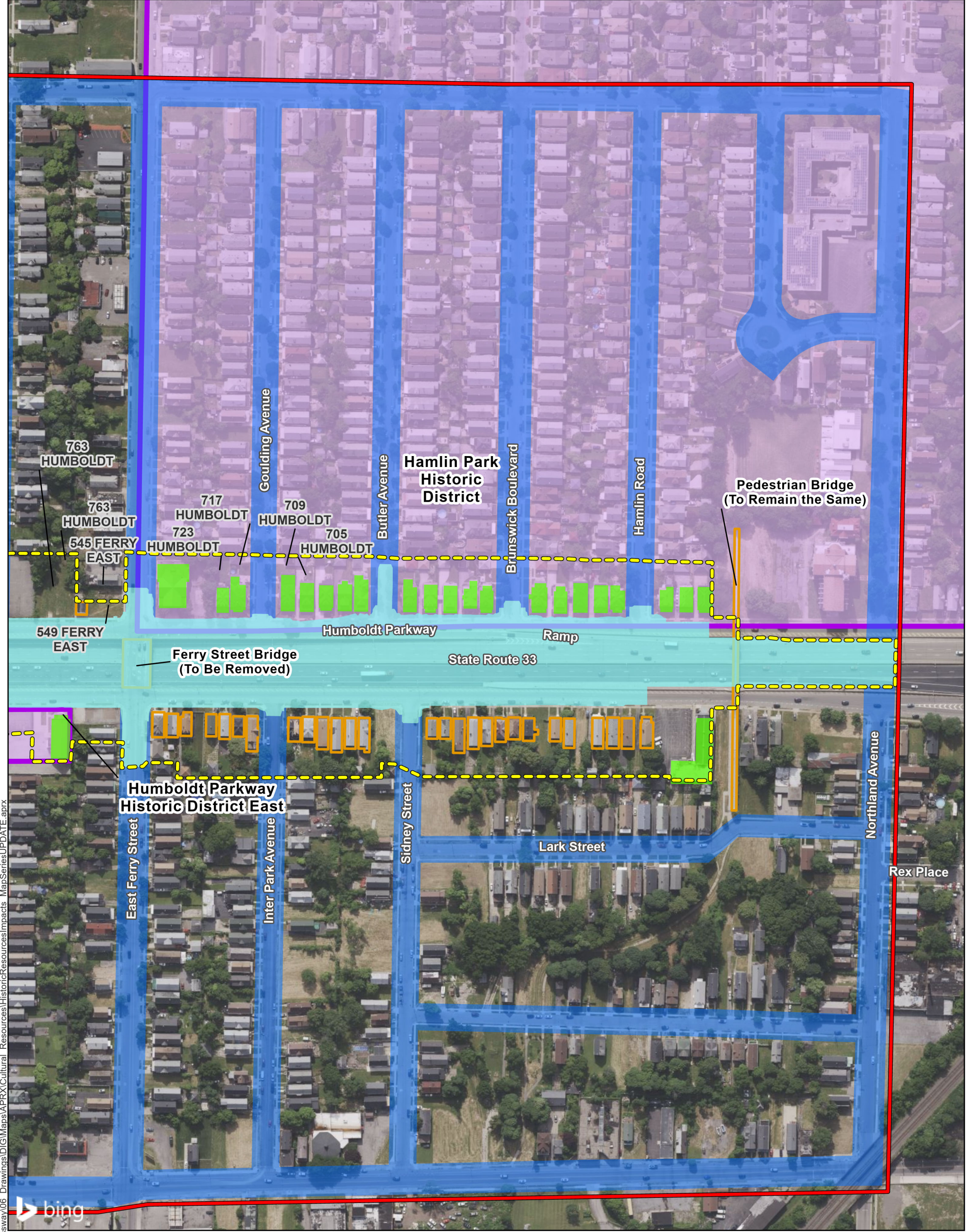
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Sources: Bing Maps, Erie County 2021, LaBella 2023, NYSDOT 2023, NYSGIS Clearinghouse 2022, USGS 2023.





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5512.52 Kensington Expressway Project

Exhibit 2 APE and Historic Properties

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Page 5 of 5

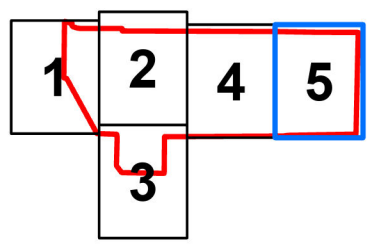
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- Historic Districts



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	From	To Agency/Organization/Individual	Type of Contact	Subject
SHPO, FHWA and NYSDOT coordination				
11/04/22	NYSDOT, on behalf of FHWA	Nancy Herter Archaeology Unit Program Coordinator NYS Office of Parks, Recreation and Historic Preservation	Letter	Initiation of Section 106 Consultation
1/11/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting approval/denial of Section 106 Consulting Party Status for individuals and organizations: Buffalo Museum of Science Fillmore Forward Preservation Buffalo Niagara Resource Council of WNY Allentown Association Colored Girls Bike Too Niagara River Greenway Commission Clifford Boone Carla Cyrus
1/12/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Approval/denial of Section 106 Consulting Party Status for individuals and organizations: Fillmore Forward Preservation Buffalo Niagara Resource Council WNY Buffalo Museum of Science Carla Cyrus Clifford Boone Colored Girls Bike Too Allentown Association Niagara River Greenway Commission

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
1/18/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting approval of Section 106 Consulting Party Status for individuals and organizations (Buffalo Olmstead Parks Conservancy and Alan Oberst)
1/23/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Approval of Section 106 Consulting Party Status for individuals and organizations (Buffalo Olmstead Parks conservancy and Alan Oberst)
3/14/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting Consulting Party Status for individuals and organizations (Hamlin Park Community & Taxpayer Association and Florence Johnson)
3/15/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Approval of Consulting Party Status for individuals and organizations (Hamlin Park Community & Taxpayer Association and Florence Johnson)
4/11/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting denial of Consulting Party Status for individuals and organizations (Joyce Dorsey, Linda Zinnerman)
4/11/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Denial of Consulting Party Status for individuals and organizations (Joyce Dorsey, Linda Zinnerman)
5/11/23	NYSDOT (on behalf of FHWA)	Dr. Nancy Herter, Ph.D., Director NYS Office of Parks, Recreation & Historic Preservation (SHPO)	Letter	Transmittal of the Section 106 APE and surveys for Cultural Resources
7/20/23	SHPO	Laura Orlando-Savage, Environmental Specialist 2 Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Concurrence with the APE and transmittal of SHPO architectural and archaeological comments.
8/18/23	NYSDOT (on behalf of FHWA)	Dr. Nancy Herter, Ph.D., Director NYS Office of Parks, Recreation & Historic Preservation (SHPO)	Letter	Transmittal of the draft Finding Documentation

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
9/5/23	SHPO	Laura Orlando-Savage, Environmental Specialist 2 Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Comments on Draft Finding Documentation for No Adverse Effect on historic properties
9/6/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting approval of Consulting Party Status for Terrence Robinson
9/7/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Approval of Consulting Party Status for Terrence Robinson
9/12/23	NYSDOT (on behalf of FHWA)	Dr. Nancy Herter, Ph.D., Director NYS Office of Parks, Recreation & Historic Preservation (SHPO)	Letter	Transmittal of the revised Finding Documentation
9/25/23	SHPO	Laura Orlando-Savage, Environmental Specialist 2 Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Comments on revised Finding Documentation for No Adverse Effect on historic properties
11/21/23	NYSDOT	Robert Davies, Director Office of Statewide Engineering, FHWA	Letter	Requesting approval of Consulting Party Status for Nord Wennerstrom
11/21/23	FHWA	Catherine Leslie, Director Environmental Impact Statements and Special Projects Bureau NYSDOT	Letter	Approval of Consulting Party Status for Nord Wennerstrom
Section 106 Consultation				
11/09/22	FHWA	Chief Roger Hill Tonawanda Seneca Nation	Letter	Initiation of Consultation
11/09/22	FHWA	Bryan Printup Tuscarora Nation	Letter	Initiation of Consultation

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
11/09/22	FHWA	Dr. Joe Stahlman, Director Seneca Nation of Indians	Letter	Initiation of Consultation
11/09/22	FHWA	William Tarrant, THPO Seneca Cayuga Tribe of Oklahoma	Letter	Initiation of Consultation
11/10/22	NYSDOT	Faisal Ansari, Principal Dural-Uloom Al-Madania	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Jeffery Chambless, Pastor Mount Moriah Missionary Baptist Church,	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Sigourney F. Cook, Executive Director King Urban Life Center	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Stephanie Crockatt, Executive Director Buffalo Olmsted Parks Conservancy	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Mirlene Dere, Principal Charles R. Drew Science Magnet School	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Katie Eggers Comeau, Vice President for Policy and Preservation Preservation League of New York State	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Elly Fialkowski Catholic Charities of Buffalo	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Jessie Fisher, Executive Director Preservation Buffalo Niagara	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Gwen Howard, Chair Buffalo Preservation Board	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Reverend Terry King, Principal Officer Resource Council of WNY	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Tim Tielman, Executive Director Campaign for the Greater Buffalo History, Architecture and Culture	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Young Tabernacle Holiness Church Assembly	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
11/10/22	NYSDOT	Byron Brown, Mayor City of Buffalo	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	David Busch, Chair of the Board Buffalo Museum of Science	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Brian Hayden, Directory of Communications and Community Engagement Buffalo History Museum/Buffalo County Historical Society	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	North Jefferson Branch Library	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Mark Poloncarz, County Executive Erie County Executive's Office	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Gregory Stevens, Executive Director Niagara River Greenway Commission	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Denisca Thompson, Principal PS 53 Community School	Letter	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Florida Farley	Letters	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Cynthia Lucas	Letters	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
11/10/22	NYSDOT	Polly Jean Suites, LLC	Letters	Inform owners of NRHP properties about the Project and invitation to apply for Section 106 Consulting Party Status
1/27/23	NYSDOT letter (on behalf of FHWA)	Allen Oberst	Letter	Approval of consulting party status
1/27/23	NYSDOT letter (on behalf of FHWA)	Brian Dold Buffalo Olmsted Parks Conservancy	Letter	Approval of consulting party status

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
1/27/23	NYSDOT letter (on behalf of FHWA)	Carl Skompinski Fillmore Forward	Letter	Approval of consulting party status
1/27/23	NYSDOT letter (on behalf of FHWA)	Christiana Limniatis Preservation Buffalo Niagara	Letter	Approval of consulting party status
1/27/23	NYSDOT letter (on behalf of FHWA)	David Cinquino Buffalo Museum of Science	Letter	Approval of consulting party status
1/27/23	NYSDOT letter (on behalf of FHWA)	Rev. Terry King Resource Council WNY	Letter	Approval of consulting party status
2/13/23	NYSDOT letter (on behalf of FHWA)	Chief Roger Hill Tonawanda Seneca Nation	Letter	Follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	NYSDOT letter (on behalf of FHWA)	Bryan Printup Tuscarora Nation	Letter	Follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	NYSDOT letter (on behalf of FHWA)	Dr. Joe Stahlman, Director Seneca Nation of Indians	Letter	Follow-up to FHWA's invitation to Participate in Section 106 process
2/13/23	NYSDOT letter (on behalf of FHWA)	William Tarrant, THPO Seneca Cayuga Tribe of Oklahoma	Letter	Follow-up to FHWA's invitation to Participate in Section 106 process
3/23/23	NYSDOT letter (on behalf of FHWA)	Shirley Harris Hamlin Park Community & Taxpayer Association	Letter	Approval of consulting party status
3/23/23	NYSDOT letter (on behalf of FHWA)	Florence Johnson	Letter	Approval of consulting party status
3/23/23	NYSDOT letter (on behalf of FHWA)	Sandra McClary Howard Hamlin Park Community & Taxpayer Association	Letter	Approval of consulting party status

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
3/23/23	NYSDOT letter (on behalf of FHWA)	Reva Betha Hamlin Park Community & Taxpayer Association	Letter	Approval of consulting party status
5/12/23	FHWA	Rickey L. Armstrong, Sr. President Seneca Nation of Indians	Letter	Transmittal of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	FHWA	Chief Roger Hill Tonawanda Seneca Nation Office	Letter	Transmittal of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	FHWA	Bryan Printup Tuscarora Nation	Letter	Transmittal of draft cultural resources screening reports and development of Area of Potential Effects
5/12/23	FHWA	William Tarrant, Tribal Historic Preservation Officer Culture/Historic Preservation Program & NAGPRA Representative Seneca Cayuga Tribe of Oklahoma	Letter	Transmittal of draft cultural resources screening reports and development of Area of Potential Effects
8/18/23	FHWA	Rickey L. Armstrong, Sr. President Seneca Nation of Indians	Letter	Transmittal of the draft Finding Documentation
8/18/23	FHWA	Chief Roger Hill Tonawanda Seneca Nation Office	Letter	Transmittal of the draft Finding Documentation
8/18/23	FHWA	Bryan Printup Tuscarora Nation	Letter	Transmittal of the draft Finding Documentation
8/18/23	FHWA	William Tarrant, Tribal Historic Preservation Officer Culture/Historic Preservation Program & NAGPRA Representative Seneca Cayuga Tribe of Oklahoma	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT	Section 106 Consulting Parties	e-mail	Transmit CP Meeting 1 Summary and list of CPs
8/18/23	NYSDOT letter (on behalf of FHWA)	David Cinquino Buffalo Museum of Science	Letter	Transmittal of the draft Finding Documentation

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
8/18/23	NYSDOT letter (on behalf of FHWA)	Rev. Terry King Resource Council WNY	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Carl Skompinski Fillmore Forward	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Reva Betha Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Beth Downing Buffalo Olmsted Parks Conservancy	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Shirley Harris Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Sandra McClary Howard Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Bernice Radle Preservation Buffalo Niagara	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Florence Johnson	Letter	Transmittal of the draft Finding Documentation
8/18/23	NYSDOT letter (on behalf of FHWA)	Allen Oberst	Letter	Transmittal of the draft Finding Documentation
9/12/23	FHWA	Chief Roger Hill Tonawanda Seneca Nation	Letter	Transmittal of the revised Finding Documentation
9/12/23	FHWA	Bryan Printup Tuscarora Nation	Letter	Transmittal of the revised Finding Documentation
9/12/23	FHWA	Rickey Armstrong, President Seneca Nation of Indians	Letter	Transmittal of the revised Finding Documentation

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
9/12/23	FHWA	William Tarrant, THPO Seneca Cayuga Tribe of Oklahoma	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	David Cinquino Buffalo Museum of Science	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Rev. Terry King Resource Council WNY	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Carl Skompinski Fillmore Forward	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Reva Betha Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Beth Downing Buffalo Olmsted Parks Conservancy	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Shirley Harris Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Sandra McClary Howard Hamlin Park Community & Taxpayer Association	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Bernice Radle Preservation Buffalo Niagara	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Florence Johnson	Letter	Transmittal of the revised Finding Documentation
9/12/23	NYSDOT letter (on behalf of FHWA)	Allen Oberst	Letter	Transmittal of the draft Finding Documentation

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
9/12/23	NYSDOT letter (on behalf of FHWA)	Terrence Robinson	Letter	Approval of consulting party status and distribution of Section 106 materials including revised Finding Documentation
10/3/23	Joe Stahlman Seneca Nation of Indians	NYSDOT with cc to others	e-mail	No comments or concerns with Project
10/4/23	NYSDOT	Section 106 Consulting Parties	e-mail	Transmit CP Meeting 2 Agenda, Summary, and List of Participants
10/9/23	Rev. Terry King Resource Council WNY	NYSDOT – Laura Savage	e-mail	Comments on revised Finding Documentation
10/10/23	Carl Skompinski Fillmore Forward	NYSDOT	Letter	Comments on revised Finding Documentation
10/11/23	Bernice Radle Preservation Buffalo Niagara	NYSDOT	Letter	Comments on revised Finding Documentation
10/12/23	Beth Downing Buffalo Olmsted Parks Conservancy	NYSDOT	Letter	Comments on revised Finding Documentation
10/12/23	Kathryn Leacock Buffalo Museum of Science	NYSDOT	Letter	Comments on revised Finding Documentation
10/12/23	Terrence Robinson	n/a	Letter	Comments on revised Finding Documentation
11/22/23	NYSDOT (on behalf of FHWA)	Nord Wennerstrom	Letter	Approval of consulting party status and transmittal of Section 106 materials including revised Finding Documentation
12/22/23	FHWA	Section 106 Consulting Parties	memo	Consultation Comment Responses

Date	From	To Agency/Organization/Individual	Type of Contact	Subject
		Meetings		
2/27/23		Tribal Nations	Tribal Nations Meeting	Project Introduction and Section 106 Consultation
2/28/23		Consulting Parties	Consulting Parties Meeting #1	Project Introduction and Section 106 Consultation
9/1/23		Consulting Parties	Consulting Parties Meeting #2	Project Updates and Section 106 Consultation
11/28/23		Consulting Parties	Consulting Parties Meeting #3	Respond to Consulting Party comments



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
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**Federal Highway
Administration**

New York Division

November 9, 2022

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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

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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.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

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>.

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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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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

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>.

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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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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

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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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

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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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

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

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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

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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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. 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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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>.

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

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

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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

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>.

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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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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

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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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

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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Environmental Specialist 3
New York State Department of Transportation
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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:

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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

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:

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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

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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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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>.

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

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>.

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
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 dentition 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

Digitally signed by
 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

Digitally signed by
MATTHEW
MICHAEL SEYMOUR
Date: 2023.01.23
06:53:46 -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



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

January 27, 2023

Alan Oberst
189 14th Street
Buffalo, NY 14213

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

Dear Mr. Oberst:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

January 27, 2023

Brian Dold
Buffalo Olmsted Parks Conservancy
84 Parkside Ave.
Buffalo, NY 14214

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

Dear Mr. Dold:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

January 27, 2023

Carl Skompinski
Fillmore Forward
8294 Hunters Cove
Williamsville, NY 14221

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

Dear Mr. Skompinski:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

January 27, 2023

Christiana Limniatis
Preservation Buffalo Niagara
617 Main Street, Suite 201
Buffalo, NY 14203

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

Dear Ms. Limniatis:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

January 27, 2023

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

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

Dear Mr. Cinquino:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

January 27, 2023

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

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

Dear Reverend King:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As an approved Consulting Party, you are cordially invited to participate in a virtual meeting on Tuesday, February 28, 2023, at 10:00am - 11:30am. The meeting will be held via WebEx. The purpose of this meeting is to initiate Section 106 consultation by providing an overview of the Project and the Section 106 process. Consulting Parties will have an opportunity to provide input on the nature of historic properties within the study area. **Please RSVP as soon as possible** by contacting Laura Savage at the email address below. An invitation with instructions to join the meeting will be emailed separately.

On behalf of the FHWA and the New York State Department of Transportation, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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

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**

Digitally signed by
MATTHEW MICHAEL
SEYMOUR
Date: 2023.03.15
10:57:16 -04'00'

Matthew Seymour, P.E.
Area Engineer

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



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

March 23, 2023

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

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

Dear Reva:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

The first Consulting Parties meeting was held February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project and the Section 106 process. The NYSDOT also presented the Preliminary Area of Potential Effects (APE) for cultural resources and the known (National Register [NR]-listed or eligible) historic properties that had been identified in the APE at that time. A Section 106 Consultation Package, including a copy of the February meeting presentation, will be provided to all Consulting Parties in April. A second Consulting Parties meeting will be held shortly thereafter.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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 23, 2023

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

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

Dear Ms. McClary Howard:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

The first Consulting Parties meeting was held February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project and the Section 106 process. The NYSDOT also presented the Preliminary Area of Potential Effects (APE) for cultural resources and the known (National Register [NR]-listed or eligible) historic properties that had been identified in the APE at that time. A Section 106 Consultation Package, including a copy of the February meeting presentation, will be provided to all Consulting Parties in April. A second Consulting Parties meeting will be held shortly thereafter.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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 23, 2023

Florence Johnson
40 Pansy Place
Buffalo, NY 14208

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

Dear Ms. Johnson:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

The first Consulting Parties meeting was held February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project and the Section 106 process. The NYSDOT also presented the Preliminary Area of Potential Effects (APE) for cultural resources and the known (National Register [NR]-listed or eligible) historic properties that had been identified in the APE at that time. A Section 106 Consultation Package, including a copy of the February meeting presentation, will be provided to all Consulting Parties in April. A second Consulting Parties meeting will be held shortly thereafter.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
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 23, 2023

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

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

Dear Ms. Harris:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

The first Consulting Parties meeting was held February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project and the Section 106 process. The NYSDOT also presented the Preliminary Area of Potential Effects (APE) for cultural resources and the known (National Register [NR]-listed or eligible) historic properties that had been identified in the APE at that time. A Section 106 Consultation Package, including a copy of the February meeting presentation, will be provided to all Consulting Parties in April. A second Consulting Parties meeting will be held shortly thereafter.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process.

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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party
Approval

*“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.)
T. Smith, NYSDOT (w/o encl.)
S. Vaidya, NYSDOT (w/o encl.)
R. James, NYSDOT (w/o encl.)



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.)



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



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
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

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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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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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
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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

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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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

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
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 black ink that reads "Nancy Herter". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nancy Herter
Director, Technical Preservation Services Bureau



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.)

From: [Savage, Laura E \(DOT\)](#)
To: ako_nsog@hotmail.com; Beth@bfloparks.org; [Carl Skompinski](#); [Bernice Radle](#); [David M. Cinquino](#); terry@sgmworld.org; delbetha@yahoo.com; s.l.b.mcclary@yahoo.com; george@buffalorising.com; shirleymay944@gmail.com
Cc: Robert.Davies@dot.gov; [Seymour, Matthew \(FHWA\)](#); [Herter, Nancy \(PARKS\)](#); [Wilder, Rick \(DOT\)](#); [Vaidya, Sanjyot S. \(DOT\)](#); [James, Renjit P. \(DOT\)](#); [Leslie, Catherine S. \(DOT\)](#); [Prockup, Jessica \(DOT\)](#); [Blair, Lori E \(DOT\)](#)
Subject: 5512.52 Kensington Expressway Project: Section 106 Consultation
Date: Friday, August 18, 2023 11:28:00 AM
Attachments: [5512.52 Kensington Expressway CP Mtg 1 2023.02.28 Summary OOE.pdf](#)
[551252 Kensington Consulting Parties contact list.pdf](#)
[PIN 551252 Kensington Expressway Consulting Party Mtg Watermark.pdf](#)

Good morning Kensington Expressway Consulting Party members,

I'm writing to inform you about the status of the Section 106 process for the Kensington Expressway Project.

As a follow up from our last meeting on February 28, 2023, please find the attached documents:

- 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

Later today, through a Managed File Transfer (MFT) the NYSDOT will be sending you the draft *Finding Documentation* for a two week review. The Architectural Reconnaissance Survey will also be sent through the MFT. Please be on the lookout for that e-mail.

The second Consulting Parties Meeting will be held on **Friday September 1, 2023** in the morning. Please save the date. A meeting invite will follow within the next few days.

Thank you for your participation in the Section 106 process.

Sincerely,

Laura Savage

Environmental Specialist 2, Environmental Impact Statements & Special Projects Bureau

New York State Department of Transportation

Office of Environment

50 Wolf Road POD 4-1, Albany, NY 12232

(518) 457-4052 | Laura.Savage@dot.ny.gov

www.DOT.NY.gov





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
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**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
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**Federal Highway
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New York Division

August 18, 2023

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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**

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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.)



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New York Division

August 18, 2023

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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

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.

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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.)



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.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

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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

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.

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Sincerely,

Catherine Leslie

Catherine Leslie

CL/jp/bb

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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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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

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M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
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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

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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

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M. Seymour, FHWA NY Division (w/o encl.)
R. Wilder, NYSDOT (w/o encl.)
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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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Catherine Leslie

Catherine Leslie

CL/jp/bb

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Architectural Reconnaissance Survey

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R. Wilder, NYSDOT (w/o encl.)
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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

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M. Seymour, FHWA NY Division (w/o encl.)
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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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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



September 12, 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: Revised Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York
OPRHP 22PR08247

Dear Nancy Herter:

The New York State Department of Transportation (NYSDOT), on behalf of the Federal Highway Administration (FHWA), is transmitting the revised Finding Documentation to the New York State Historic Preservation Office (SHPO) 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 revised Finding Documentation is also being shared with the Tribal Nations and Consulting Parties for review and comment.

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation transmitted to the SHPO on August 18, 2023. Minor updates to the Finding Documentation since August 18, 2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated the Temporary (Construction-Related) Effects section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same

- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with the SHPO
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

Based on a review of the draft Finding Documentation, in a letter dated September 5, 2023, the SHPO concurred with the Section 106 Finding of **No Adverse Effect** on historic properties. The SHPO also concurred that proposed use of land from historic sites under the Project's Build Alternative is unavoidable and that the temporary occupancy of historic sites 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) and 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 assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 NYSDOT requests confirmation that the SHPO's concurrence with the Section 106 Finding of No Adverse Effect on historic properties and the Section 4(f) assessment remains valid.

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: revised Draft Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



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

New York Division

September 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:
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: Revised 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 revised 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 revised Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The revised 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.

In consideration of comments received from the Consulting Parties and the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) made minor revisions to the draft Finding Documentation dated that was transmitted to the Seneca Nation of Indians on August 18, 2023. Minor Updates to the Finding Documentation since August 18, 2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated the Temporary (Construction-Related) section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church

- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023, and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 FHWA is seeking the views of the Seneca Nation of Indians regarding the Project's effects finding. Based on your review of the enclosed document, the FHWA respectfully requests written comments from the Seneca Nation of Indians by **October 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 question concerning this report, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov, or myself, at (518) 431-8882.

Sincerely,

Matthew Seymour, P.E.
Senior Area Engineer

Encl: Revised Finding Documentation (September 12, 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

September 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:
HPD-NY

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

Subject: PIN 5512.52– Section 106 Consultation: Revised 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 revised 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 revised Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The revised 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.

In consideration of comments received from the Consulting Parties and the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) made minor revisions to the draft Finding Documentation dated that was transmitted to the Tonawanda Seneca Nation on August 18, 2023. Minor Updates to the Finding Documentation since August 18, 2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated the Temporary (Construction-Related) section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church

- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023, and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 FHWA is seeking the views of the Tonawanda Seneca Nation regarding the Project's effects finding. Based on your review of the enclosed document, the FHWA respectfully requests written comments from the Tonawanda Seneca Nation by **October 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 question concerning this report, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov, or myself, at (518) 431-8882.

Sincerely,

Matthew Seymour, P.E.
Senior Area Engineer

Encl: Revised Finding Documentation (September 12, 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

September 12, 2023

Leo W. O'Brien Federal Building
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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: Revised 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 revised 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 revised Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The revised 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.

In consideration of comments received from the Consulting Parties and the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) made minor revisions to the draft Finding Documentation dated that was transmitted to the Tuscarora Nation on August 18, 2023. Minor Updates to the Finding Documentation since August 18, 2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated the Temporary (Construction-Related) section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects

- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023, and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 FHWA is seeking the views of the Tuscarora Nation regarding the Project's effects finding. Based on your review of the enclosed document, the FHWA respectfully requests written comments from the Tuscarora Nation by **October 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 question concerning this report, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov, or myself, at (518) 431-8882.

Sincerely,

Matthew Seymour, P.E.
Senior Area Engineer

Encl: Revised Finding Documentation (September 12, 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

September 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:
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: Revised 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 revised 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 revised Finding Documentation is also being transmitted to the New York State Historic Preservation Office (SHPO).

The revised 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.

In consideration of comments received from the Consulting Parties and the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT) made minor revisions to the draft Finding Documentation dated that was transmitted to the Seneca Cayuga Tribe of Oklahoma on August 18, 2023. Minor Updates to the Finding Documentation since August 18, 2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated the Temporary (Construction-Related) section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects

- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023, and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 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 document, the FHWA respectfully requests written comments from the Seneca Cayuga Tribe of Oklahoma by **October 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 question concerning this report, please contact Laura Savage at (518) 457-4052 or Laura.Savage@dot.ny.gov, or myself, at (518) 431-8882.

Sincerely,

Matthew Seymour, P.E.
Senior Area Engineer

Encl: Revised Finding Documentation (September 12, 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.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated Temporary (Construction-Related) Effects section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan

- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

Florence Johnson
40 Pansy Place
Buffalo, NY 14208

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated Temporary (Construction-Related) Effects section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan

- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated Temporary (Construction-Related) Effects section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
- Included information about curb bump-outs within the historic districts
- Clarification regarding temporary easements for water service work and indirect effects
- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan

- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
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- Added detail to the list of Section 106 Consulting Parties
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The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

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- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

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- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

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- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

Carl Skompinski
Fillmore Forward
8294 Hunters Cove
Williamsville, NY 14221

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

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- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

September 12, 2023

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

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

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- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Chief Engineer

September 12, 2023

Alan Oberst
189 14th Street
Buffalo, NY 14213

RE: Section 106: Revised 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 revised 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).

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was transmitted to you on August 18, 2023. Minor updates to the Finding Documentation since 8/18/2023 include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
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- Description of depth of rock removal near Faith Missionary Baptist Church
- Presentation of changes to historic properties in Table 2, assessment and conclusions remain the same
- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan

- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023 and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 revised Finding Documentation for effects on historic properties **by October 12, 2023**.

Thank you for your continued participation in the Section 106 process for the 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 and Special Projects Bureau

CL/jp/bb

Encl: revised Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



September 12, 2023

Terrence Robinson
845 Humboldt Parkway
Buffalo, NY 14208

RE: Section 106 Consulting Party Approval and Revised Finding Documentation
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York

Dear Terrence Robinson:

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at:

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

As you know, Section 106 Consultation is well underway, and two Consulting Parties meetings have already been held. The first Consulting Parties meeting was held February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project and the Section 106 process. The NYSDOT also presented the Preliminary Area of Potential Effects (APE) for cultural resources and the known historic properties (listed on or determined eligible for the National Register of Historic Places) located in the APE at that time. A second Consulting Parties meeting was held on September 1, 2023. At that meeting, the NYSDOT provided an update on the status of the Project, the Section 106 activities that have been conducted to date, the anticipated effects of the Project on identified historic properties, and the next steps.

In consideration of comments received from the Consulting Parties and the FHWA, the NYSDOT made minor revisions to the draft Finding Documentation that was shared with the Consulting Parties on August 18, 2023. Minor updates to the Finding Documentation since August 18, 2023, include:

- Added details from the *Development of Area of Potential Effects* (May 10, 2023) document
- Added details/clarification regarding Tribal Nations coordination
- Updated Temporary (Construction-Related) Effects section with clarifying text related to construction vibration
- Clarified construction duration and accessibility within Martin Luther King, Jr. Park Historic District
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- Added information about the Construction Noise Abatement Plan and Construction Vibration Mitigation Plan
- Added detail about consultation with the New York State Historic Preservation Office (SHPO)
- Added detail to the list of Section 106 Consulting Parties
- Added information about the second Consulting Parties meeting

Enclosed is the revised 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.

The assessment of effects described in the revised Finding Documentation is consistent with the findings described in the draft Finding Documentation dated August 18, 2023, and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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).

In addition to the revised Finding Documentation, a Section 106 Consultation Package will be provided via managed file transfer (MFT), and you will receive instructions from Laura Savage on how to access those files. The package will include the following:

- 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
- Architectural Reconnaissance Survey (for your information and background)
- Revised Finding Documentation (note: provided both electronically and as a hard copy, for your review and comment)

At this time, the NYSDOT respectfully requests your comments on the revised Finding Documentation for effects on historic properties **by October 12, 2023**.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process. 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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party Approval
“Protecting Historic Properties: A Citizen’s Guide to Section 106 Review,”
Advisory Council on Historic Preservation
Draft Finding Documentation (September 12, 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.)
D. Laistner, NYSDOT (w/o encl.)



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

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

September 25, 2023

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

Re: FHWA, DOT
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 September 12, 2023 revised *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 revised *Finding Documentation*. Please note that the SHPO continues to concur with the Section 106 Finding of **No Adverse Effect** on historic properties and that our September 5, 2023 Section 4(f) assessment remains valid.

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

Sincerely,

Nancy Herter
Director, Technical Preservation Services Bureau

From: [Joe Stahlman](#)
To: [Leslie, Catherine S. \(DOT\)](#); [President Rick Armstrong](#); [Charisse Ground](#)
Cc: [Davies, Robert \(FHWA\)](#); [Kramer, Kaylie \(FHWA\)](#); [Hogan, Kara E \(FHWA\)](#); [Herter, Nancy \(PARKS\)](#); [Wilder, Rick \(DOT\)](#); [Smith, Terry \(DOT\)](#); [Vaidya, Sanjyot S. \(DOT\)](#); [Gott, Amy A. \(DOT\)](#); [Laistner, David A. \(DOT\)](#); [Prockup, Jessica \(DOT\)](#); [Sharon Ray](#)
Subject: RE: PIN 5512.52 Kensington Expressway Project – Section 106 Consultation: Finding Documentation
Date: Tuesday, October 3, 2023 10:27:11 AM
Attachments: [image002.jpg](#)
[image003.png](#)
[image004.jpg](#)

Some people who received this message don't often get email from joe.stahlman@sni.org. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Catherine,

SNI THPO has reviewed this project. Based on our review, we do not have anything specific about Seneca history and elements of Seneca culture in the work zones, and with the high level of disturbance in this area, we do not have comments or concerns, right now. However, being a long-term Indigenous area, we can't completely leave the conversation with a sound mind on this determination. We encourage clear and quick communication on any cultural properties uncovered during the project. We would also value weekly work reports at all phases of ground disturbance.

I can always be reached for discussion.

Thank you,

Joe

Dr. Joe Stahlman
Tribal Historic Preservation Office
Seneca Nation
82 W. Hetzel Street
Salamanca, NY 14779
Phone (716) 945-1760
Joe.Stahlman@sni.org



From: [Savage, Laura E \(DOT\)](#)
To: [Alan Oberst](#); [Beth@bfloparks.org](#); [Carl Skompinski](#); [Bernice Radle](#); [David M. Cinquino](#); [terry@sgmworld.org](#); [dellbetha@yahoo.com](#); [s_l_b_mcclary@yahoo.com](#); [george@buffalorising.com](#); [shirleymay944@gmail.com](#); [wtarrant@sctribe.com](#); [Rick.Armstrong@sni.org](#); [joe.stahlman@sni.org](#); [sharon.ray@sni.org](#); [alex.c.page@gmail.com](#); [bprintup@hetf.org](#); [trob14208@yahoo.com](#)
Cc: [Robert.Davies@dot.gov](#); [Seymour, Matthew \(FHWA\)](#); [Herter, Nancy \(PARKS\)](#); [Wilder, Rick \(DOT\)](#); [Vaidya, Sanjyot S. \(DOT\)](#); [Leslie, Catherine S. \(DOT\)](#); [Prockup, Jessica \(DOT\)](#); [Blair, Lori E \(DOT\)](#); [kaylie.kramer@dot.gov](#); [Laistner, David A. \(DOT\)](#); [Gott, Amy A. \(DOT\)](#)
Subject: RE: 5512.52 Kensington Expressway Project: Section 106 Consultation
Date: Wednesday, October 4, 2023 4:42:00 PM
Attachments: [5512.52 Kensington Expressway Consulting Parties Meeting 2 Agenda.pdf](#)
[5512.52 Kensington Expressway Consulting Parties Meeting 2 Invitees.pdf](#)
[5512.52 Kensington Expressway CP Mtg 2 2023.09.1 Summary and Presentation.pdf](#)

Good afternoon Kensington Expressway Consulting Party members,

Thank you for your continued participation in Section 106 Consultation for the Kensington Expressway Project.

As a follow up from our last meeting held on September 1, 2023, please find the attached documents:

- Consulting Parties Meeting Agenda
- Consulting Parties Meeting Summary and Presentation
- Consulting Parties Meeting List of Invitees

We look forward to receiving your comments on the revised Finding Documentation (transmitted September 12, 2023) by October 12, 2023.

Sincerely,

Laura Savage

Environmental Specialist 2, Environmental Impact Statements & Special Projects Bureau

New York State Department of Transportation
Office of Environment

50 Wolf Road POD 4-1, Albany, NY 12232

[\(518\) 457-4052](tel:5184574052) | Laura.Savage@dot.ny.gov

www.DOT.NY.gov



From: terry@sgmworld.org
To: [Savage, Laura E \(DOT\)](#)
Subject: RE: 5512.52 Kensington Expressway Project: Section 106 Consultation
Date: Monday, October 9, 2023 11:49:19 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Laura,

Thank you for providing the updated Finding Documentation.

After reading the attached docs and considering our recent discussion, I have only two remain questions that I think are relevant to the Section 106 Consulting Parties concern.

1. While the APE is limited by a narrow corridor along the project work zone, and much research has been conducted to identify historic structures and impact, the engineering reports suggest much blasting and rock removal will occur along the entire construction zone. Engineer reports suggest new technology and mitigation to minimize blast impact and the type of equipment to be used will minimize adverse effects upon structures located within the APE. However, there remain many buildings and historic structures with an additional 300 to 1200 feet of the denoted APE. Our building for one, 347 East Ferry, the Original Humboldt Y, could potential be adversely affected from blast vibration damage can be extended beyond foundations to wall, ceiling, bearing walls and certainly mechanical systems. Can the APE be expanded, to consider the 1 to 2 block area beyond the currently defined APE to allow for monitoring and other related potential structural damage? During our meetings with your team, the suggestion has been made that “due to time constraints” unlikely to expand the APE. However, can the APE include a expanded area that can be determined as secondary monitoring required? (an extended zone with required monitoring for noise and vibration related damage effects)
2. The other concern rests with the exhaust fumes and the build design to allow for ventilation as a piston design driven by vehicular traffic movements. This in practice seems well under perfect conditions. The build design also allows for ventilation fan towers to be activated under certain circumstances. Indirect effects are exhaust fume levels as the tunnel exits west bound near best street. As a regular traveler of the 33 expressway, I’ve encountered many snow related traffic stoppages Buffalo inbound and outbound along the 33 corridor due to accidents, snow, blizzards and related weather factors. As traffic comes to a stop for an extended period of time, what are the exhaust plan design to mitigate adverse effects on the APE adjoining the Buffalo Museum of Science and the Charles Drew magnet School?

Appreciate the opportunity to share my concerns and questions.

Sincerely,

Rev. Terry King, BD Chair
Resource Council WNY

From: Savage, Laura E (DOT) <Laura.Savage@dot.ny.gov>



October 10, 2023

Ms. Laura Savage
Environmental Specialist 2, Environmental Impact Statements & Special Projects Bureau
New York State Department of Transportation
Office of Environment
Albany, NY 12232

Re: Section 106 Comments for PIN: 5512.52
SHPO Project Review Number 22PR08247
NYS Route 33, Kensington Expressway Project

Dear Ms. Savage:

Enclosed are concerns regarding the “draft Finding Documentation” as send to the Consulting Parties (August 18, 2023):

1. The Area of Potential Effects (APE) as defined within the document is woefully undersized for the impact on the neighborhood and affected properties, as illustrated in the following document points:

- Second Section 106 Consulting Parties - Meeting Summary - held Friday, September 1, 2023 / 10:00 AM – 12:00 PM
 - From Meeting minutes:

“Vibration Effects

- Potential Effects from Blasting
- Buffer from (300’) from Blast Charges
- Mitigation Techniques including Building Surveys
- Funds for Repairing Damage to Structures

NYS DOT’s Response to concerns voiced in the meeting: “The blasting buffer (300’) considered is conservative, while the vibration may be felt, **no damage to any buildings is anticipated**. Blast mats would be used to prevent fly rock. **(Bolding focuses on areas of concern. (Carl Skompinski/Fillmore Forward - CS/FF)**

The 300-foot buffer from anticipated blasting is very conservative and was identified as the area within which pre- and post-construction inspections may occur, not the

distance at which effects are expected to occur.

FHWA: As the lead federal agency, the FHWA makes the NEPA determination. The Project is expected to be progressed into construction through the Design-Build process and so specific details of the blasting plan will be developed later by the contractor. **The FHWA acknowledges that vibration is a risk that has the potential to affect historic properties and other properties.**

That is why a **Vibration Mitigation Plan will be developed for the Project.** The Vibration Mitigation Plan will include vibration monitoring. If vibration levels exceed the identified threshold, real-time adjustments can be made. **The buffer identified is very conservative and could be reduced to 100 feet once the blasting plan has been developed.** The contractor **will develop a blasting plan** that identifies the placement and timing of charges in consideration of adjacent buildings. Pre- and post-construction building surveys will be conducted within an area of up to 300 feet from the blasting site and the contractor will be required to repair damage caused by the Project, including any to water or sewer lines. **Other techniques will be considered if the blasting plan identifies sensitive resources could be affected by vibration.**”

CS/FF - The enclosed, bolded, and underlined sections from the meeting notes regarding the community’s concerns are not mitigated by DOTs/FHWA responses to those concerns. Especially when “blasting plans” have not been developed. It was mentioned in the meeting that recent damage to a Consulting Party’s business property, caused by a different municipal construction project to the tune of approximately \$10,000, was the property owner’s responsibility to fix and not be reimbursed. This is concerning since damage may be created outside the current narrow APE and not reimbursed.

- From: Second Section 106 Consulting Parties - Meeting Summary - held Friday, September 1, 2023 / 10:00 AM – 12:00 PM PowerPoint Slide Deck
 - The APE’s boundary for impact via “Indirect Effects” is defined as: “the Preliminary APE would **extend one parcel beyond the limits of disturbance.**” **CS/FF – as defined, the area of disturbance is the project area itself. The blasting buffer is 300 feet as defined. 300 feet is way beyond the “one parcel” limit as defined in the slide deck, and doesn’t coincide with, at the very least, 300 feet - the blasting buffer.**

- In addition, the APE takes into consideration the whole of MLK Park, being on the National Register; with the distance exceeding the 300’ buffer and consideration being given to any damage to, for example, the greenhouse on the east side of Fillmore Ave. If consideration is given to that structure, then the APE should be extended to, at the very least, all structures in line to the farthest point from the area of disturbance – meaning, it should encompass the neighborhood between the expressway and far side of Fillmore Avenue.

- Further, the project’s [“Localized Street and Pedestrian improvement”](#) (link to DOT document) has the improvement area outside the APE and “limits of disturbance” – Fillmore Ave to the East, and Wohlers Ave to the West. At the very least, the APE should include this boundary area as it’s within the scope of the project’s work.

2. The Architectural Reconnaissance Survey (May 18, 2023) Summary of Findings doesn’t list Olmsted’s Humboldt Parkway as part of the Cultural Landscape as “Martin Luther King Jr Park is the only element of the Olmsted Parks and Parkways Thematic Resources District that is inside the Survey Area.” While it’s nice to see that the State Survey and Findings recommends the advancement of a “Humboldt-Fillmore Historic District”, as well as a “Lower Humboldt Parkway Historic District”, the project does nothing to protect those buildings outside the current limiting APE. If the State deems the homes and neighborhoods worthy of an historic district, then the proposed historic districts’ buildings should be protected – they are not.

Further, the project tunnel cap does nothing to restore what has been lost in the community. While option Alternative Build #10 – Restore the Parkway is what the community demands, the DOT’s project objectives – not the community’s objectives - ruled the day. And from those objectives other alternatives were quickly dismissed. None of [ROCC’s project objectives and reasons](#) for this project will be realized by the DOT’s Alternative Build selection. The Jefferson and Fillmore Business Districts will not be restored as the expressway will continue to bypass those districts for generations; it doesn’t “Enhance Buffalo’s Architectural Revival” or “Beautify the Community” if the section from Best to Oak is not reconnected; and it does nothing to improve health outcomes. All of this was voiced in the project’s public hearing at the Buffalo Museum of Science on September 27, 2023, during both the morning and evening sessions.

The project does nothing to address the cultural landscape of the houses, history, and neighborhoods lost from Best Street to Oak. Again, based on the DOT’s objectives, this section of the community will still feel the effects of poor decision making.

The project should also include the connectivity of the Scajaquada “Parkway” as defined by the GBNTRC’s Region Central effort and connect the gap between both parkways to create a “One Parkway” solution. The efforts of the GBNRTC and the Region Central efforts are not being considered by this project – yet both parkways feed each other.

3. Section 106 Process Deficiencies.

- The first meeting for the Section 106 Consulting Parties was held via a virtual meeting on February 28, 2023.
- In that meeting several concerns were raised by the Consulting Parties, as well as requests to the Project owners (DOT) to provide minutes and contact information for the Consulting Parties, as well for a spreadsheet to add any local buildings that should be considered impacted in the neighborhood around the project area – none was ever created for the Consulting Parties use.

- At the June 20, 2023, DOT public meeting at the Buffalo Science Museum, I asked DOT representatives – joined to this Section 106 activity – why we have not had a meeting since the one in February – as several months had passed and no consulting with the Consulting Parties was initiated during that time. I was told that a meeting with the Consulting Parties was forthcoming. Yet no meeting was scheduled, in light of the fact that materials: Development of Area of Potential Effects document was available since May 10, 2023. The Architectural Reconnaissance Survey was available since May 18, 2023.
- Forward to August 2023 – The draft Section 106 Finding Documentation was sent to the Consulting Parties on August 18, 2023, as well as:
 - 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**.

All 6 months AFTER the one and only initial meeting.

Not much consulting with the Consulting parties, especially when the process calls for it – and not just reviewing what is created behind closed doors.

Residents directly living on Humboldt Parkway repeatedly voiced concerns in public meetings about the lack of communication concerning this project, with the last time being the meeting held at Buffalo Museum of Science on September 27, 2023.

As per:

https://www.environment.fhwa.dot.gov/env_topics/section_106_tutorial/chapter4_3.aspx

“Identifying Properties

Once the APE is defined, the next stage of Step 2 involves determining the level of effort that will be necessary to identify properties in the APE that might have historic significance. This involves assessing what may already be known about the area, whether there are historic properties already listed in the National Register, and whether new research and survey work needs to be undertaken to identify additional historic properties. This assessment should be made in consultation with SHPO/THPO and other consulting parties who may have information and practical suggestions that will facilitate the identification process. Similarly, the process should seek information from any individuals or organizations likely to have information about or concerns with historic properties in the area, such as local historical societies or “Save Our Bridge” organizations.” **(Bold/Underlined – added CS/FF)**



Carl Skompinski

Board Director

Fillmore Forward Inc.

780 Fillmore Ave.

Buffalo, NY 14212

O: (716) 436-4896

C: (716) 435-8012

Fillmore Forward is a 501(C)(3) community-based organization. Our mission is to create a sense of place by improving quality of life, restoring economic vitality, and increasing inclusiveness, wealth and health in the Broadway-Fillmore and Martin Luther King neighborhoods through grassroots organizing, community projects, and public-private partnerships.



October 11, 2023

Ms. Laura Savage
Environmental Specialist 2, Environmental Impact Statements & Special Projects Bureau
New York State Department of Transportation
Office of Environment
50 Wolf Road POD 4-1, Albany, NY 12232

Re: Section 106 Comments for PIN: 5512.52
SHPO Project Review Number: 22PR08247
NYS Route 33, Kensington Expressway Project

Dear Ms. Savage,

We, at Preservation Buffalo Niagara, are grateful for the opportunity to review the updated draft, *Finding Documentation for the New York State Route 33 (Kensington Expressway) Project*, and to provide our input as a Consulting Party. We commend your efforts to incorporate the feedback and suggestions from the Consulting Parties and the Federal Highway Administration. We recognize that this project is an important initiative to restore the historic Olmsted parkways and to heal the wounds inflicted on the East Side communities by the construction of the expressway in the 1950s and 1960s. Nevertheless, we remain apprehensive about how this project will affect the quality of life and well-being of the Buffalonians who reside in the vicinity of the expressway, particularly those who live in historic properties within or adjacent to the Area of Potential Effect (APE).

We have reviewed and assessed all documentation provided by the NYSDOT and we have discussed these matters with our local partners and community members. As a nonprofit organization that advocates for the protection and promotion of our region's historic and cultural resources, we are worried about the potential impacts of construction activities, such as: blasting bedrock, noise pollution, along with potential damage to sidewalks and the foundations of historic homes. After assessing and reviewing The Kensington Expressway updated draft, **we cannot concur with your findings that this project will have a Determination of No Effect.**



As a Consulting Party in the Section 106 process for the Kensington Expressway Project, we are writing to express our concerns about the potential impacts of the project on the historic resources and communities in the project area. We appreciate your efforts to identify and evaluate the historic properties that are eligible for or listed in the National Register of Historic Places, including the historic districts that border the Kensington Expressway. However, we have several questions and comments regarding how you will mitigate the adverse effects of the project on these significant historic assets.

Specifically, we would like to know how you will ensure that the project does not diminish or compromise the historic character, integrity, and value of these properties. How will you safeguard and enhance the historic landscape design of Martin Luther King, Jr. Park, which was originally part of Olmsted's Park System? How will you respect and celebrate the cultural heritage of the East Side communities that have lived and worked in these historic districts for generations?

We would like to request more information on how these impacts will be monitored and mitigated, and how damage done to homes will be covered financially. Will homeowners be compensated for any loss of property value or increased insurance costs due to the project? How will the NYS Department of Transportation ensure that the project does not worsen the existing environmental and social inequities that have afflicted the East Side for decades due to redlining, disinvestment, and segregation?

We are also concerned about how the project will affect the historic character and integrity of the Martin Luther King, Jr. Park Historic District, the Hamlin Park Historic District, and other historic resources within or near the APE. These districts and resources have cultural, architectural, and historical significance, and they should be safeguarded and improved by any transportation project that affects them. We observed that in some of the APE maps, the project area borders or even overlaps with these historic districts.

We firmly believe that the project's impact zone, which is only 100 feet from the edge of the expressway, is too narrow and does not adequately capture the potential direct and indirect effects on historic properties and neighborhoods. **We strongly recommend that you expand the impact zone to at least 300 feet from the edge of the expressway to account for the visual, auditory, and vibratory impacts of the project.** According to the Advisory Council on Historic Preservation, *"The APE is not static, but should be adjusted as a federal agency further develops the details of the undertaking and learns more about potential historic properties and how they may be affected. The input of consulting parties is crucial to this informed revision and refinement of the APE throughout Section 106 review."*

We, at Preservation Buffalo Niagara, believe that this project will have significant adverse effects on the historic character, integrity, and significance of the Humboldt Parkway Historic District, the Martin Luther King, Jr. Park Historic District, and other historic homes located near the expressway. Therefore, we strongly encourage the NYSDOT and the NYSOPR&HP to consider the following:

1. Expand the Area of Potential Effects (APE) to 300 feet from the edge of the Kensington Expressway. We are concerned that the project area borders or even overlaps with these historic districts and properties. If the APE is not increased, Buffalo will risk losing historic structures that are integral to the city's character and homeowners in historic districts will risk potential structural damage to their homes and a loss in property value.
2. Establish a proper process for repairs if houses within the APE are impacted by the construction, such as vibration, noise, dust, or structural damage to foundations, walls, or roofs. Including:
 - a. Conducting a pre-construction survey of all historic properties within the APE to document their existing conditions and identify any potential vulnerabilities or risks.
 - b. Developing a construction management plan that includes measures to minimize and mitigate the impacts of vibration, noise, dust, and structural damage on historic properties.
 - c. Monitoring the construction activities and their effects on historic properties throughout the project duration.
 - d. Providing timely and adequate compensation for any damages or losses incurred by historic property owners due to the construction.
 - e. Requiring contractors to follow the Secretary of the Interior's Standards for the Treatment of Historic Properties when performing any repairs or alterations to historic properties due to damage caused by this project.
3. We also urge NYS to establish a dedicated fund for historic preservation within the APE that will support the needed repairs for those impacted by the construction, as well as provide incentives for homeowners to maintain and improve their historic properties. Including:
 - a. Allocating a portion of the project budget to create a dedicated fund for historic preservation within the APE.
 - b. Partnering with local preservation organizations, such as Preservation Buffalo Niagara, to administer and distribute the fund according to established criteria and guidelines.
 - c. Offering grants or low-interest loans to historic property owners who wish to undertake repairs or improvements that enhance the historic character and value of their properties.
 - d. Providing technical assistance and guidance to historic property owners on how to apply for the fund and how to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

We strongly recommend the NYSDOT conduct more comprehensive and inclusive public outreach with the residents of Buffalo who will be most affected by the project. We request that



you provide us with more thorough and transparent information and documentation on how you plan to address these issues before we can concur with your finding of *No Adverse Effect*.

The Section 106 process aims to recognize, reduce, and avoid negative impacts on historic properties through consultation. As the only full-service, professionally staffed non-profit organization dedicated to preserving Buffalo's historic and distinctive structures, we want these concerns to be addressed. We look forward to hearing from you and continuing our involvement in this important process for this vital project. If you have any questions or concerns, please do not hesitate to contact me at (716) 852-3300 or bernice@pbnsaves.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernice Radle", with a long horizontal flourish extending to the right.

Bernice Radle

Executive Director

Preservation Buffalo Niagara

TERRENCE A. ROBINSON
845 Humboldt Parkway
Buffalo, New York 14208
Trob14208@yahoo.com

October 12, 2023

HAND DELIVERED

106 COMMENTS

Following careful review and consideration of the Section 106 Consultation Package (Record), I respectfully submit the following comments:

FACTS

1. The City of Buffalo is a Certified Local Government (CLG) in accordance with 36 CFR 61.6
2. Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is the Metropolitan Planning Organization (MPO) for Erie and Niagara counties.
3. MLK Park is a component of the National Register of Historic Places (NRHP) Olmsted Parks and Parkways System
4. National Environmental Policy Act (NEPA) requires – Federal Highway Administration (FHWA) and Advisory Council on Historic Preservation (ACHP) – coordination and consultation for a project of this scope and magnitude.
5. State Environmental Quality Review Act (SEQRA) and its implementing regulations requires state and local agencies – New York State Department of Transportation (NYSDOT) – New York State Department of Environmental Conservation (DEC) – City of Buffalo – coordination and consultation on this project.
6. The Asbestos Containing Material Survey of the Project Area estimates @250,000 sq ft of asbestos (p. 109) containing bituminous sealant (coal tar) was used to waterproof the rear of the retaining walls for the length of the Project Area.
7. Previous Cultural Resource Surveys conducted for PIN 5512.52 are not in the Record.
8. There is no evidence of a Cumulative Effects Analysis approach in the Record.

On Information and Belief

1. There is no evidence in the Record of significant local, state, or national events or persons associated with specific properties in the Project area.
2. There is no evidence in the Record of significant African American events or persons associated with specific properties in the Project area.
3. Regional effect analysis and participation has been absent or stifled. It appears that the request by Greg Stevens, Executive Director of the Niagara River Greenway Commission to participate, after invitation, was later denied.
 - There is no evidence of GBNRTC's participation in the Record.
 - There is no evidence of parties involved in the 198 discussions in the Record
 - There is no evidence of the Citizens for Regional Transit (CRT) in the Record

DISCUSSION

1. Olmsted Park and Parkway System – a pillar of local architectural and cultural heritage the iconic Olmsted creation was the unique expression of his landscape genius fulfilled. The concept of the Olmsted heritage, its preservation, restoration, and development is a pillar of City of Buffalo Plans for municipal growth and development. The current road project altered the historic fabric of the area. The proposed new project continues the scheme by frustrating development of the GBNRTC Region Forward concept and the restoration of the Scajaquada watershed.
2. African American community second half of 20th century – was an unprecedented period of a dynamic peaceful transition during a turbulent period. The historic relationship between “Negro” and Jewish activists and communities was demonstrated in the formation of the NAACP from the Niagara Movement. The fifty years in between saw mutual growth and appreciation on labor, political, and social fronts. When the shul was sold to the Faith Missionary Congregation and the young Dr. Martin Luther King, Jr. spoke there in 1959, it was down the street from where the congregation of the historic Michigan Street Baptist Church relocated in 192. The congregation continued to host the foremost Civil Rights leaders of the time, Adam Clayton Powell and his contemporaries. An exciting time and place when chicken wings were born, the Pine Grill was one of many live music haunts, and Bob Lanier, Beverly Johnson, Luke Easter, Grover Washington, Cookie Gilchrist, Herb Bellamy, Horace “Billy” Johnson – namesake of the nearby park on the Scajaquada Trail, and doctors, lawyers, educators and folks lived nearby. There is a unique confluence of events where W.E.B. Dubois in 1901 hosted his unique exhibition at the 1901 Pan-Am – down the Olmsted Parkway, later crossed at the foot of Scajaquada Creek and Ferry Street to Canada in 1905 for the Niagara Movement birth, and then again times later at the Michigan Street Church. Connecting with the early abolitionist period was important - and the path worn by generations along the Scajaquada for trade or freedom was part of it.
3. Historic Black Church Congregations (HBCC) have long held a unique place in the cultural political landscape of America. The organization of local, regional, and national political power has rested on the shoulders of the Black clergy. The Project Area provides a unique example of that as the Michigan Street Baptist Church’s role extends back to the This dynamic is of interest in the Project Area and has manifested another aspect - in the preservation of historic properties abandoned by previous occupants as their congregations diminished.

Discrepancies

1. There has been no “local municipal agency” participation or coordination in the Record
2. Scajaquada Creek Trail is not included in the catalogue of Historic Resources
3. The Vaux Barn structure – St. Francis de Sales Church, recognition of George Dietl, and other notable persons and events are curiously absent.
4. There are no NRHP Criteria A or B Historic Resources recognized in the Project Area

Potential direct effects (include but are not limited to:)

- Continuous high-level noise and acute traffic disruption for a lengthy period (3 to 4 years) within a confined geographic area
- No reduction in volume of harmful air emissions
- Continuous vibrations from construction operations, exacerbated by blasting effects, daily for an extended period of time (3 to 4 years) has high probability to affect both historic properties and residences – distance from buildings to expressway is 50 feet.
- High local traffic volume, restricted highway access, and limited parking will have an immediate adverse impact particularly for congregations at historic churches in the project area.
- High levels of dust and airborne emissions from deconstruction of asbestos containing material from existing infrastructure over a lengthy period (3-4 years) in a confined geographic area may have a serious impact on the health and safety of residents and visitors within the APE.

Potential indirect effects (include but are not limited to:)

- Economic impacts from congestion, dirt, noise, and inconvenience issues.

CONCLUSIONS

1. The NEPA, SEQRA, Section 106, and 4(F) processes for this project are discreet, but inextricably intertwined – including required coordination and consultation (parties)
2. There is a limited “taking” of NRHP property for the project pursuant to NYS EDPL
3. There is the potential for a large-scale remediation scenario.
4. The APE is limited and context for the Project and adjacent historic resources suffers
5. The Project will impede
 - Development of a cohesive, comprehensive Historic District and the care, recognition, and coordination of Historic Resources in the APE and greater Project area
 - Restoration of a continuous link between historic Olmsted parks.
 - Restoration of a singularly historic watershed feature at the confluence of historic events.
6. There is a disconnection from direct access to the Route 33 by eliminating Humboldt Parkway - Utica Exits and reduction in travel lanes while increasing necessity of use of the single lane route.



October 12, 2023



Ms. Laura Savage
Environmental Impact Statements & Special Projects Bureau
New York State Department of Transportation
Office of Environment
50 Wolf Road POD 4-1
Albany, NY 12232

Re: Section 106 Comments for PIN: 5512.52. SHPO Project Review Number 22PR08247. NYS Route 33, Kensington Expressway Project

Dear Ms. Savage,

Thank you for including the Buffalo Society of Natural Sciences (BSNS) in the Section 106 process for PIN: 5512.52, SHPO Project Review Number 22PR08247, NYS Route 33, Kensington Expressway Project. The BSNS operates the Buffalo Museum of Science, located at 1020 Humboldt Parkway.

As an approved Consulting Party, we attended the first meeting on February 28, 2023, and the second meeting on September 1, 2023. We also attended the Environmental Assessment Public Meeting on September 27, 2023. We have reviewed the documents provided by the NYSDOT and the NYSOPR&HP.

As a leading cultural organization in the city of Buffalo, the Buffalo Society of Natural Sciences has the following concerns regarding the revised finding documentation for effects on historic properties, specifically relating to the effect on the Society's Museum:

- 1) Negative effect to the 1929 Museum building, infrastructure, exhibitions, and educational programming facilities due to vibration.
- 2) The Museum also houses the Society's irreplaceable collection, which is susceptible to damage due to vibration and environmental changes.
- 3) As a visitor serving organization, the negative impact on Museum guests and the disruption and potential loss of visitors during the construction period is of grave concern.
- 4) Negative impact on the day-to-day operation of the "Joint Facility" (Buffalo Public School 59 and Buffalo Museum of Science) during the construction period.
- 5) Increased pressure on limited parking and the disruption to traffic flow, including vehicular and pedestrian traffic during construction.

FIND WHY.

1020 Humboldt Parkway
Buffalo, NY 14211-1208

716.896.5200
sciencebuff.org



While these concerns remain unaddressed, the BSNS cannot concur with your draft findings that this project has a Determination of No Effect.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Leacock', written over a faint, tilted rectangular stamp that contains the text 'THANK YOU FOR YOUR RESPONSE'.

Kathryn H. Leacock
Interim President and CEO

cc: David M. Cinquino, Director of Exhibits, Facilities, and Capital Projects



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October 12, 2023

Ms. Laura Savage
Environmental Specialist 2, Environmental Impact Statements & Special Projects
Bureau
New York State Department of Transportation
Office of Environment
50 Wolf Road POD 4-1, Albany, NY 12232

Appointees:

Jack O'Donnell, City of Buffalo
Mary Simpson, Buffalo Common Council
Sia Rogers, Erie Co. Legislature
Mark Cornell, Erie County
Ex Officio, Andy Rabb, City of Buffalo

Re: Section 106 Comments for
PIN: 5512.52
SHPO Project Review Number 22PR08247
NYS Route 33, Kensington Expressway Project

Emeritus:

Richard C. Cummings
Mark V. Mistretta
Corinne Rice
Gretchen Toles

Dear Ms. Savage:

Interim Executive Director:

Beth Downing

Thank you for including the Buffalo Olmsted Parks Conservancy in the Section 106 process for PIN: 5512.52, SHPO Project Review Number 22PR08247, NYS Route 33, Kensington Expressway Project. As an approved Consulting Party, we attended the first Consulting Party meeting on February 28, 2023. We were unable to attend the second meeting on September 1, 2023, but we reviewed your agenda, meeting minutes and presentation. We also attended Environmental Assessment Public Meetings on September 27, 2023.

BUFFALO'S OLMSTED SYSTEM

Parks
Cazenovia
Delaware
Front
Martin Luther King, Jr.
Riverside
South

Parkways
Bidwell
Chapin
Humboldt - lost
Lincoln
McKinley
Porter
Red Jacket
Richmond

Circles
Agassiz
Colonial
Ferry
Gates
McClellan
McKinley
Soldiers
Symphony

Small Olmsted Park Spaces
Days
Heacock Place
Prospect

We have reviewed every document provided by the NYSDOT and the NYSOPR&HP. We have also reviewed the National Register nomination for the Olmsted Parks & Parkway and our 2011 Master Plan for the entire system – "Buffalo Olmsted Park System, Plan for the 21st Century." We have discussed the project and its impacts with many of the other Consulting Parties and community groups as well.

We understand that the Section 106 process through the National Historic Preservation Act of 1966 (with its amendments) gives us this opportunity to alert the federal government to the historic properties and history that we value and affords us the opportunity to influence these decisions. We understand the Section 106 regulations as published on the Advisory Council of Historic Preservation's website in the Code of Federal Regulations at 36 CFR Part 800 "Protection of Historic Properties." As per the Section 106 process, we provide our following comments regarding the impacts on the historic resources in the area of the former historic Humboldt Parkway.

Attached you will find our comments separated into three sections: 1. Section 106 Review Process, 2. Historic Resources Impact and 3. Design Options Impact on Historic Resources. You will read that we are very concerned about this project as it has been developed and designed. Due to our concerns and the issues identified below we cannot concur with your draft findings that this project will have a Determination of No Effect.

We believe it is imperative for our city, the impacted communities and the legacy of the Olmsted Park and Parkway System, that we all take a step back so a more comprehensive approach and evaluation of this project can be completed with more consequential involvement of the Consulting Parties and community.

Thank you for your attention to our concerns and we look forward to a dialogue with NYSDOT and FHWA.

Very truly yours,

A handwritten signature in blue ink that reads "Beth A. Downing". The signature is written in a cursive style with a large, stylized initial 'B'.

Beth Downing
Interim Executive Director

Section 106 Comments for PIN: 5512.52 FROM THE BUFFALO OLMSTED PARK CONSERVANCY

SECTION 106 REVIEW PROCESS

1. We believe that assigning this important project to FHWA/NYS DOT, which will impact the lives of the Buffalo and East Buffalo communities and the legacy of the Olmsted Parks and Parkway forever, is inappropriate. We understand that the objectives of the FHWA and NYSDOT are related to highways and traffic. Viewing this project as a highway project only is short-sighted and does not provide the comprehensive review necessary to determine how to BEST provide holistic transportation, community restoration and social justice remedies throughout Western New York. A billion dollars for this ill-informed project could minimally be better spent on actually restoring the full historic Humboldt Parkway and improving the radial roads to accommodate perceived and actual traffic.
2. While the FHWA/NYS DOT documents and proposed design do provide roadway connections across the tunnel deck that would improve limited local roadway connectivity to reconnect the East Side neighborhoods separated by the Kensington Highway, neither the design option/s nor the supporting materials reply to or acknowledge the previous comments of BOPC, the majority of the consulting parties and the public comments in a meaningful way. We believe it is imperative that the FHWA and NYSDOT respond and give serious consideration to the restored Humboldt Parkway or "One Road Now" concept. We request this again.
3. We are seriously concerned about the Project Objectives especially "to maintain the vehicular capacity of the existing transportation corridor (approximately 76,000 vehicles)." All of our comments about this objective have been acknowledged and responded to with: "this is a given." Why is this a given? This basic question about the evaluation of public transit in WNY is one of the basic underlying questions about this entire process. The refusal to look outside the Kensington Expressway and consider a more comprehensive evaluation of public transit in WNY is disingenuous and imprudent. Assuming that there can be no discussion regarding the 76,000 vehicles negates the ability to consider Option 10, the full restoration of the Humboldt Parkway.
4. We believe that only two (2) public information meetings with the Consulting Parties while providing few responses to our serious issues, presents us with a delay in information and does not allow us the proper time or interaction to respond to a construction project which will impact our city and communities for a very long time.
5. We observe that there has been very little interaction or participation in design review and preparation of options, which gave us little time to review and no time for discussion. We continue to request additional time to review the Section 106 materials and to work with you as a team.

Section 106 Comments for PIN: 5512.52 FROM THE BUFFALO OLMSTED PARK CONSERVANCY
Section 106 Review Process - Continued

6. Despite the BOPC and various other consulting parties, such as the Buffalo Museum of Science and Alan Oberst, requesting the preparation of a Cultural Landscape Report, DOT has never officially responded to this request.
7. We understand our rights to reach out to the Advisory Council on Historic Preservation (ACHP) for their review and we inform you that we have initiated contact with them.
8. We have also shared our concerns with the NY State Historic Preservation Office.

HISTORIC RESOURCES IMPACT

1. We appreciate the historic research and the Cultural Resources Screening that was conducted for this project resulting in the identification of three (3) new National Register Eligible historic districts and five (5) new National Register Eligible individual properties. We request that NYSOPR&HP and NYSDOT work with local preservation organizations to initiate the National Register nominations of each of these districts and properties and that State funding be provided for this.
2. We request consideration of expanding the APE beyond the small sliver of properties identified. We appreciate that it was expanded north to Northland Avenue but we believe it should be expanded in all directions, including evaluation of the historic Fruit Belt by expanding the Southern end of the APE from Best St. to the Lemon St. connection – this would reconnect the Fruit Belt community that lost the most housing/properties as part of the Kensington Expressway intrusion.
3. We also note that the obviously historic St. Frances de Sales Church complex at 407 Northland, at the corner of the Humboldt Parkway, was apparently not reviewed in the Cultural Resources Screening or included as a potentially eligible property.
4. We request that a CULTURAL LANDSCAPE REPORT of the historic Humboldt Parkway/Kensington Expressway be conducted before we can reasonably review and agree with your findings of “No Adverse Effects.” A landscape of this historical significance requires the preparation of a Cultural Landscape Report (CLR). This has been requested multiple times by the BOPC and various other organizations and citizens. Its request has not been acknowledged in any document for over a year.

Section 106 Comments for PIN: 5512.52 FROM THE BUFFALO OLMSTED PARK CONSERVANCY
Section 106 Historic Resources Impact - Continued

We would like to share with you that we know that two other highly significant cultural landscapes in Western New York, including one in East Buffalo, have or are currently conducting CLR's funded by New York State: the Buffalo Central Terminal is having a Cultural Landscape Report and Historic Structures Report completed to provide guidelines for future restoration and development. The Richardson Olmsted Campus also had the same types of documents prepared (which are National Park Service guidelines) prior to the development and restoration work there.

A historic landscape of this significance should be treated with the same respect, following the same National Park Service guidelines. There do appear to be remnants of the original Parkway still evident, and without documenting them, this will be lost forever. This is the last and only time that this can be done. We believe that NOT conducting a CLR means that the design work and options suggested here have no validity. We fear that the impact to the Olmsted-designed MLK Jr. Park has not been effectively evaluated. And we can, therefore, not agree with or respond to your "Determination of No Effect."

5. A CLR is required to identify remains of the historic parkway, evaluate the existing 33 against the historic parkway and evaluate the proposed designs against the historic parkway. It would also provide the process to evaluate historic cross-sections of the parkway including appropriate tree heights and sustainability against the "reconstructed" parkway.
6. While some comments by NYSDOT were made about reviewing the Olmsted Parks Plan, and attempting to follow the "historic plan", there appears to have been no purposeful evaluation or comparison that only a CLR with its related "Period Plan evaluation" can provide.
7. From all the documents provided, with evaluation and design apparently prepared by LaBella, it is unclear whether there has been any involvement in the project of Olmsted scholars or an experienced landscape historian, historical landscape architect and preservation architect with Olmsted expertise. We do not believe that the proposed "reconstructed" Humboldt Parkway resembles the historic Olmsted-designed Humboldt Parkway which connected MLK Jr Park with Delaware Park in any manner other than it has some grass and trees.
8. The BOPC request for a maintenance sustainability study has been responded to by saying that his evaluation of the maintenance requirements and costs will be conducted during preparation of Construction Documents. A true preservation evaluation of this project must include ongoing maintenance. This maintenance evaluation should be completed as part of these design documents which would indicate that the proposed \$1 Billion will be much, much more when reviewed in perpetuity.

Section 106 Comments for PIN: 5512.52 FROM THE BUFFALO OLMSTED PARK CONSERVANCY
Section 106 Historic Resources Impact - Continued

9. We remind you of the master plan that the BOPC prepared for the Olmsted Parks in 2011 and Goals for the restoration of the Humboldt Parkway what included:
 - Restore the historic integrity of the parkway element from the period of significance.
 - Transition towards historic planting types and restore historic tree plantings.
 - Improve safety, access, and circulation for vehicles, bicycles, and pedestrians.
 - Install historically appropriate light standards.
 - Install appropriate wayfinding and branding signage.

DESIGN OPTIONS IMPACT ON HISTORIC RESOURCES

1. We continue to declare that the restoration of the historic Humboldt Parkway (previous Option 10) is our preferred approach. We now realize that we have overwhelming Consulting Party and community support in a "ONE ROAD NOW" concept that restores and reconnects the MLK Jr. Park with Delaware Park. We request that NYSDOT, FHWA and NYSOPR&HP initiate truly meaningful design discussions with the Consulting Parties and community about this preferred approach. Given that none of us were given actual opportunities to work with NYSDOT on the goals of this project or the design/s, we use this opportunity to demand it. We would appreciate working directly with DOT or another agency as deemed more appropriate to design a true restoration which can work for everyone in the community and improve all of WNY's transit capacity.
2. This tunnel with a cap is new construction, it is NOT a reconstruction or restoration according to National Park Service Secretary of the Interiors Standards for the Treatment of Historic Properties.
3. Given the proposed deconstruction of the Kensington Expressway for 1.2 miles and the lack of a real long-term maintenance or sustainability plan, we observe that we cannot determine whether this proposal will meet the mandates of New York State's new Climate Leadership and Community Protection Act (CLCPA).
4. Without the completion of a CLR, no capacity exists to evaluate what remains of the Parkway, what the actual design and landscaping materials of the Parkway were, and therefore how best to design a replacement or restoration.
5. The "peanut traffic circle" on Best Street seems overwrought and not needed and has no relationship to MLK Jr. Park, the historic Parade or Humboldt Parkway.
6. Given that a multi-modal transit design approach including Light Rail Rapid Transit could provide more capacity than this remade Kensington Expressway and would potentially come with additional and separate funding streams, we believe that this \$1.2 Billion effort would be a negative impact on the citizens of Buffalo and the historic resources related to the Humboldt Parkway, East Buffalo and New York State with few advantages.



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

STEPHANIE WINKELHAKE P.E.
Chief Engineer

November 21, 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 Consulting Party
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 a 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 on November 8, 2023. The NYSDOT Office of Environment has reviewed the request and recommends the following individual and organization for Consulting Party status, based on their written statement of interest:

The Cultural Landscape Foundation, Nord Wennerstrom

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: Request for Consulting Party status

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

November 21, 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 November 21 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, acting on behalf of their organization, to be a consulting party to the Section 106 process for the subject project:

1. Nord Wennerstrom, The Cultural Landscape Foundation

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 (AHP) 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 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



November 22, 2023

Nord Wennerstrom, Director of Communications
The Cultural Landscape Foundation
1711 Connecticut Avenue NW, Suite 200
Washington, DC 20009

Congratulations, you have been approved by the Federal Highway Administration (FHWA) as a Consulting Party in the Section 106 of the National Historic Preservation Act process for the New York State Route 33 (Kensington Expressway) Project (Project) (see attached letter). Attached for your information, please find the guide entitled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, a publication of the Advisory Council on Historic Preservation. The brochure can also be accessed online at: <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

Section 106 consultation is well underway, and two Consulting Parties meetings have already been held. The first Consulting Parties meeting was held on February 28, 2023. At that meeting, the New York State Department of Transportation (NYSDOT) provided an overview of the Project, described the Section 106 process, shared the preliminary Area of Potential Effects (APE) for cultural resources, and noted the historic properties (listed on or determined eligible for the National Register of Historic Places) that were known to be within the APE at that time. A second Consulting Parties meeting was held on September 1, 2023. At that meeting, the NYSDOT provided an update on the status of the Project, the Section 106 activities that have been conducted to date, the anticipated effects of the Project on identified historic properties, and next steps.

For your information, documentation previously distributed to the Consulting Parties for this Project will be provided via managed file transfer (MFT) and you will receive instructions from Laura Savage at NYSDOT on how to access those files. The Section 106 Consultation Package is being provided for your information and background, as the established comment period has ended, and will include the following:

- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting presentation
- The Kensington Expressway Section 106 Consulting Parties February 28, 2023 Meeting summary
- Architectural Reconnaissance Survey
- The draft Finding Documentation (September 12, 2023)
- The Kensington Expressway Section 106 Consulting Parties September 1, 2023 Meeting summary and presentation

The NYSDOT and FHWA will be holding a virtual Consulting Parties meeting on **Tuesday November 28, 2023 from 10:00 AM to 12:00 PM**. The NYSDOT will send a calendar appointment for the WebEx meeting.

On behalf of the FHWA and the NYSDOT, thank you for your interest and participation in the Section 106 process. 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 to NYSDOT – PIN 5512.52 Section 106 Consulting Party Approval
“Protecting Historic Properties: A Citizen’s Guide to Section 106 Review,”
Advisory Council on Historic Preservation

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.)
A. Gott, NYSDOT (w/o encl.)
D. Laistner, NYSDOT (w/o encl.)



Memorandum

Subject: PIN 5512.52
NYS Route 33 Kensington Expressway Project (Project)
Section 106 Consultation

Date: December 22,
2023

From: Richard J. Marquis
Division Administrator
USDOT, FHWA, New York Division

To: Section 106 Consulting Parties:
C. Skompinski, Fillmore Forward
C. Limniatis (Bernice Radle), Preservation Buffalo Niagara
Rev. T. King, Resource Council WNY
D. Cinquino, Buffalo Museum of Science
B. Dold (Beth Downing), Buffalo Olmsted Parks Conservancy
A. Oberst, Individual
S. Harris, Hamlin Park Community & Taxpayer Association
R. Betha, Hamlin Park Community & Taxpayer Association
S. Howard, Hamlin Park Community & Taxpayer Association
F. Johnson, Individual
T. Robinson, Individual
N. Wennerstrom, Cultural Landscape Foundation

Thank you for your participation as a consulting party in the Section 106 process for the subject Project. Over the past year, the New York State Department of Transportation (NYSDOT), in coordination with the Federal Highway Administration (FHWA) New York Division, has consulted with the New York State Historic Preservation Officer (SHPO), one (1) participating Tribal Nation, and twelve (12) other consulting parties throughout the Section 106 process. Three (3) Section 106 consulting party meetings have been held to date (2/28/2023, 9/1/2023, and 11/28/2023). Meeting minutes for each meeting have been developed and distributed to the consulting parties (11/28/2023 minutes being distributed with this Memorandum), which document the consultation that occurred, including meeting agendas, presentations, summaries of comments/questions raised, and official responses to comments/questions.

Throughout the Section 106 consultation process, several comments have continued to be raised; therefore, FHWA, as lead Federal Agency, in consultation with the SHPO and NYSDOT, has prepared the following comment responses as a record of our official conclusions regarding these comments. In addition to these comments,

NYSDOT, in coordination with FHWA, has prepared the following documents, which are attached to this Memorandum:

- November 28, 2023, Section 106 Consulting Party Meeting Minutes
- Revised Draft Finding Documentation Disposition of Comments
- Section 106 Consultation Timeline
- Revised APE

As discussed in Response #3, FHWA, in consultation with NYSDOT and SHPO, has made a revision to the Area of Potential Effects (APE) to include the proposed in-kind work. This in-kind work is of a scope and nature that are not likely to affect historic properties should they be present; therefore, FHWA has determined that existing identifications efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are satisfactory and in accordance with 36 CFR 800.4(b)(1), and additional efforts/surveys are not warranted. The proposed environmental commitments address all concerns that have been raised by the consulting parties to date; therefore, no adverse effects to historic properties are anticipated as a result of the proposed undertaking.

Comment #1: Several consulting parties have requested that a Cultural Landscape Report be prepared for the proposed undertaking and that FHWA broaden the scope of the Section 106 process.

Response #1: Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess the Project's effects, and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. In the context of Section 106, a historic property is any precontact or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). The United States Department of the Interior (USDOI), National Park Service (NPS), provides guidance on how to apply the National Register Criteria for Evaluation, which considers categories of historic properties, how to evaluate a property within its historic context, and how to identify the type of significance of a property. Although the Section 106 process for this proposed undertaking was performed in coordination with the National Environmental Policy Act (NEPA) process, Section 106 of the NHPA and NEPA are two separate and distinct laws.

Several consulting parties have expressed views that the original Humboldt Parkway is an architectural landscape of historical significance and that this Project must consider that landscape as part of the Section 106 process through completion of a Cultural Landscape Report. FHWA, in coordination with NYSDOT, has consulted with SHPO on the need for a Cultural Landscape Report, in the context of Section 106 of the NHPA, as amended, and its implementing regulations under 36 CFR Part 800. This

comment was first made during Consulting Party Meeting #1, which was held on February 28, 2023, and has been considered as information was gathered and research was performed in the identification of historic properties. An Architectural Reconnaissance Survey (ARS) was prepared by the New York State Museum, which considers the historical context and information directly related to the historical and architectural development of the Humboldt Parkway. A draft of this document was provided to the SHPO for review on April 14, 2023, and the Tribal Nations on May 12, 2023 (No comments were received from the Tribal Nations). SHPO provided comments on the ARS in a letter dated July 20, 2023. The ARS was then distributed to the consulting parties on August 18, 2023, as part of the Draft Finding Documentation. A second consulting party meeting was held on September 1, 2023 to discuss the Draft Finding Documentation. Several consulting parties disagreed with the assessment that the original Humboldt Parkway was not identified as a historic property and continued to request that a Cultural Landscape Report be prepared. Furthermore, several parties requested additional time to review materials; therefore, NYSDOT, in consultation with FHWA, elected to continue consultation efforts. In response to consulting party comments/questions, NYSDOT made several minor revisions to the Draft Finding Documentation. A revised Draft Finding Documentation was then distributed to the consulting parties for a final 30-day review on September 12, 2023. Several comments on the revised Draft Finding Documentation were submitted, including stated objections; therefore, a third consulting party meeting was held on November 28, 2023, to answer questions and try to resolve disagreements. Consulting parties continue to express views that the Project must consider the architectural landscape of the original Humboldt Parkway and that a Cultural Landscape Report must be prepared.

As stated above, the ARS does consider the historical context and information directly related to the historical and architectural development of the Humboldt Parkway. In the context of Section 106 of the NHPA, designed landscapes that are eligible for the NRHP are categorized as a site. The NPS provides guidance¹ when applying the National Register criteria to a designed landscape, which states that a designed landscape that has had major changes to its historic design, vegetation, original boundary, topography/grading, architectural features, and circulation system is not eligible for the NRHP. The construction of the Kensington Expressway in the 1960s/1970s removed the original Humboldt Parkway, including original features that were part of its designed landscape. For this reason, the original Humboldt Parkway is not eligible for the NRHP; therefore, a Cultural Landscape Report is not warranted as part of the Section 106 process for this proposed undertaking.

NYSDOT, in consultation with FHWA, has considered the original Humboldt Parkway as part of the NEPA process. The purpose of the proposed undertaking 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. Although restoration of the original Humboldt Parkway is not the purpose of the proposed undertaking, NYSDOT and FHWA recognize the importance/significance of its history to the project area. Several Section 106 consulting parties have participated in monthly NEPA stakeholder meetings with

¹ https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

NYSDOT and FHWA, to provide input on how characteristics of the original Humboldt Parkway can be incorporated into the proposed design. Transportation decision-making for this Project has incorporated design features of the original Humboldt Parkway to the greatest extent practicable, including but not limited to:

- A planted, 90-foot-wide center median that aligns with the entrance area of the Buffalo Museum of Science and the location of the historic southern entrance to the Humboldt Parkway.
- Trees would be planted in diagonal rows ('alternating pairs of trees') based on the Olmsted plan for tree arrangement and would include 24-feet between rows and 60 feet between trees (as scaled from the Olmstead plan beginning just north of the Buffalo Museum of Science).
- Street trees would be planted on the residential sides of Humboldt Parkway to create a parkway feeling (trees on either side of drivers and pedestrians).
- The planting list for the original Humboldt Parkway was considered during the development of the landscape planting plan. Tree species recommendations were developed in coordination with Buffalo Olmsted Parks Conservancy (BOPC) and the City of Buffalo. Tree species selection also considered tree root systems, mature size and ability to survive in urban conditions.

Comment #2: Several consulting parties have made Section 106 process-related comments, including the lack of timely production of Section 106 materials and the need for more community outreach.

Response #2: The Section 106 process involves four (4) main steps: initiation of the Section 106 process, identification of historic properties, assessment of effects on historic properties, and resolution of adverse effects on historic properties, if applicable. The following Section 106 process steps have occurred to date:

1. **Initiation of the Section 106 process:**
NYSDOT, in coordination with FHWA, initiated the Section 106 process during project scoping, which included a public information meeting held on June 30, 2022. Consultation with SHPO, and potentially interested Tribal Nations and other consulting parties was formally initiated in November of 2022. Since November 2022, SHPO, one (1) Tribal Nation, and twelve (12) consulting parties have participated in Section 106 consultation.
2. **Identification of historic properties:**
Consulting Party Meeting #1, which took place on February 28, 2023, focused on defining the APE and identification of historic properties. Comments received during this consulting party meeting were considered, as the APE was further refined, and during development of an Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity. The development of these documents, in conjunction with preliminary engineering, took several months to develop. Meeting minutes, including the Draft Finding Documentation were provided to consulting parties on August 18, 2023. A second consulting party meeting was held on September 1, 2023, to discuss the Draft Finding Documentation and formally address previous comments/concerns. Several consulting parties expressed concerns with the Draft Finding Documentation and requested additional time for

review; therefore, NYSDOT, in consultation with FHWA, elected to continue consultation efforts to ensure meaningful review and feedback in the consultation process. In response to consulting party comments/questions, NYSDOT made several minor revisions to the Draft Finding Documentation. A revised Draft Finding Documentation was distributed to the consulting parties for a final 30-day review on September 12, 2023, concluding consultation on the identification of historic properties and providing a final opportunity to review the proposed finding. Meeting minutes from the second consulting party meeting were provided to consulting parties on October 4, 2023.

3. Assessment of effects on historic properties:

Several formal comments were received on the revised Draft Finding Documentation; therefore, a third consulting party meeting was held on November 28, 2023, to discuss draft comment responses, which were provided as part of the meeting invite. Meeting minutes and final responses to comments are being provided as part of this Memorandum transmittal.

Although production of some Section 106 materials has taken time, the views and input from each consulting party have been thoroughly considered during each step of the Section 106 process. Consultation efforts have been extended to afford consulting parties meaningful review time and to attempt to resolve disagreements. FHWA must distinguish between comments related to Section 106 of the NHPA versus those related to the greater NEPA process, to make informed decisions as it relates to the proposed undertakings effects on historic properties. The SHPO, as the official with jurisdiction over historic properties within the study area, has concurred with the APE, surveys, historic property recommendations, and recommended effect finding. Furthermore, only one (1) Tribal Nation has participated to date. This Tribal Nation has not expressed concerns with the study area or the proposed undertakings potential to affect historic properties of religious and/or cultural significance to them.

Community outreach:

The views of the public are essential to informed decision-making in the Section 106 process. As stated previously, the Section 106 process for this proposed undertaking was performed in coordination with the NEPA process. Historic preservation was discussed at several NEPA public information meetings that were held for the Project. Comments and views from the public, as it relates to historic preservation, were obtained during these meetings, and considered accordingly. The Draft Design Report / Environmental Assessment (DDR/EA), including the Draft Finding Documentation, was made available for public review on September 12, 2023, beginning a 45-day public comment period. The comment period was subsequently extended by 14 days. Several Section 106-related comments from the public were received and considered. Those comments will be responded to formally as part of the Final Design Report / Environmental Assessment (FDR/EA) and Environmental Determination.

Comment #3: Several consulting parties have requested that the Area of Potential Effects (APE) be expanded and have expressed concerns with visual and construction-related effects.

Response #3: The Section 106 implementing regulations define the APE as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR 800.16(d)). Furthermore, effects are defined as alterations to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (36 CFR 800.16(i)). NYSDOT, in coordination with FHWA, and in consultation with the SHPO, must determine and document the APE, in accordance with 36 CFR 800.4(a). Consultation with SHPO was initiated on November 4, 2022. NYSDOT, in coordination with FHWA, submitted methodology for developing the APE to the SHPO and the Tribal Nations in a letter dated May 10, 2023. The SHPO provided their concurrence on the APE in a letter dated July 20, 2023. Only one (1) Tribal Nation has participated to date. This Tribal Nation stated that they had no comments or concerns with the study area in an email dated October 3, 2023.

Development of the APE considered potential direct and indirect effects to historic properties. The area representing potential direct effects to historic properties that might result from physical alterations, damage, destruction, removal, or demolition associated with the Project has been identified and represents the limits of disturbance (LOD) of the proposed undertaking. As distance from the LOD and obstructions increase, the potential for indirect effects to a resource's setting due to the introduction of new visual elements and/or audible changes decreases. In developing the proposed APE, the existing topography and building heights have been taken into consideration. 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 proposed APE for the proposed undertaking was delineated to include parcels that are within or immediately adjacent to (i.e., extend one parcel out from) the LOD.

The current delineation of the APE does not include in-kind work, which is defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing feature. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Furthermore, these project elements would not modify the view from the current setting of known or potential historic properties along the city streets. Compared to existing conditions and the character of the built environment, this in-kind work is anticipated to have no effect upon historic properties. While this work has been discussed during the Section 106 consulting party meetings and was considered when developing the APE, areas where this work is to occur were not included within the APE boundary. Although these project elements (in-kind work) are not anticipated to cause direct or indirect effects to historic properties, the areas where this work will occur should be identified within the APE; therefore, FHWA, in consultation with NYSDOT and SHPO, has extended the APE to include all project elements associated with the proposed undertaking. Given this modification to the APE to include the proposed in-kind work, of a scope and nature that are not likely to affect historic properties should they be present, FHWA has determined that existing identifications efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity)

are satisfactory and in accordance with 36 CFR 800.4(b)(1), and additional efforts/surveys are not warranted.

Several construction-related environmental commitments have been identified that will minimize or eliminate potential construction-related effects to historic properties. These environmental commitments, which will be included in the contract requirements, include but are not limited to: a Construction Vibration Mitigation Plan, Construction Noise Mitigation Plan, a Dust Control Plan, and several minimization measures associated with construction staging and work zone traffic control, including on-street parking restriction limitations, restriction of contractor staging areas, and access restriction limitations. When implemented, these environmental commitments will ensure that historic properties are not adversely affected by this undertaking.

Several concerns related to vibration, blasting, and dust have been raised. It should be noted that preliminary engineering/analysis has concluded that vibration levels associated with proposed blasting operations will not exceed industry recognized damage thresholds at the closest identified historic properties. Pre- and post-construction surveys of building conditions will be conducted within an identified survey area, to be developed during final design, as part of the Construction Vibration Mitigation Plan for the Project. Pre-construction surveys will establish baseline building conditions. Although, based on preliminary engineering/analysis, exceedance of damage thresholds is not anticipated, any effects to buildings (historic and non-historic properties) or utilities found to be attributable to the construction of the Project will be repaired/rectified at the expense of the Project and/or contractor. These repairs will not be at the expense of property owners. For historic properties, repairs will be made in a manner which would not cause an alteration to any of the characteristics that qualify the property for inclusion in the NRHP. Vibration monitoring associated with the Vibration Mitigation Plan will also provide real time feedback, which will allow the contractor to adjust construction activities based on vibration levels that are being observed. Furthermore, the Dust Control Plan will include washing requirements if properties (historic and non-historic) are subjected to fugitive dust. Several NEPA-related public involvement/engagement commitments have been made in the DDR/EA that will ensure timely communication of construction activities, including accommodation of public comments and/or concerns about ongoing or upcoming construction activities.

These environmental commitments address all concerns that have been raised by the consulting parties to date; therefore, no adverse effects to historic properties are anticipated as a result of the proposed undertaking. Any modifications to the proposed undertaking during final design and/or construction will be carefully evaluated in accordance with the NEPA reevaluation process and 36 CFR 800.8(c)(5).

If you have any questions, please contact Matthew Seymour of my staff at (518) 431-8882 or at Matthew.Seymour@dot.gov.

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Number	Consulting Party	Comment	Type of Comment	Topic	Response	Revisions to the Finding Document
1	Buffalo Museum of Science	Negative effect to the 1929 Museum building, infrastructure, exhibitions, and educational programming facilities due to vibration. The Museum also houses the Society's irreplaceable collection, which is susceptible to damage due to vibration and environmental changes.	Section 106	Construction Effects - Vibration	Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation. The Finding Documentation describes how 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. See Chapter 4.20 of the DDR/EA for additional information on proposed measures that have been developed to mitigate any potential adverse effects that could result from construction of the Build Alternative.	
2	Buffalo Museum of Science	As a visitor serving organization, the negative impact on Museum guests and the disruption and potential loss of visitors during the construction period is of grave concern.	NEPA	Construction - Effects to Museum (operations, access, economic)	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
3	Buffalo Museum of Science	Negative impact on the day-to-day operation of the "Joint Facility" (Buffalo Public School 59 and Buffalo Museum of Science) during the construction period.	NEPA	Construction Effects (access, economic)	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
4	Buffalo Museum of Science	Increased pressure on limited parking and the disruption to traffic flow, including vehicular and pedestrian traffic during construction.	NEPA	Construction - Effects (access)	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
5	Buffalo Museum of Science	The BSNS (Buffalo Society of Natural Sciences) cannot concur with your draft findings that his project has a Determination of No Effect.	Section 106	Effects Determination	Comment noted. To clarify, the Finding Documentation states that the Project would result in a Section 106 finding of No Adverse Effect. As discussed in the Finding Documentation, it is recognized that there are effects as defined by Section 106, to all but four historic properties (58 Linden Park, 930 Genesee Street, 938 Genesee Street, and 892 Genesee Street); however, in applying the criteria of Adverse Effect (36CFR part 800.5(a)(1)) to the other identified historic properties, those changes would not result in altering the contributing features that qualify those properties for listing on the National Register of Historic Places.	
6	Buffalo Olmsted Parks Conservancy	We believe that assigning this important project to FHWA/NYS DOT, which will impact the lives of the Buffalo and East Buffalo communities and the legacy of the Olmsted Parks and Parkway forever, is inappropriate. Viewing this project as a highway project only is short-sighted and does not provide the comprehensive review necessary to determine how to BEST provide holistic transportation, community restoration and social justice remedies throughout Western New York. A billion dollars for this ill-informed project could minimally be better spent on actually restoring the full historic Humboldt Parkway and improving the radial roads to accommodate perceived and actual traffic.	NEPA	Sponsor and Lead Agency	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
7	Buffalo Olmsted Parks Conservancy	The design option and the supporting materials do not acknowledge the previous comments of BOPC, the majority of the consulting parties and the public comments in a meaningful way. We believe it is imperative that the FHWA and NYSDOT respond and give serious consideration to the restored Humboldt Parkway or "One Road Now" concept.	NEPA	Alternatives	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
8	Buffalo Olmsted Parks Conservancy	We are seriously concerned about the Project Objectives especially "to maintain the vehicular capacity of the existing transportation corridor (approximately 76,000 vehicles)." All of our comments about this objective have been acknowledged and responded to with: "this is a given." Why is this a given? This basic question about the evaluation of public transit in WNY is one of the basic underlying questions about this entire process. The refusal to look outside the Kensington Expressway and consider a more comprehensive evaluation of public transit in WNY is disingenuous and imprudent. Assuming that there can be no discussion regarding the 76,000 vehicles negates the ability to consider Option 10, the full restoration of the Humboldt Parkway.	NEPA	Purpose, Objectives and Needs; and Project Alternatives including public transit and Concept 10	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
9	Buffalo Olmsted Parks Conservancy	We believe that only two (2) public information meetings with the Consulting Parties while providing few responses to our serious issues, presents us with a delay in information and does not allow us the proper time or interaction to respond to a construction project which will impact our city and communities for a very long time.	Section 106	Process - Consultation	Consistent with the Section 106 process, the FHWA and the NYSDOT engaged the Consulting Parties in identifying historic properties (36 CFR 800.4) and identifying issues relating to the undertaking's potential effects on historic properties and the assessment of adverse effects (36 CFR 800.5). Consulting Parties were afforded the opportunity for an initial or informal review of Finding Documentation and the second Consulting Party meeting was held ahead of the public release of the DDR/EA. Comments received prior to the release of the DDR/EA were considered addressed in a revised Finding Document, as appropriate. The revised Finding Document was shared with Consulting Parties for the formal 30-day review period. The Finding Document was also made available for review as part of the public release of the DDR/EA. The FHWA and the NYSDOT held an additional Consulting Parties meeting to discuss comments received on the Finding Documentation. The final revised Finding Documentation will document will be included in the FDR/EA.	
10	Buffalo Olmsted Parks Conservancy	We observe that there has been very little interaction or participation in design review and preparation of options, which gave us little time to review and no time for discussion.	NEPA	Alternatives	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	

Number	Consulting Party	Comment	Type of Comment	Topic	Response	Revisions to the Finding Document
11	Buffalo Olmsted Parks Conservancy	<p>Despite the BOPC and various other consulting parties, such as the Buffalo Museum of Science and Alan Oberst, requesting the preparation of a Cultural Landscape Report, DOT has never officially responded to this request.</p> <p>We request that a CULTURAL LANDSCAPE REPORT of the historic Humboldt Parkway/Kensington Expressway be conducted before we can reasonably review and agree with your findings of "No Adverse Effects." A landscape of this historical significance requires the preparation of a Cultural Landscape Report (CLR). This has been requested multiple times by the BOPC and various other organizations and citizens. Its request has not been acknowledged in any document for over a year.</p> <p>There do appear to be remnants of the original Parkway still evident, and without documenting them, this will be lost forever. This is the last and only time that this can be done. We believe that NOT conducting a CLR means that the design work and options suggested here have no validity. We fear that the impact to the Olmsted-designed MLK Jr. Park has not been effectively evaluated. And we can, therefore, not agree with or respond to your "Determination of No Effect."</p> <p>A CLR is required to identify remains of the historic parkway, evaluate the existing 33 against the historic parkway and evaluate the proposed designs against the historic parkway. It would also provide the process to evaluate historic cross-sections of the parkway including appropriate tree heights and sustainability against the "reconstructed" parkway.</p> <p>While some comments by NYSDOT were made about reviewing the Olmsted Parks Plan, and attempting to follow the "historic plan", there appears to have been no purposeful evaluation or comparison that only a CLR with its related "Period Plan evaluation" can provide.</p> <p>Without the completion of a CLR, no capacity exists to evaluate what remains of the Parkway, what the actual design and landscaping materials of the Parkway were, and therefore how best to design a replacement or restoration.</p>	Section 106	Cultural Landscape Report	<p>In the context of Section 106, a historic property is any precontact or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). FHWA, in coordination with NYSDOT, has consulted with SHPO on the need for a Cultural Landscape Report, in the context of Section 106 of the NHPA, as amended, and its implementing regulations under 36 CFR Part 800. A Cultural Landscape Report was considered as information was gathered and research was performed in the identification of historic properties.</p> <p>An Architectural Reconnaissance Survey, which considered the historical context and information directly related to the historical and architectural development of the Humboldt Parkway, was prepared for the Project by the New York State Museum. In the context of Section 106 of the NHPA, designed landscapes that are eligible for the NRHP are categorized as a site. The National Park Service (NPS), a Bureau of the United States Department of the Interior (USDOI), provides guidance on how to apply the National Register Criteria for Evaluation, which considers categories of historic properties, how to evaluate a property within its historic context, and how to identify the type of significance of a property. Specifically, this guidance states that a designed landscape that has had major changes to its historic design, vegetation, original boundary, topography/grading, architectural features, and circulation system is not eligible for the NRHP. The construction of the Kensington Expressway in the 1950s and 1960s removed the original Humboldt Parkway, including original features that were part of its designed landscape. For this reason, the original Humboldt Parkway is not eligible for the NRHP; therefore, a Cultural Landscape Report is not warranted as part of the Section 106 process for this proposed undertaking.</p> <p>The NYSDOT, in coordination with the FHWA, has considered the original Humboldt Parkway as part of the greater NEPA process. The purpose of the proposed undertaking 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. Although restoration of the original Humboldt Parkway is not the purpose of the proposed undertaking, NYSDOT and FHWA recognize the importance/significance of its history to the project area. Several Section 106 consulting parties have participated in monthly NEPA stakeholder meetings with NYSDOT and FHWA, to provide input on how characteristics of the original Humboldt Parkway can be incorporated into the proposed design. Transportation decision-making for this Project has incorporated design features of the original Humboldt Parkway to the greatest extent practicable, including, but not limited to: the development of a landscape planning plan that includes planting trees along a 90-foot-wide center median that aligns with the entrance of the Buffalo Museum of Science and the location of the original southern entrance to the Humboldt Parkway; planting trees in diagonal rows ('alternating pairs of trees') based on the Olmsted plan for tree arrangement and would include 24-feet between rows and 60 feet between trees (as scaled from the Olmsted plan beginning just north of the Buffalo Museum of Science); the addition of street trees which would be planted on the residential sides of Humboldt Parkway to create a parkway feeling (trees on either side of drivers and pedestrians); and the consideration of tree species included on the planting list for the original Humboldt Parkway.</p>	
12	Buffalo Olmsted Parks Conservancy	We understand our rights to reach out to the Advisory Council on Historic Preservation (ACHP) for their review and we inform you that we have initiated contact with them.	Section 106	Process	Comment noted.	
13	Buffalo Olmsted Parks Conservancy	We have also shared our concerns with the NY State Historic Preservation Office.	Section 106	Process	Comment noted.	
14	Buffalo Olmsted Parks Conservancy	We appreciate the historic research and the Cultural Resources Screening that was conducted for this project resulting in the identification of three (3) new National Register Eligible historic districts and five (5) new National Register Eligible individual properties. We request that NYSOPR&HP and NYSDOT work with local preservation organizations to initiate the National Register nominations of each of these districts and properties and that State funding be provided for this.	Section 106	Historic Properties	The NYSDOT conducted an Architectural Resources Survey as part of the Section 106 process for the Project. Based on the results of the survey and though Section 106 consultation, several individual properties and historic districts have been determined eligible for the National Register of Historic Places, thus identifying historic properties subject to Section 106 review. Initiating and funding National Register nominations for the identified historic properties is not required by Section 106 or its implementing regulations and is beyond the scope of this Project. The Project would not preclude others from initiating or funding the National Register nomination for these identified historic properties.	
15	Buffalo Olmsted Parks Conservancy	We request consideration of expanding the APE beyond the small sliver of properties identified. We appreciate that it was expanded north to Northland Avenue but we believe it should be expanded in all directions, including evaluation of the historic Fruit Belt by expanding the Southern end of the APE from Best St. to the Lemon St. connection- this would reconnect the Fruit Belt community that lost the most housing/properties as part of the Kensington Expressway intrusion.	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSDOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. The previous delineation of the APE did not include in-kind work, which is defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing feature. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Given the scope/nature of the proposed in-kind work, and the lack of potential to effect historic properties, FHWA has determined that existing identification efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are satisfactory and additional efforts/surveys are not necessary given this modification to the APE. FHWA is responsible for making a reasonable and good faith effort to identify historic properties that may be affected by an undertaking.	The Finding Dcoumenation has been revised to include the amended APE.
16	Buffalo Olmsted Parks Conservancy	We also note that the obviously historic St. Frances de Sales Church complex at 407 Northland, at the corner of the Humboldt Parkway, was apparently not reviewed in the Cultural Resources Screening or included as a potentially eligible property.	Section 106	Historic Resources	The St. Frances de Sales Church (USN 02940.026366) at 575 Humboldt Parkway (407 Northland) is listed on the National Register of Historic Places as part of the Hamlin Park Historic District. The Hamlin Park Historic District is discussed in the Cultural Resources Screening and the Finding Documentation.	
18	Buffalo Olmsted Parks Conservancy	From all the documents provided, with evaluation and design apparently prepared by LaBella, it is unclear whether there has been any involvement in the project of Olmsted scholars or an experienced landscape historian, historical landscape architect and preservation architect with Olmsted expertise. We do not believe that the proposed "reconstructed" Humboldt Parkway resembles the historic Olmsted-designed Humboldt Parkway which connected MLK Jr Park with Delaware Park in any manner other than it has some grass and trees.	NEPA	Design	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
19	Buffalo Olmsted Parks Conservancy	The BOPC request for a maintenance sustainability study has been responded to by saying that his evaluation of the maintenance requirements and costs will be conducted during preparation of Construction Documents. A true preservation evaluation of this project must include ongoing maintenance. This maintenance evaluation should be completed as part of these design documents which would indicate that the proposed \$1 Billion will be much, much more when reviewed in perpetuity.	NEPA	Maintenance Sustainability Study	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
20	Buffalo Olmsted Parks Conservancy	We remind you of the master plan that the BOPC prepared for the Olmsted Parks in 2011 and Goals for the restoration of the Humboldt Parkway what included: Restore the historic integrity of the parkway element from the period of significance, Transition towards historic planting types and restore historic tree plantings, Improve safety, access, and circulation for vehicles, bicycles, and pedestrians, Install historically appropriate light standards. Install appropriate wayfinding and branding signage.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	

Number	Consulting Party	Comment	Type of Comment	Topic	Response	Revisions to the Finding Document
21	Buffalo Olmsted Parks Conservancy	We continue to declare that the restoration of the historic Humboldt Parkway (previous Option10) is our preferred approach. We now realize that we have overwhelming Consulting Party and community support in a "ONE ROAD NOW" concept that restores and reconnects the MLK Jr. Park with Delaware Park. We request that NYSOT, FHWA and NYSOPR&HP initiate truly meaningful design discussions with the Consulting Parties and community about this preferred approach. Given that none of us were given actual opportunities to work with NYSOT on the goals of this project or the design/s, we use this opportunity to demand it. We would appreciate working directly with DOT or another agency as deemed more appropriate to design a true restoration which can work for everyone in the community and improve all of WNY's transit capacity.	NEPA	Concept 10; Purpose, Objectives, Needs	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
22	Buffalo Olmsted Parks Conservancy	This tunnel with a cap is new construction, it is NOT a reconstruction or restoration according to National Park Service Secretary of the Interiors Standards for the Treatment of Historic Properties.	Section 106	Historic Properties	The Humboldt Parkway was evaluated using the criteria for National Register eligibility at the time the nomination for the Olmsted Parks and Parkways Thematic Resources was prepared and it was determined that the Humboldt Parkway is not eligible for listing on the National Register of Historic Places. Thus, the Humboldt Parkway is not a historic property subject to the Secretary of Interior Standards for the Treatment of Historic Properties.	
23	Buffalo Olmsted Parks Conservancy	Given the proposed deconstruction of the Kensington Expressway for 1.2 miles and the lack of a real long-term maintenance or sustainability plan, we observe that we cannot determine whether this proposal will meet the mandates of New York State's new Climate Leadership and Community Protection Act (CLCPA).	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
24	Buffalo Olmsted Parks Conservancy	The "peanut traffic circle" on Best Street seems overwrought and not needed and has no relationship to MLK Jr. Park, the historic Parade or Humboldt Parkway.	NEPA	Design	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
25	Buffalo Olmsted Parks Conservancy	Given that a multi-modal transit design approach including Light Rail Rapid Transit could provide more capacity than this remade Kensington Expressway and would potentially come with additional and separate funding streams, we believe that this \$1.2 Billion effort would be a negative impact on the citizens of Buffalo and the historic resources related to the Humboldt Parkway, East Buffalo and New York State with few advantages.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
26	Buffalo Olmsted Parks Conservancy	Cannot concur with your draft findgs that this project will have a Determination of No Effect	Section 106	Effects Determination	Comment noted. To clarify, the Finding Documentation states that the Project would result in a Section 106 finding of No Adverse Effect. As discussed in the Finding Documentation, it is recognized that there are effects as defined by Section 106, to all but four historic properties (58 Linden Park, 930 Genesee Street, 938 Genesee Street, and 892 Genesee Street); however, in applying the criteria of Adverse Effect (36CFR part 800.5(a)(1) to the other identified historic properties, those changes would not result in altering the contributing features that qualify those properties for listing on the National Register of Historic Places.	
27	Buffalo Olmsted Parks Conservancy	We continue to request additional time to review the Section 106 materials and to work with you as a team.	Section 106	Process - Consultation	Consistent with the Section 106 process, the FHWA and the NYSOT engaged the Consulting Parties in identifying historic properties (36 CFR 800.4) and identifying issues relating to the undertaking's potential effects on historic properties and the assessment of adverse effects (36 CFR 800.5). Consulting Parties were afforded the opportunity for an initial or informal review of Finding Documentation and the second Consulting Party meeting was held ahead of the public release of the DDR/EA. Comments received prior to the release of the DDR/EA were considered addressed in a revised Finding Document, as appropriate. The revised Finding Document was shared with Consulting Parties for the formal 30-day review period. The Finding Document was also made available for review as part of the public release of the DDR/EA. The FHWA and the NYSOT held an additional Consulting Parties meeting to discuss comments received on the Finding Documentation. The final revised Finding Documentation will document will be included in the FDR/EA.	
28	Fillmore Forward	The APE does not accout for the impact on the neighborhood and affected properties due to blasting vibration; The community's concerns about vibration are not addressed especially since "blasting plans" have not been developed. The APE is too narrow considering the blasting buffer is 300 feet.	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. Preliminary engineering has concluded that vibration levels associated with blasting will not exceed industry recognized damage thresholds at the closest identified historic properties. In addition, several construction-related environmental commitments would be implemented to further minimize or eliminate temporary construction-related effects to historic properties. Temporary construction effects would be mitigated through the implementation of a construction vibration mitigation plan, a construction noise mitigation plan, a construction air quality mitigation plan, and awork zone traffic control plans, among others. When implemented, these construction-related mitigation measures would ensure that historic properties are not adversely affected by this undertaking. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation.	The Finding Dcoumenation has been revised to include the amended APE.
29	Fillmore Forward	APE delineation includes the whole of MLK Park which exceeds the 300' buffer, hence the APE should be extended to, at the very least, all structures in line to the farthest point from the area of disturbance – meaning, it should encompass the neighborhood between the expressway and far side of Fillmore Avenue.	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. The previous delineation of the APE did not include in-kind work, which is defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing feature. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Given the scope/nature of the proposed in-kind work, and the lack of potential to effect historic properties, FHWA has determined that existing identifications efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are satisfactory and additional efforts/surveys are not necessary, given this modification to the APE. FHWA is responsible for making a reasonable and good faith effort to identify historic properties that may be affected by an undertaking.	The Finding Dcoumenation has been revised to include the amended APE.
30	Fillmore Forward	APE should include this boundary area as it's within the scope of the project's work, including the project's "Localized Street and Pedestrian improvement".	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. The previous delineation of the APE did not include in-kind work, which is defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing feature. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). Given the scope/nature of the proposed in-kind work, and the lack of potential to effect historic properties, FHWA has determined that existing identifications efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are satisfactory and additional efforts/surveys are not necessary, given this modification to the APE. FHWA is responsible for making a reasonable and good faith effort to identify historic properties that may be affected by an undertaking.	
31	Fillmore Forward	The Architectural Reconnaissance Survey (May 18, 2023) Summary of Findings doesn't list Olmsted's Humboldt Parkway as part of the Cultural Landscape as "Martin Luther King Jr Park is the only element of the Olmsted Parks and Parkways Thematic Resources District that is inside the Survey Area."	Section 106	Historic Properties	The Humboldt Parkway is discussed throughout the Architectural Resources Survey Report; however, as stated in the National Register Nomination form, the Humboldt Parkway is not included in the Olmsted Parks and Parkways Thematic Resources, due to loss of integrity and therefore the Humboldt Parkway is not eligible or listed on the NRHP. The Martin Luther King Jr. Park is the only element of the National Register listed Olmsted Parks and Parkways Thematic Resources District in the Architectural Survey Area.	
32	Fillmore Forward	While it's nice to see that the State Survey and Findings recommends the advancement of a "Humboldt-Fillmore Historic District", as well as a "Lower Humboldt Parkway Historic District", the project does nothing to protect those buildings outside the current limiting APE. If the State deems the homes and neighborhoods worthy of an historic district, then the proposed historic districts' buildings should be protected – they are not.	Section 106	Effects	FHWA, in consultation with NYSOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. Preliminary engineering has concluded that vibration levels associated with blasting will not exceed industry recognized damage thresholds at the closest identified historic properties. In addition, several construction-related environmental commitments would be implemented to further minimize or eliminate temporary construction-related effects to historic properties. Temporary construction effects would be mitigated through the implementation of a construction vibration mitigation plan, a construction noise mitigation plan, a construction air quality mitigation plan, and awork zone traffic control plans, among others. When implemented, these construction-related mitigation measures would ensure that historic properties are not adversely affected by this undertaking. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation.	The Finding Dcoumenation has been revised to include the amended APE.

Number	Consulting Party	Comment	Type of Comment	Topic	Response	Revisions to the Finding Document
33	Fillmore Forward	The project tunnel cap does nothing to restore what has been lost in the community. The project does nothing to address the cultural landscape of the houses, history, and neighborhoods lost from Best Street to Oak. Again, based on DOT's objectives, this section of the community will still feel the effects of poor decision making.	NEPA	Purpose and Objectives;	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
34	Fillmore Forward	While option Alternative Build #10 – Restore the Parkway is what the community demands, the DOT's project objectives – not the community's objectives - ruled the day. And from those objectives other alternatives were quickly dismissed. None of ROCC's project objectives and reasons for this project will be realized by the DOT's Alternative Build selection.	NEPA	Concept 10	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
35	Fillmore Forward	The project should also include the connectivity of the Scajaquada "Parkway" as defined by the GBNTRC's Region Central effort and connect the gap between both parkways to create a "One Parkway" solution.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
36	Fillmore Forward	NYS DOT did not address Consulting Party concerns raised at the first meeting. NYS DOT did not provide minutes and contact information for the Consulting Parties, as well for a spreadsheet to add any local buildings that should be considered impacted in the neighborhood around the project area.	Section 106	Process- Consultation	The FHWA and NYS DOT have considered the comments received from the Consulting Parties throughout the Section 106 process, including new consulting party requests and those pertaining to the expansion of the Architectural Resources Survey area. A meeting summary and Consulting Party contact information were provided to the Consulting Parties on August 18, 2023. A copy of the meeting presentation was also provided. Consulting Parties were asked to provide input on the presence of potential historic properties during the first Consulting Party meeting.	
37	Fillmore Forward	Not enough consultation with Consulting Parties in between the first and second meeting. No meeting was scheduled when the following pertinent materials were developed in May: Development of Area of Potential Effects document and the Architectural Reconnaissance Survey.	Section 106	Process	Consistent with the Section 106 process, the FHWA and the NYS DOT engaged the Consulting Parties in identifying historic properties (36 CFR 800.4) and identifying issues relating to the undertaking's potential effects on historic properties and the assessment of adverse effects (36 CFR 800.5). As per 36 CFR 800.5(c), the FHWA and the NYS DOT provided the consulting parties with a 30-day review period and comments provided by Consulting Parties were considered throughout the Section 106 process.	
38	Fillmore Forward	Residents directly living on Humboldt Parkway repeatedly voiced concerns in public meetings about the lack of communication concerning this project.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
39	Fillmore Forward	Identification of properties in the APE that might have historic significance should be made in consultation with SHPO/THPO and other consulting parties who may have information and practical suggestions that will facilitate the identification process. Similarly, the process should seek information from any individuals or organizations likely to have information about or concerns with historic properties in the area, such as local historical societies or "Save Our Bridge" organizations.	Section 106	Process - Consultation	As per 36 CFR 800.4, <i>Identifying historic properties</i> , historic properties within the APE were identified during consultation with the SHPO, Tribal Nations and Consulting Parties. Consulting Parties for the Project include individuals and preservation groups with a demonstrated interest in the undertaking 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. Input on potential historic properties was requested from the Consulting Parties specifically at the first Consulting Party meeting, held on February 28, 2023. No additional historic resources were identified by the Consulting Parties.	
40	Preservation Buffalo Niagara	How you will mitigate the adverse effects of the project on these significant historic assets...specifically we would like to know how you will ensure that the project does not diminish or compromise the historic character, integrity, and value of these properties.	Section 106	Effects Determination	As presented in the Finding Documentation, the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)) was applied to identified historic properties and it was found that the Project would result in No Adverse Effect to historic properties. The Project would not alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association to identified historic properties. There would be no removal or demolition of any historic properties, or changes resulting in an alternative to the contributing features that qualify the properties for listing on the NRHP. Additionally, measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation. The Finding Documentation describes how 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. See Chapter 4.20 of the DDR/EA for additional information on proposed measures that have been developed to mitigate any potential adverse effects that could result from construction of the Build Alternative.	
41	Preservation Buffalo Niagara	How will you safeguard and enhance the historic landscape design of Martin Luther King, Jr. Park, which was originally part of Olmsted's Park System?	Section 106	Effects	There would 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. 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. Temporary easements will also be needed for curb ramps along the park entrance along Best Street, West Parade and Fillmore Avenue, and for landscaping at the northwest corner of the park. The duration of the construction work is anticipated to last for up to one month. These easements constitute a total of 1.5% of the park's 53 acres. Additionally, as described in Chapter 3.4.4 of the DDR/EA, the original plans for the parkway and MLK Jr. Park (formerly Humboldt Park or The Parade Grounds) were consulted for design of landscaping of the median; areas west of the park and in the vicinity of Best Street at the bridge over NYS Route 33 (Kensington Expressway); and the entrance to MLK Jr. Park. Historical photos were also consulted to help re-establish the landscaped and treed beauty of the parkway.	
42	Preservation Buffalo Niagara	How will you respect and celebrate the cultural heritage of the East Side communities that have lived and worked in these historic districts for generations?	Section 106		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. The NYS DOT has and will continue to consider public input as part of the project development process.	
43	Preservation Buffalo Niagara	We would like to request more information on how these impacts will be monitored and mitigated, and how damage done to homes will be covered financially. NYS DOT should establish a proper process for repairs if houses within the APE are impacted by the construction, such as vibration, noise, dust, or structural damage to foundations, walls, or roofs. Including: Conducting a pre-construction survey of all historic properties within the APE to document their existing conditions and identify any potential vulnerabilities or risks, developing a construction management plan that includes measures to minimize and mitigate the impacts of vibration, noise, dust, and structural damage on historic properties, monitoring the construction activities and their effects on historic properties, providing timely and adequate compensation for any damages or losses incurred by historic property owners due to the construction, requiring contractors to follow the Secretary of the Interior's Standards for the Treatment of Historic Properties when performing any repairs or alterations to historic properties due to damage caused by this project.	Section 106	Effects Determination	As presented in the Finding Documentation, the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)) was applied to identified historic properties and it was found that the Project would result in No Adverse Effect to historic properties. The Project would not alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association to identified historic properties. There would be no removal or demolition of any historic properties, or changes resulting in an alternative to the contributing features that qualify the properties for listing on the NRHP. Several construction-related environmental commitments would be implemented to further minimize or eliminate temporary construction-related effects to historic properties. Temporary construction effects would be mitigated through the implementation of a construction vibration mitigation plan, a construction noise mitigation plan, a construction air quality mitigation plan, and work zone traffic control plans, among others. When implemented, these construction-related mitigation measures would ensure that historic properties are not adversely affected by this undertaking. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation. Although no threshold damage is expected, any unanticipated damage to buildings found by the NYS DOT 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.	
44	Preservation Buffalo Niagara	Will homeowners be compensated for any loss of property value or increased insurance costs due to the project?	NEPA	Property Values / Insurance	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	

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45	Preservation Buffalo Niagara	How will the NYS Department of Transportation ensure that the project does not worsen the existing environmental and social inequities that have afflicted the East Side for decades due to redlining, disinvestment, and segregation?	NEPA	Environmental Justice	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
46	Preservation Buffalo Niagara	We are also concerned about how the project will affect the historic character and integrity of the Martin Luther King, Jr. Park Historic District, the Hamlin Park Historic District, and other historic resources within or near the APE. These districts and resources have cultural, architectural, and historical significance, and they should be safeguarded and improved by any transportation project that affects them.	Section 106	Effects	As presented in the Finding Documentation, the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)) was applied to identified historic properties and it was found that the Project would result in No Adverse Effect to historic properties. The Project would not alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association to identified historic properties. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation. The Finding Documentation describes how 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. See Chapter 4.20 of the DDR/EA for additional information on proposed measures that have been developed to mitigate any potential adverse effects that could result from construction of the Build Alternative. While improvement of historic properties is not required by Section 106, Chapter 3.4.4 of the DDR/EA describes how original plans for the parkway and MLK Jr. Park (formerly Humboldt Park or The Parade Grounds) were consulted for design of landscaping of the median; areas west of the park and in the vicinity of Best Street at the bridge over NYS Route 33 (Kensington Expressway); and the entrance to MLK Jr. Park. Historical photos were also consulted to help re-establish the landscaped and treed beauty of the parkway.	
47	Preservation Buffalo Niagara	Expand the Area of Potential Effects (APE) to 300 feet from the edge of the Kensington Expressway- We firmly believe that the project's impact zone, which is only 100 feet from the edge of the expressway, is too narrow and does not adequately capture the potential direct and indirect effects on historic properties and neighborhoods. We strongly recommend that you expand the impact zone to at least 300 feet from the edge of the expressway to account for the visual, auditory, and vibratory impacts of the project. If the APE is not increased, Buffalo will risk losing historic structures that are integral to the city's character and homeowners in historic districts will risk potential structural damage to their homes and a loss in property value.	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSDOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. Preliminary engineering has concluded that vibration levels associated with blasting will not exceed industry recognized damage thresholds at the closest identified historic properties. In addition, several construction-related environmental commitments would be implemented to further minimize or eliminate temporary construction-related effects to historic properties. Temporary construction effects would be mitigated through the implementation of a construction vibration mitigation plan, a construction noise mitigation plan, a construction air quality mitigation plan, and a work zone traffic control plans, among others. When implemented, these construction-related mitigation measures would ensure that historic properties are not adversely affected by this undertaking. 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. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation.	The Finding Dcoumenation has been revised to include the amended APE.
48	Preservation Buffalo Niagara	We, at Preservation Buffalo Niagara, believe that this project will have significant adverse effects on the historic character, integrity, and significance of the Humboldt Parkway Historic District, the Martin Luther King, Jr. Park Historic District, and other historic homes located near the expressway.	Section 106	Effects Determination	Comment noted. To clarify, the Finding Documentation states that the Project would result in a Section 106 finding of No Adverse Effect. As discussed in the Finding Documentation, it is recognized that there are effects as defined by Section 106, to all but four historic properties (58 Linden Park, 930 Genesee Street, 938 Genesee Street, and 892 Genesee Street); however, in applying the criteria of Adverse Effect (36CFR part 800.5(a)(1)) to the other identified historic properties, those changes would not result in altering the contributing features that qualify those properties for listing on the National Register of Historic Places.	
49	Preservation Buffalo Niagara	We also urge NYS to establish a dedicated fund for historic preservation within the APE that will support the needed repairs for those impacted by the construction, as well as provide incentives for homeowners to maintain and improve their historic properties. Including: allocating a portion of the project budget to create a dedicated fund for historic preservation within the APE, partnering with local preservation organizations to administer and distribute the fund according to established criteria and guidelines, offering grants or low-interest loans to historic property owners who wish to undertake repairs or improvements that enhance the historic character and value of their properties, providing technical assistance and guidance to historic property owners on how to apply for the fund and how to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.	Section 106	Process	As presented in the Finding Documentation, the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)) was applied to identified historic properties and it was found that the Project would result in No Adverse Effect to historic properties. Although no damage from excavation and blasting is expected, any unanticipated damage to buildings would be repaired by the construction contractor. Funding for historic preservation is outside the scope of Section 106 requirements.	
50	Preservation Buffalo Niagara	We strongly recommend the NYSDOT conduct more comprehensive and inclusive public outreach with the residents of Buffalo who will be most affected by the project.	NEPA	Community Outreach	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
51	Preservation Buffalo Niagara	We request that you provide us with more thorough and transparent information and documentation on how you plan to address these issues before we can concur with your finding of No Adverse Effect.	Section 106	Process - Consultation	FHWA and NYSDOT have scheduled a third meeting with Consulting Parties to discuss comments provided on the Section 106 process and assessment of effects.	
52	Preservation Buffalo Niagara	We cannot concur with your findings tht this project will have a Determination of No Effect.	Section 106	Effects Determination	Comment noted. To clarify, the Finding Documentation states that the Project would result in a Section 106 finding of No Adverse Effect. As discussed in the Finding Documentation, it is recognized that there are effects as defined by Section 106, to all but four historic properties (58 Linden Park, 930 Genesee Street, 938 Genesee Street, and 892 Genesee Street); however, in applying the criteria of Adverse Effect (36CFR part 800.5(a)(1)) to the other identified historic properties, those changes would not result in altering the contributing features that qualify those properties for listing on the National Register of Historic Places.	
53	Resource Council of Western New York	However, there remain many buildings and historic structures with an additional 300 to 1200 feet of the denoted APE. Our building for one, 347 East Ferry, the Original Humboldt Y, could potential be adversely affected from blast vibration damage can be extended beyond foundations to wall, ceiling, bearing walls and certainly mechanical systems. Can the APE be expanded, to consider the 1 to 2 block area beyond the currently defined APE to allow for monitoring and other related potential structural damage? During our meetings with your team, the suggestion has been made that "due to time constraints" unlikely to expand the APE. However, can the APE include an expanded area that can be determined as secondary monitoring required? (an extended zone with required monitoring for noise and vibration related damage effects)	Section 106	Area of Potential Effects (APE)	FHWA, in consultation with NYSDOT and SHPO, has amended the APE to include all project elements associated with the proposed undertaking. Preliminary engineering has concluded that vibration levels associated with blasting will not exceed industry recognized damage thresholds at the closest identified historic properties. In addition, several construction-related environmental commitments would be implemented to further minimize or eliminate temporary construction-related effects to historic properties. Temporary construction effects would be mitigated through the implementation of a construction vibration mitigation plan, a construction noise mitigation plan, a construction air quality mitigation plan, and work zone traffic control plans, among others. When implemented, these construction-related mitigation measures would ensure that historic properties are not adversely affected by this undertaking. Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation.	The Finding Dcoumenation has been revised to include the amended APE.
54	Resource Council of Western New York	The other concern rests with the exhaust fumes and the build design to allow for ventilation as a piston design driven by vehicular traffic movements. This in practice seems well under perfect conditions. The build design also allows for ventilation fan towers to be activated under certain circumstances. Indirect effects are exhaust fume levels as the tunnel exits west bound near best street. As traffic comes to a stop for an extended period of time, what are the exhaust plan design to mitigate adverse effects on the APE adjoining the Buffalo Museum of Science and the Charles Drew magnet School?	NEPA	Air Quality	Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	

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55	Terrence Robinson	There are no NRHP Criteria A or B Historic Resources recognized in the Project Area. There is no evidence in the Record of significant local, state, or national events or persons associated with specific properties in the Project area. There is no evidence in the Record of significant African American events or persons associated with specific properties in the Project area.	Section 106	Historic Properties	There are properties determined eligible under Criteria A within the area of potential effects (APE).	
56	Terrence Robinson	Scajaquada Creek Trail is not included in the catalogue of Historic Resources. The Vaux Barn structure – St. Francis de Sales Church, recognition of George Dietsl, and other notable persons and events are curiously absent	Section 106	Historic Properties	The portion of the Scajaquada Creek Trail within the area of potential effects (APE) is carried on the pedestrian bridge over NYS Route 33. The pedestrian bridge was constructed in 2009 and therefore, is not eligible for the National Register of Historic Places (NRHP). The Vaux Barn (USN 02940.023889) which was moved from its original location to 1119 Genesee Street, has been determined eligible for the NRHP; however, it is located outside of the APE. The St. Frances de Sales Church (USN 02940.026366), located at 575 Humboldt Parkway (407 Northland), is listed on the NRHP as part of the Hamlin Park Historic District. The Hamlin Park Historic District is discussed in the Cultural Resources Screening and the Finding Documentation.	
57	Terrence Robinson	Regional effect analysis and participation has been absent or stifled.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
58	Terrence Robinson	It appears that the request by Greg Stevens, Executive Director of the Niagara River Greenway Commission to participate, after invitation, was later denied.	Section 106	Process - Consultation	Greg Stevens e-mailed NYSDOT to decline becoming a consulting party on December 5, 2022.	
59	Terrence Robinson	There is no evidence of GBNRTC's participation in the Record.	Section 106	Process - Consultation	Comment noted. Consulting Parties for the Project include individuals and preservation groups with a demonstrated interest in the undertaking 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.	
60	Terrence Robinson	There is no evidence of parties involved in the 198 discussions in the Record	Section 106	Process - Consultation	Comment noted. Consulting Parties for the Project include individuals and preservation groups with a demonstrated interest in the undertaking 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.	
61	Terrence Robinson	There is no evidence of the Citizens for Regional Transit (CRT) in the Record	Section 106	Process - Consultation	Comment noted. Consulting Parties for the Project include individuals and preservation groups with a demonstrated interest in the undertaking 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.	
62	Terrence Robinson	Olmsted Park and Parkway System –The concept of the Olmsted heritage, its preservation, restoration, and development is a pillar of City of Buffalo Plans for municipal growth and development. The current road project altered the historic fabric of the area. The proposed new project continues the scheme by frustrating development of the GBNRTC Region Forward concept and the restoration of the Scajaquada watershed.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
63	Terrence Robinson	Historic Black Church Congregations (HBCC) have long held a unique place in the cultural political landscape of America. The organization of local, regional, and national political power has rested on the shoulders of the Black clergy. The Project Area provides a unique example of that as the Michigan Street Baptist Church's role extends back to the (sic). This dynamic is of interest in the Project Area and has manifested another aspect - in the preservation of historic properties abandoned by previous occupants as their congregations diminished.	Section 106	Historic Properties	Comment noted. While the Michigan Street Baptist Church is located outside of the APE, the results of the Architectural Resources Survey conducted for the project identified the previously NRHP listed Faith Missionary Baptist Church, and recommended the NRHP eligibility of several churches within the APE.	
64	Terrence Robinson	There has been no "local municipal agency" participation or coordination in the Record	Section 106	Process - Consultation	Comment noted. Consulting Parties for the Project include individuals and preservation groups with a demonstrated interest in the undertaking 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.	
65	Terrence Robinson	Continuous high-level noise and acute traffic disruption for a lengthy period (3 to 4 years) within a confined geographic area	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
66	Terrence Robinson	No reduction in volume of harmful air emissions	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
67	Terrence Robinson	Continuous vibrations from construction operations, exacerbated by blasting effects, daily for an extended period of time (3 to 4 years) has high probability to affect both historic properties and residences – distance from buildings to expressway is 50 feet.	Section 106	Construction Effects - Vibration	Measures to minimize and avoid impacts to historic properties are discussed in Section 3.5 of the Finding Documentation. The Finding Documentation describes how 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. See Chapter 4.20 of the DDR/EA for additional information on proposed measures that have been developed to mitigate any potential adverse effects that could result from construction of the Build Alternative.	
68	Terrence Robinson	High local traffic volume, restricted highway access, and limited parking will have an immediate adverse impact particularly for congregations at historic churches in the project area.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
69	Terrence Robinson	High levels of dust and airborne emissions from deconstruction of asbestos containing material from existing infrastructure over a lengthy period (3-4 years) in a confined geographic area may have a serious impact on the health and safety of residents and visitors within the APE.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
70	Terrence Robinson	Economic impacts from congestion, dirt, noise, and inconvenience issues.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
71	Terrence Robinson	There is the potential for a large-scale remediation scenario.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	

Number	Consulting Party	Comment	Type of Comment	Topic	Response	Revisions to the Finding Document
72	Terrence Robinson	The APE is limited and context for the Project and adjacent historic resources suffers	Section 106	Area of Potential Effects (APE)	Consistent with 36 CFR 800.16(d), FHWA, in consultation with NYSDOT and SHPO, has amended the APE to incorporate all project elements associated with the proposed undertaking, including in-kind work, defined as the repair or replacement of highway infrastructure, streetscape or landscape elements with the same materials or similar substitute materials that are physically and visually compatible with the existing feature. These project elements would occur in areas of previous disturbance within the 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 activities are to be conducted (e.g. pavement resurfacing of existing streets). The Architectural Reconnaissance Survey, prepared for the Project, considered the historical context and information directly related to the historical and architectural development of the Humboldt Parkway.	The Finding Dcoumenation has been revised to include the amended APE.
73	Terrence Robinson	The Project will impede development of a cohesive, comprehensive Historic District and the care, recognition, and coordination of Historic Resources in the APE, and greater Project Area; restoration of a continuous link between historic Olmsted parks; and restoration of a singularly historic watershed feature at the confluence of historic events.	Section 106		As presented in the Finding Documentation, the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)) was applied to identified historic properties and it was found that the Project would result in No Adverse Effect to historic properties. There would be no removal or demolition of any historic properties, or changes resulting in an alternative to the contributing features that qualify the properties for listing on the NRHP and the Project would not alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association to identified historic properties.	
74	Terrence Robinson	There is a disconnection from direct access to the Route 33 by eliminating Humboldt Parkway - Utica Exits and reduction in travel lanes while increasing necessity of use of the single lane route.	NEPA		Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment on such undertakings. Comment not applicable to Section 106 of the NHPA.*	
*Comment pertains to the Draft Design Report/Environmental Assessment (DDR/EA) or the overall project. This comment will be included and responded to in the Final Design Report/Environmental Assessment (FDR/EA), accordingly.						

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

Additional Section 106 Correspondence



January 17, 2024

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 Consultation: Finding Document
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York
OPRHP 22PR08247

Dear Nancy Herter:

The New York State Department of Transportation (NYSDOT), on behalf of the Federal Highway Administration (FHWA), is submitting the enclosed final *Finding Documentation* for New York State Route 33 (Kensington Expressway) Project (Project) for review by the New York State Historic Preservation Office (SHPO) 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.

The SHPO previously reviewed a draft Finding Documentation (August 18, 2023) and a revised Finding Documentation (September 12, 2023). The draft and revised Finding Documentation summarize the assessment of effects on historic properties. As discussed in the Finding Documentation, the NYSDOT applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and recommended that the Project would result in a Section 106 Finding of **No Adverse Effect**. Also, as discussed, the NYSDOT anticipates temporary occupancy of small portions of historic properties; however, 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. In addition, there would 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, 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.

Based on a review of the draft Finding Documentation, in a letter dated September 5, 2023, the SHPO concurred with the Section 106 Finding of **No Adverse Effect** on

historic properties and with the Section 4(f) assessment. Based on a review of the revised Finding Documentation, in a letter dated September 25, 2023, the SHPO continued to concur with the Section 106 finding and Section 4(f) assessment.

As noted in the FHWA's December 22, 2023 memorandum to Section 106 Consulting Parties, e-mailed to SHPO on December 22, 2023, the Area of Potential Effects (APE) for the Project has been revised. SHPO concurred with the revised APE in an e-mail on December 26, 2023. As stated in FHWA's December 22, 2023 memorandum, given the scope/nature of the proposed in-kind work, and the lack of potential to effect historic properties, the FHWA has determined that existing identification efforts (Architectural Reconnaissance Survey and Cultural Resources Screening Addendum for Archaeological Sensitivity) are satisfactory and additional efforts/surveys are not necessary, given this modification to the APE. Thus, the identification of historic architectural properties within the Project's APE has been completed.

The assessment of effects described in the final Finding Documentation is consistent with the findings described in the draft and revised Finding Documentation and continues to recommend the Project would have **No Adverse Effect** on historic properties. 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 NYSDOT requests confirmation that existing efforts to identify historic properties within the APE are satisfactory and no additional surveys are necessary, and that the SHPO's concurrence with the Section 106 Finding of No Adverse Effect on historic properties and the Section 4(f) assessment remains valid.

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: Final Finding Documentation (January, 2024)

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.)
A. Gott, NYSDOT (w/o encl.)
D. Laistner, NYSDOT (w/o encl.)



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

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

January 22, 2024

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 January 2024 final *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, it is the opinion of the SHPO that the existing efforts to identify historic properties within the Area of Potential Affects (APE) are satisfactory and that no additional surveys are necessary. The SHPO continues to concur with the Section 106 Finding of No Adverse Effect on historic properties and with the Section 4(f) assessment.

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

Sincerely,

Nancy Herter
Director, Technical Preservation Services Bureau



January 22, 2024

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 Effect Determination and Section 4(f) Determination
PIN 5512.52
New York State Route 33, Kensington Expressway
Erie County, New York
OPRHP 22PR08247

Dear Robert Davies:

Enclosed is the final *Finding Documentation* prepared for the New York State Route 33 (Kensington Expressway) Project (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 New York State Department of Transportation (NYSDOT), on behalf of the Federal Highway Administration (FHWA), transmitted this report to the New York State Historic Preservation Office (SHPO) on January 17, 2024.

On August 18, 2023, a draft Finding Documentation prepared for the Project was submitted to the SHPO, Tribal Nations, and Consulting Parties for review. Based on comments received, minor revisions and clarifications were made. On September 12, 2023, the revised draft Finding Documentation was redistributed for a final 30-day review.

The draft and revised Finding Documentation summarize the assessment of effects on historic properties. As discussed in the Finding Documentation, the NYSDOT applied the *Criteria of Adverse Effect* (36 CFR Part 800.5(a)(1)) to identified historic properties and recommended that the Project would result in a Section 106 finding of **No Adverse Effect**. The NYSDOT also anticipates a temporary occupancy of small portions of historic properties; however, consistent with criteria set forth in 23 CFR Part 774.13(d), the temporary occupancy of these historic sites would not constitute a use of these Section 4(f) properties. In addition, there would 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 and ADA curb ramp work. However, this change would not adversely affect the attributes that qualify known or potential historic sites for protection under Section 4(f).

Based on a review of the draft Finding Documentation, in a letter dated September 5, 2023, the SHPO concurred with the Section 106 Finding of **No Adverse Effect** on historic properties and with the Section 4(f) assessment. Based on a review of the revised Finding Documentation, in a letter dated September 25, 2023, the SHPO continued to concur with the Section 106 finding and Section 4(f) assessment. In a letter dated January 22, 2024 (enclosed), based on the review of the final *Finding Documentation*, the SHPO continues to concur with the Section 106 Finding of No Adverse Effect on historic properties and with the Section 4(f) assessment.

Based on the above-referenced documentation and consultation with the SHPO, Tribal Nations and Consulting Parties, the NYSDOT respectfully requests the FHWA issue a finding of **No Adverse Effect** and a determination that the requirements of 36 CFR part 800 have been met for this undertaking.

The SHPO and the City of Buffalo, as officials with jurisdiction over Section 4(f) resources, concurred in writing that the temporary occupancy of Section 4(f) resources meets the criteria in 23 CFR Part 774.13(d) and that the temporary occupancy does not constitute a use of the Section 4(f) resources. In accordance with 23 CFR § 774.3(b), the NYSDOT requests that the FHWA make Section 4(f) *de minimis* use determinations for individual properties based on the written concurrence of the SHPO with Section 106 findings of no effect and/or no adverse effect.

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: Final Finding Documentation (January 2024)
Letter from the SHPO, January 22, 2024

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.)
D. Laistner, NYSDOT (w/o encl.)
A. Gott, NYSDOT (w/o encl.)



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

New York Division

January 22, 2024

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 952
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 EIS & Special Projects Bureau
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Subject: PIN 5512.52 - Section 106 and Section 4(f) Consultation
NYS Route 33 Kensington Expressway Project; Best Street to Sidney Street
City of Buffalo, Erie County

Dear Ms. Leslie:

Please reference your letter dated January 22 requesting our review and concurrence that the requirements of 36 Code of Federal Regulations (CFR) Part 800 and 23 CFR Part 774 have been met for the subject project.

The New York State Department of Transportation (NYSDOT) has identified historic properties within the Area of Potential Effect (APE), in accordance with 36 CFR 800.4, and has concluded that the proposed undertaking will have “*No Adverse Effect*” on historic properties, in accordance with 36 CFR 800.5. Draft Finding Documentation, in accordance with 36 CFR 800.11(d), was provided to the New York State Historic Preservation Officer (SHPO), Tribal Nations, and other Consulting Parties for review and comment on August 18, 2023. A Consulting Party Meeting was held on September 1, 2023, to discuss the Draft Finding Documentation. Several consulting parties expressed concerns with the Draft Finding Documentation and requested additional time for review; therefore, NYSDOT, in consultation with the Federal Highway Administration (FHWA), elected to continue consultation efforts to ensure meaningful review and feedback in the consultation process. In response to consulting party comments/questions, NYSDOT made several minor revisions to the Draft Finding Documentation. A revised Draft Finding Documentation was distributed to the consulting parties for a final 30-day review on September 12, 2023.

The SHPO reviewed the revised Draft Finding Documentation and concurred with the recommended finding of “*No Adverse Effect*” as noted in a letter dated September 25, 2023. Comments on the revised Draft Finding Documentation were received from six (6) of the twelve (12) participating Consulting Parties: The Buffalo Museum of Science; Fillmore Forward; Olmstead Conservancy; Preservation Buffalo Niagara; Reverend Terry King; and Terrence Robinson. No comments have been received from the Tribal Nations or the

remaining Consulting Parties. A final Consulting Party Meeting was held on November 28, 2023 to discuss draft comment responses and answer any remaining questions. A final disposition of comments on the revised Draft Finding Documentation was provided to Consulting Parties on December 22, 2023. In a letter dated January 22, 2024, based on their review of the final Finding Documentation, SHPO stated that they continue to concur with the proposed Section 106 Finding of “*No Adverse Effect*” on historic properties and with the Section 4(f) assessment.

We have reviewed the information provided and have determined that this proposed undertaking will have “*No Adverse Effect*” on historic properties that are listed or eligible for inclusion in the National Register of Historic Places (NRHP). The requirements of 36 CFR Part 800 have been met for this project.

Your January 22 letter also requested our concurrence that the requirements of 23 CFR Part 774 have been met for the subject project. The NYSDOT, as sponsor of the above referenced Federally funded project, has identified the need to acquire land from several known or potential historic properties (individually and/or contributing) listed or eligible for listing on the NRHP; therefore, Section 4(f) requirements apply. These acquisitions are needed for the construction and maintenance of ADA (Americans with Disabilities Act of 1990) compliant sidewalks/curb ramps and will be limited to less than 1.0% of each total property area. The NYSDOT has made a preliminary determination that the proposed use of land will have a *de minimis* impact, as defined in 23 CFR Part 774.17, on each respective Section 4(f) property. The Federal Highway Administration (FHWA) agrees that the proposed use of land from each Section 4(f) property is considered minor and will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f); therefore, the FHWA has determined that this proposed undertaking will have a *de minimis* impact on these properties, as described in the final Finding Documentation. SHPO, as the Official with Jurisdiction over these Section 4(f) properties, has been informed of FHWA’s intent to make a Section 4(f) *de minimis* impact determination based on their written concurrence with the Section 106 determination and Section 4(f) assessment, in a letter dated January 22, 2024.

Furthermore, NYSDOT has identified the need to obtain a temporary easement from the Martin Luther King Jr. Park, which is both a historic district listed on the NRHP and a public park, and several contributing properties within the NRHP listed Humboldt Parkway Historic District West; therefore, Section 4(f) requirements apply. These temporary easements are needed for various construction activities, including water service replacement, landscaping, and support of excavation tie back walls. The NYSDOT has made a preliminary determination that the proposed use of land meets the conditions of temporary occupancy and qualifies for an exception to the requirements for Section 4(f) approval, as described in 23 CFR 774.13(d). The City of Buffalo, as the official with jurisdiction over the Martin Luther King Jr. Park, concurred with this determination in a letter dated September 1, 2023. The SHPO, as official with jurisdiction over the Humboldt Parkway Historic District West, has also concurred with this determination in a letter dated January 22, 2024. We have reviewed the information provided and have determined that the proposed work at Martin Luther King Jr. Park and within the Humboldt Parkway Historic District West meets the criteria for an

exception to the requirement for Section 4(f) approval, as described in 23 CFR 774.13(d). The requirements of 23 CFR Part 774 have been met for this project.

If you have any questions, please contact Matthew Seymour of my staff at matthew.seymour@dot.gov or at (518) 431-8882.

Sincerely,

Richard J. Marquis
Division Administrator

cc: N. Herter, Division Director, NYS Div. for Historic Preservation (PR# 22PR08247)
R. Davies, Director of Office of Statewide Engineering, FHWA, HEA-NY
M. Seymour, Senior Area Engineer, FHWA, HEA-NY
K. Kramer, Environmental Specialist, FHWA, HEA-NY
S. Winkelhake, Chief Engineer, NYSDOT
R. Wilder, Deputy Chief Engineer, NYSDOT, OOD
J. Prockup, Environmental Specialist, NYSDOT, OOE
F. Cirillo, Regional Director, NYSDOT, Region 5
S. Vaidya, Regional Design Engineer, NYSDOT, Region 5