

**B U F F A L O**  
SEWER AUTHORITY

**ATTACHMENT E-3**



Project :	Humboldt Parkway
Date :	9/6/2024

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached significance statement.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:     Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Buffalo Sewer Authority \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Capital Project Program - Humboldt Parkway CSO\_13 SPP 165

Name of Lead Agency: Buffalo Sewer Authority

Name of Responsible Officer in Lead Agency: Oluwole McFoy

Title of Responsible Officer: General Manager

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

*Elizabeth Trampusch*

Date:

09/06/2024

**For Further Information:**

Contact Person: Elizabeth Trampusch - CORE Environmental Consultants, Inc.

Address: 2312 Wehrle Drive, Buffalo, NY 14221

Telephone Number: (716) 204-8054

E-mail: emt@coreenv.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

**Full Environmental Assessment Form (FEAF)  
Part 3 - Determination of Significance**

Lead Agency: Buffalo Sewer Authority

Project: East Delavan at Humboldt Parkway - CSO053\_13 SPP165B Modification

**Proposed Activity:**

This Sewer Patrol Point (SPP) Modification involves the replacement of approximately 1,000 linear feet of 24-inch pipe between East Delavan Avenue and Northland Avenue will be replaced with a 36-inch diameter pipe to accommodate conveyance of the peak flow of 11.3 million gallons per day (MGD) through the underflow sewer. SPP165B is located at the intersection of East Delavan Avenue and Humboldt Parkway. The overflow weir will also be raised to 54.81 (city datum). Due to the small size of the existing junction chamber at East Delavan Avenue, where the 24-inch pipe currently connects to the 46-inch brick sewer under East Delavan Avenue, a new flow channel will be constructed to the pipe, to accommodate a larger orifice plate so that junction chamber will also be replaced and upsized. These modifications would reduce overflows at CSO-053 and would benefit from the installation of the Sidney OLS project to make more capacity available in the Scajaquada Tunnel. These modifications would reduce overflows at CSO-053.

**Background:**

The BSA entered into an Administrative Order (AO) with New York State Department of Environmental Conservation (DEC) and the United States Environmental Protection Agency (EPA) as part of their approved Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) that was approved on March 18, 2014. The purpose of the LTCP is to reduce CSO activations within the existing collection system and to alleviate flow spikes for influent flow to the wastewater treatment facility.

Compliance with the LTCP is defined by the number of activations allowed in the typical precipitation year for the Sewer Patrol Point's (SPP's) receiving waterbody as determined by BSA's collection system hydraulic model. Following the approval of the LTCP in 2014 by the regulatory agencies, the collection system hydraulic model used in the LTCP was updated and recalibrated to reflect current system conditions. The updated and re-calibrated LTCP (now re-named the Queen City Clean Waters Program) model suggested that some projects originally envisioned in the 2014 LTCP are no longer feasible and that other planned projects can be further optimized to meet targets. The BSA undertook an optimization process that defined many projects within a Selected Alternative.

Pursuant to the State Environmental Quality Review Act ("SEQRA") and 6 NYCRR 617.6(b)(3)(i), BSA has prepared this Significance Statement for the East Delavan at Humboldt Parkway - CSO053\_13 SPP165B Modification

**Agency Coordination:**

Ten potentially involved agencies were identified. SEQR project materials were prepared and sent: City of Buffalo Common Council (Masten District), City of Buffalo Department of Public

Works (Parks & Streets – Parks, Parks & Streets - City Engineer), New York State Department of State - Coastal Management Program, New York State Department of Transportation – Region 5, New York State Department of Environmental Conservation - Region 9, City of Buffalo Office of Strategic Planning, City of Buffalo Water Authority, Erie County Department of Health, Buffalo Environmental Management Commission, U.S. Fish and Wildlife Service. No agencies objected to the BSA serving as Lead Agency or expressed concern with the project.

### **Agency Consultations:**

Additionally, project information was submitted for review to New York State Parks, Recreation and Historic Preservation – Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP issued an Effect Finding of No Impact Letter. Based upon the review, no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

A consultation was also made with the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) system. The project site is located within the vicinity of four (4) listed endangered/proposed endangered species: the Northern Long Eared Bat, the Tricolored Bat, the Salamander Mussel, and the Monarch Butterfly. The site is also located within the vicinity of two (2) protected eagle species and twenty-three (23) bird species that are listed on the US Fish and Wildlife Service (USFWS) Birds of Conservation Concern list. There are no critical habitats in the vicinity or the project site. USFW issued a letter stating the project is not reasonably certain to cause incidental take of any endangered species.

The site did not require consultation with the NY State Natural Heritage Program (NHP) as the site does not contain a designated significant natural community or contain any species that NYS lists as species of special concern. The SEQR project materials and correspondence from responding agencies is included as an attachment to this document.

### **Analysis of Impacts:**

Using the information provided in the Full Environmental Assessment Form (FEAF) Part 1, project impacts were evaluated for each of the 18-areas identified in the FEAF Part 2. Impacts were evaluated based on magnitude, duration, and likelihood of occurring. Potential impacts were identified in two areas: Impacts on Land and Impacts to Surface Water. The magnitude of the impact is discussed below:

#### **Impact on Land**

The proposed action involves the construction of the land surface on the proposed site. The total project area is 0.9 acres, and the area to be disturbed is approximately 5,230 square feet (0.12 acres). It will also involve an excavation to approximately 18-feet below grade, and a total of 1,200 cubic yards of material to be excavated. Given the relatively small area of disturbance and the targeted nature of the excavation, the impact on existing land use is expected to be minor. Temporary disruption may occur during construction, but the long-term land use will be consistent with the project's goals of improving sewer capacity and reducing overflows.

The excavation process will expose soil to the elements, increasing the potential for erosion and sediment runoff. Mitigation measures, such as erosion control practices and proper site management, will be essential to minimize these impacts. Implementing effective control measures will be crucial to prevent adverse effects on surrounding areas.

During construction, the primary impacts will be related to noise, dust, and temporary disruption of local traffic. These impacts are anticipated to be localized and temporary. Once construction is complete, the land will be restored and maintained in accordance with project plans, with minimal long-term land use changes anticipated.

Overall, while the project involves a moderate excavation and land disturbance, the impacts on land are expected to be minor in magnitude and a short-term impact. The benefits of improving sewer capacity and reducing overflows outweigh the temporary construction impacts. Proper management and mitigation strategies will ensure that the land impacts are minimized and that the project contributes positively to the overall infrastructure improvements.

### Impacts to Surface Water

The project is located near the Scajaquada Drain, but the drain is above the new sewer alignment. The Scajaquada Drain (a portion of Scajaquada Creek that was covered and is currently directed in an underground pipe) is classified as an R4SBC wetland. No direct impacts to the Scajaquada Drain are expected as the profiles of the drain and sewer do not overlap. The main benefit of this project is the anticipated reduction of CSO discharges into local waterways, including potential overflows into the Scajaquada Creek. By enhancing the capacity of the sewer system, the risk of untreated stormwater and sewage entering surface waters will be minimized.

Although the Scajaquada Drain runs near the project area, the fact that the sewer is located below the drain ensures no direct physical impacts will occur to the drain itself. Indirectly, by reducing CSOs and improving stormwater management, the project will reduce potential pollution to the Scajaquada Drain, which could otherwise carry pollutants to Scajaquada Creek and other connected water bodies.

### Determination of Significance:

In determining the significance of this project, it is important to emphasize the long-term benefits it will have on the overall public health of Buffalo and its citizens. By reducing Combined Sewer Overflow (CSO) activations as part of the BSA's compliance with the LTCP, the project directly contributes to improved water quality in Buffalo's receiving waterbodies, reducing pollutants and contaminants entering the local waterways. The decrease in overflow events also alleviates the stress on the wastewater treatment facility, ensuring more reliable and effective wastewater management for the community.

While short-term impacts from land disturbance and excavation during construction are anticipated, these are temporary and manageable with proper mitigation measures. The long-term benefits, including enhanced environmental quality, safer water bodies, and compliance with state and federal environmental mandates, far outweigh these temporary inconveniences. Ultimately, the project promotes a healthier and more sustainable urban environment for the residents of Buffalo, contributing to cleaner water resources, improved infrastructure, and the overall resilience of the city's wastewater management system. These public health and environmental improvements underscore the importance of advancing the project despite any short-term impacts.

With consideration of the aforementioned environmental factors, along with findings from Part 1 and Part 2 of the Full Environmental Assessment Form, the magnitude, importance, duration,

and scale of adverse environmental impacts related to this project are very low.

Therefore, the lead agency checks "A" on the last page of the Full Environmental Assessment Form, issuing a negative declaration (Neg. Dec) for the action.