




To: Mayor Lovely A. Warren

From: Norman H. Jones, Commissioner of DES 

Date: July 7, 2014

Subject: Dewey Driving Park Alignment Project – Negative Declaration

The attached Environmental Significance Determination should be signed by the Mayor as Lead agency prior to consideration of and decision on the Dewey Driving Park Realignment Project.

The Significance Determination should be returned to the Bureau of Architecture and Engineering for filing.

NJ:lsn
Attachment

xc: J. Rogers



617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Dewey Avenue / Driving Park Avenue intersection Realignment Project							
Project Location (describe, and attach a location map): Intersection of Dewey Avenue and Driving Park Avenue, Right-of-Way within 500 ft on each approach, property acquisition on northwest corner							
Brief Description of Proposed Action: The goal of the project is to realign the offset intersection along Dewey Avenue to reduce congestion and improve highway safety. The project will include enhanced bicycle and pedestrian facilities and streetscape design including on-street parking and curb "bump outs." See attached rendering.							
Name of Applicant or Sponsor: City of Rochester Department of Environmental Services, Attn: Jeron Rogers, P.E.		Telephone: 585.428.7415 E-Mail: rogersj@cityofrochester.gov					
Address: 414 Andrew Street							
City/PO: Rochester		State: NY	Zip Code: 14614				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: The project is a Locally Administered Federal Aid Project, with funding from the Federal Highway Administration and administered by the New York State Department of Transportation			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 3.2 acres b. Total acreage to be physically disturbed? ~3.0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.2 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>ROW</u> <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project will not use potable water, as it is in intersection improvement project.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The project will connect with the City of Rochester's combined sewer system (stormwater and wastewater).	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Stormwater associated with the runoff from the impervious areas of the proposed roadway will be treated by appropriate stormwater systems and discharged into existing combined sewer systems on site.	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ See attached. _____	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Jeron Rogers, P.E.</u>		Date: <u>7-8-14</u>
Signature: <u><i>Jeron Rogers</i></u>		

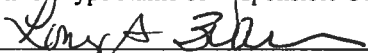
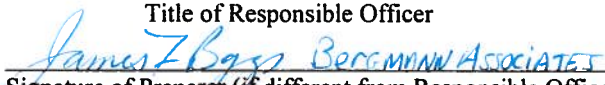
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

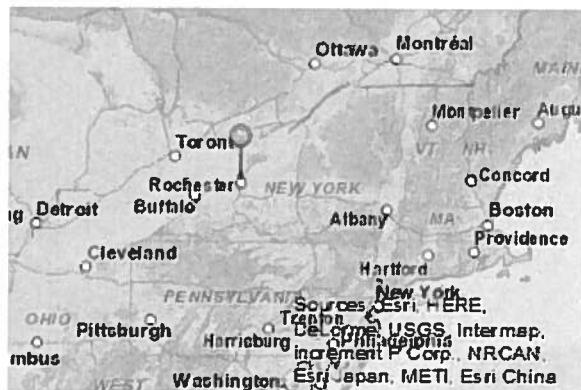
See attached.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of Rochester	7/7/14
Name of Lead Agency	Date
Lovely A. Warren	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	 BERGMANN ASSOCIATES
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Part I Attachment

12b. *Is the proposed action located in an archeological sensitive area?*

The entire project area is located in an archaeologically sensitive area; however, all of the proposed excavation will take place within existing pavement/sidewalk areas or areas previously disturbed by construction activities in the last 20 years. It is anticipated that any excavation below the existing pavement, greater than 2 feet in depth, will be limited to drainage facilities, underground utility relocations, and various light pole/traffic signal pole foundations. All other excavations are anticipated to be less than 2 feet in depth.

A Project Review Package was prepared for review by the New York State Department of Transportation Regional Cultural Resource Coordinator (CRC). In a memorandum dated May 22, 2014, the Regional CRC concluded that "the project activities have no potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1) therefore, there are no further obligations for compliance with Section 106 of the National Historic Preservation Act." A copy of this memorandum is attached.

15. *Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?*

In a letter dated April 7, 2014, the NYSDEC New York Natural Heritage Program stated that they "have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity." A copy of this letter is included in Appendix B.

A review of the United States Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPAC) System of federally threatened and endangered species (listed and proposed species) lists the federally threatened species, bog turtle (*Clemmys muhlenbergii*). It also included the proposed endangered Northern long-eared bat (*Myotis septentrionalis*).

The bog turtle is a semi-aquatic species. The bog turtle prefers open, sunny, spring fed wetlands in muck soils with scattered dry areas. The bog turtle is generally found in "mucky" open areas with high amounts of sunlight for basking and nesting. Since the project area is urban, with no wetlands or surface waters near the project site, there is no suitable habitat for the bog turtle.

In November 2013, the USFWS announced the proposed listing of the northern long-eared bat in October 2014, which will require the review of any tree removals greater than 3" diameter breast height (dbh) as suitable roosting habitat. Suitable habitat is defined as trees providing gaps underneath bark, in cavities, or in crevices of both live and dead trees. Other roosting locations include caves, mines and occasionally in barns and sheds. It should be noted that the "Northern Long-eared Bat Interim Conference and Planning Guidance" of January 6, 2014 notes on page 3 that "trees found in highly-developed urban areas (e.g. street trees, downtown areas) are extremely unlikely to be suitable NLEB habitat." During this interim period a biological evaluation of all tree removals has been conducted. In order to reduce the potential to impact this species, it is recommended that any tree removals occur during the approved winter cutting window of October 1 to March 31. At this time, it is estimated that 22 trees over 3 inches dbh would be removed as shown on Table 1.

Table 1 Estimated Number of Trees to be Removed.		
Quadrant	Number	Size/Type
NW	1	42" Maple
NE	1	24" Maple
NE	1	18" Maple
NE	1	16" Maple
NE	2	14" Maple
NE	1	10" Maple
NW	2	8" Maple
NW	1	6" Maple
NW	1	42" Hickory
NW	2	16" Locust
NW	1	14" Locust
SW	1	14" Crabapple
SW	1	12" Crabapple
SW	1	10" Crabapple
NW, SW	2	8" Crabapple
SW	1	6" Crabapple
SW	2	4" Crabapple
Total	22	

It is recommended that the proposed project will have a "May Affect, not likely to adversely Affect" determination on this new proposed listed species. Consultation with USFWS is ongoing.

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

There are two remediation sites in the general vicinity of the project.

One is the former site of the Dupont E I De Nemours & Co Rochester at 666 Driving Park Avenue which is on the north side of Driving Park Avenue, west of Dewey Avenue, approximately 0.3 miles west of the proposed project. The site is currently vacant, but historically was a manufacturer of photography film and paper. The processes included the use of methanol, silver, cadmium, lead, and mercury. The site entered into the Brownfield Program in May of 2007. Based on the assumed northerly groundwater flow direction and distance from the project area, this site will not have a negative impact on the proposed project.

The other is the RG&E Genesee River Gorge (Lower Falls), at Driving Park Bridge and Lake Avenue. It is located approximately 0.3 miles east of the intersection at Dewey Avenue and Driving Park Avenue. Various aromatic hydrocarbon materials were found during numerous investigations conducted between the Lower Falls and Upper Falls of the Genesee River at the RG&E Station #5 tunnels. The probable source of the contamination is coal tar. Based on the assumed groundwater flow direction to the east, this site will not have a negative impact on the proposed project. Also, the contamination found was within bedrock, and the proposed project will not have an impact on bedrock.

Part 3 Attachment

Following the issuance of Part 1 of the Short Environmental Assessment Form (EAF), the project went through a public and agency review process. This process brought to light a minor safety concern inherent in the proposed geometry where westbound traffic on Driving Park Avenue would turn right (northbound) on to Dewey Avenue. To mitigate this concern, the geometry for the proposed intersection improvement was modified slightly to provide additional sight distance for this movement. The rendering originally attached (dated May 19, 2014) to the issued Part 1 of the Short EAF has therefore been replaced with the rendering attached to this document (dated June 23, 2014).

The address for Mr. Rogers in Part 1 of the Short EAF is being changed to 30 Church Street, Rochester, NY 14614.

Following is an expansion of the Brief Description of the Proposed Action:

Dewey Avenue and Driving Park Avenue currently meet at an offset intersection resulting in the need for two sets of traffic signals to control movements through the area. The northbound and southbound approaches are offset by approximately 180 feet which complicates mobility through the area. The offset configuration results in congestion, delays and accidents creating difficult travel conditions for all modes of transportation including vehicles, pedestrians, bicyclists, and mass transit users.

The proposed action would consolidate the offset intersections as shown on the attached rendering. The northern approach would be shifted west along Driving Park Avenue to align with the southbound approach of Dewey Avenue. There would be one travel lane and a left turn lane in each direction. There would also be a right turn roadway connecting Driving Park Avenue westbound with Dewey Avenue northbound. The intersection would simplify navigation along Dewey Avenue and eliminate one of two signals.

The proposed action would enhance overall mobility for all users of the intersection. The southbound bicycle lane would extend along Dewey Avenue through the intersection. Northbound travel on Dewey Avenue would be facilitated by a bicycle lane and shared lane use markings. Shared lane use markings would be added eastbound and westbound along Driving Park Avenue extending the existing markings through the project limits. Pedestrian accommodations and safety would be improved by eliminating one traffic signal and consolidating road crossings to a single location. Pedestrian crossings would be enhanced with high visibility markings. Transit mobility would improve through the intersection associated with a reduction in vehicle hours of delay. All sidewalks within project limits would be replaced. The area vacated by shifting Dewey Avenue west would provide an opportunity to develop a pocket park. Community aesthetics would be enhanced with streetscape and landscape features.

The proposed action would reduce congestion and improve highway safety as discussed in the expanded project description. It would also include enhanced bicycle and pedestrian facilities. These would all be **beneficial impacts** to the infrastructure for biking and walking (Part 2, Item 5).

The reduction of congestion and elimination of a traffic signal would also lower the potential for impacts to energy and the emission of greenhouse gases, which would be a **beneficial impact** to energy use (Part 2, Item 6).

As result of further project development, there may be no additional treatment as stated in Part 1, Item 11; however, there would be no net increase in the impervious pavement area as a result of the proposed action. Therefore the same amount of stormwater from the proposed action would continue to be directed to the combined sewer system (wastewater and stormwater), with **no impact** to that system (Part 2, Item 7.b.)

The proposed action is located in an archaeologically sensitive area. A Project Review Package was reviewed by the New York State Department of Transportation Regional Cultural Resource Coordinator (CRC). In a memorandum dated May 22, 2014, the Regional CRC concluded that "the project activities have no potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1) therefore, there are no further obligations for compliance with Section 106 of the National Historic Preservation Act." The proposed action would therefore have **no impact** on historic properties, including archaeologic resources (Part 1, Item 12.b / Part 2, Item 8).

In Part 1 (Part 1, Item 15), the potential for the presence of the Northern long-eared bat (*Myotis septentrionalis*) is discussed. Based in the information and guidance available at this time, and assuming that any tree removals occur during the approved winter cutting window of October 1 to March 31, it is concluded that the proposed action would have a "May Affect, not likely to adversely Affect" determination on this new proposed listed species. This would translate to a **small impact** on the Northern long-eared bat (Part 2, Item 9).



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Project Name:

Dewey Ave / Driving Park Ave



U.S. Fish and Wildlife Service

Natural Resources of Concern

Project Location Map:



Project Counties:

Monroe, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-77.6386753 43.1819391, -77.6386705 43.1810002, -77.6376244 43.1810159, -77.6375922 43.1808398, -77.6385471 43.1808477, -77.6385257 43.1806716, -77.6386713 43.1806712, -77.6387188 43.1808633, -77.6394161 43.1808398, -77.6393786 43.1800262, -77.63962 43.1800144, -77.6395985 43.1807851, -77.6396629 43.1808516, -77.6406556 43.1808359, -77.6406499 43.1810159, -77.6399306 43.1810198, -77.6399357 43.1813602, -77.6394639 43.1813445, -77.6394746 43.181458, -77.6390237 43.1814736, -77.6390347 43.1819508, -77.6386753 43.1819391)))



Natural Resources of Concern

Project Type:

Transportation

Endangered Species Act Species List ([USFWS Endangered Species Program](#)).

There are a total of 2 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Mammals	Status		Has Critical Habitat	Contact
northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Proposed Endangered	species info		New York Ecological Services Field Office
Reptiles				
Bog Turtle (<i>Clemmys mühlenbergii</i>) Population: northern	Threatened	species info		New York Ecological Services Field Office

Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the



U.S. Fish and Wildlife Service

Natural Resources of Concern

[Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

Migratory bird information is not available for your project location.

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

There are no wetlands found within the vicinity of your project.

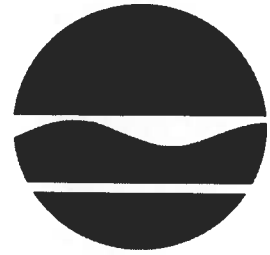
Species Conclusions Table

Project Name:

Date:

[illegible]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

April 07, 2014

James Boggs
Bergmann Associates
28 East Main Street, 200 First Federal Plaza
Rochester, NY 14614

Re: Dewey Ave./Driving Park Ave. Intersection Realignment Project (PIN 4755.55)
Town/City: City Of Rochester. County: Monroe.

Dear James Boggs :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



MEMORANDUM
DEPARTMENT OF TRANSPORTATION

TO: Frank DiCostanzo, Regional Local Project Liaison
FROM: Chris Caraccilo, Regional Cultural Resource Coordinator
SUBJECT: PROJECT SUBMITTAL PACKAGE – SECTION 106 RECOMMENDATIONS
**PIN 4755.55, DEWEY AVE AND DRIVING PARK AVENUE INTERSECTION
REALIGNMENT PROJECT, CITY OF ROCHESTER, MONROE COUNTY**

May 22, 2014

As the Regional Cultural Resource Coordinator (RCRC) I have reviewed the Project Submittal Package (PSP) prepared for the above referenced Locally Administered Federal Aid project for assessment of obligations under Section 106 of the National Historic Preservation Act (36 CFR Part 800).

Based on review of this PSP, I conclude:

- ☒ The project activities have no potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1) therefore, there are no further obligations for compliance with Section 106 of the National Historic Preservation Act. This determination should be recorded in the project environmental documentation.

The project activities may cause effects on historic properties:

- ☐ However, this is no potential for historic properties present. Therefore, there are no further obligations for compliance with Section 106 of the National Historic Preservation Act. This determination should be recorded in the project environmental documentation.
 - ☐ A Phase I Cultural Resource Survey is needed to identify historic and cultural resources. Based on project description and activities, the following preliminary Area of Potential Effect is recommended.
 - ☐ Based on project description and activities in the PSP a preliminary Area of Potential Effect is provided.
 - ☐ A bridge inventory and evaluation of National Register eligibility is needed for BIN _____, a pre-1961 bridge that has not been previously evaluated.
 - ☐ A Finding Documentation package is needed to assess the project effect on one or more previously identified National Register (NR) listed and/ or NR eligible historic buildings, structures, bridges, districts, objects, or sites.
- ☐ The following additional information is needed to complete our assessment:
- ☐ Detailed project description & activities
 - ☐ Project location map showing project limits (USGS Quad)
 - ☐ BIN and date of construction for pre-1961 bridge(s)
 - ☐ Approximate limits of ground disturbance associated with proposed project activities (vertical & horizontal)
 - ☐ Photos of buildings
 - ☐ Other