

Project :

Date :

***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.

**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 \_\_\_\_\_ 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:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

*Elizabeth Trampoch*

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**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>

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

Lead Agency: Buffalo Sewer Authority

Project: South Bailey - CSO053\_3.1 SPP338 Modification

**Proposed Activity:**

The Bailey Avenue near Kerns Avenue and Scajaquada Street SPP Modification involves the installation of a new labyrinth weir to increase weir length from 15 ft to 30-ft and raise the height of the weir by 1.83 ft in the structure that diverts flow to the existing drop shaft connection to the Scajaquada Tunnel Interceptor away from the Scajaquada Drain. For this project, the SPP338 underflow orifice would be enlarged. This project would reduce overflows at CSO-053. The addition of an orifice plate upstream from the SPP will also be required to store flow in the upstream sewers during wet weather.

**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 South Bailey - CSO053\_3.1 SPP338 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:**

A consultation was made with the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) system. The South Bailey ILS Site is located within the vicinity of Three (3) listed endangered/proposed endangered species: The Northern Long-eared Bat, the Salamander Mussel, and the Monarch Butterfly. Two (2) eagles and twenty-three (23) migratory birds have been identified in proximity to the site. No wetlands, national wildlife refuges, or fish hatcheries are identified in the vicinity of the project site. 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.

A consultation was not required with the New York State Parks, Recreation and Historic Preservation – Office of Parks, Recreation and Historic Preservation (OPRHP) because this project does not involve any land disturbance and is not located within the vicinity of historic building or structures.

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. No potential impacts were identified. The impacts of this project are confined to the existing underground infrastructure, with no anticipated disturbance to surface land, groundwater, or local ecosystems. By improving the management of stormwater and wastewater flows, the project will help reduce the frequency and severity of untreated discharges into local waterways, resulting in a positive impact on water quality in the area. Since the work is confined within the sewer system, no significant adverse environmental impacts are expected, and the project aligns with ongoing efforts to upgrade local wastewater infrastructure and reduce CSOs.

### **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.

The analysis of the project to raise the weirs reveals no significant adverse environmental impacts. The project will improve the management of wastewater and stormwater, resulting in reduced combined sewer overflows and improved water quality. All construction activities will be temporary and confined to existing underground infrastructure, ensuring minimal disruption to the environment and the surrounding community. The project is consistent with community plans and will have a positive impact on human health by reducing water contamination.

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 the installation of the new labyrinth weir is 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.