

NATIONAL PARK SERVICE
FINDING OF NO SIGNIFICANT IMPACT

Niagara National Heritage Area Study

INTRODUCTION

In 2002, Public Law 107-256 the “Niagara Falls National Heritage Area Study Act,” directed the Secretary of the Interior to conduct a study of the feasibility of establishing a Niagara Falls National Heritage Area. The study legislation defined the study area as “the lands in Niagara County, New York, along and in the vicinity of the Niagara River.” The primary study area encompasses the Cities of Niagara Falls and North Tonawanda; the Towns of Porter, Lewiston, Niagara, and Wheatfield; and the Villages of Lewiston and Youngstown. A broader context area embraced the Canadian side of the Niagara River and Erie County, New York, communities bordering the Niagara River, namely Buffalo and Tonawanda.

The study legislation identified National Heritage Area criteria to be employed by the National Park Service in conducting the study and required consultation with state and local agencies. The following National Park Service Interim National Heritage Criteria were used in evaluating the Niagara study area for such a designation:

1. The area has an assemblage of natural, historic, or cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed as such an assemblage, through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities.
2. The area reflects traditions, customs, beliefs, and folk life that are a valuable part of the nation's story.
3. The area provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features.
4. The area provides outstanding recreational and educational opportunities.
5. The area includes resources that are important to the identified theme or themes of the area and retain a degree of integrity capable of supporting interpretation.
6. Residents, business interests, nonprofit organizations, and governments within the proposed area that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for designation of the area.
7. The proposed management entity and units of government supporting the designation are willing to commit to working in partnership to develop the heritage area.
8. The proposal is consistent with continued economic activity in the area.
9. A conceptual boundary map has been reviewed by the public; and
10. The management entity proposed to plan and implement the project is described.

The study found that the Niagara region met the criteria for establishing a National Heritage Area. Criteria 7 and 10 were successfully addressed during the study’s public review period. Comments and letters of support received during this time underlined local commitments to

working in partnership to develop a heritage area and were supportive of a federal commission that was broadly representative of local interests and limited in its duration as a management entity.

RESOURCES, THEMES, AND PUBLIC SUPPORT IN THE NIAGARA REGION

The central resources associated with this area are Niagara Falls and its associated rapids, the Niagara River Gorge, the Lower Niagara River (Lower Niagara River is below the Falls and the Upper Niagara River is above the Falls), and the cultural, historic, and scenic resources that are directly associated with those central resources. The Niagara River, which extends approximately 35 miles from Lake Erie to Lake Ontario, demarcates the international boundary between the United States and Canada. Canada possesses many cultural, historic, and scenic resources that complement or complete stories that are present on the U.S. side.

Niagara Falls is a geological wonder that has been a world-renowned tourist attraction for more than 200 years. The Niagara River Gorge is an exceptionally scenic corridor, carved by the movement of the Falls due to erosion from its original location near Lewiston, New York, beginning over 10,000 years ago. There are three National Historic Landmarks in the study area: the Adams Power Transformer House, in Niagara Falls, which is the birthplace of the modern hydroelectric power station; the Niagara Reservation, designed by landscape architect Frederick Law Olmsted and considered the oldest state park in the country; and the Colonial Niagara Historic District, in Lewiston and Youngstown, which includes Old Fort Niagara.

The heritage area study included an inventory of natural, historic, and cultural resources within the Niagara River study area. This inventory has determined that adequate resources are present to provide interpretive opportunities relating to the four heritage themes identified in this report:

1. Natural Phenomenon—Niagara Falls and the Niagara River Gorge are natural phenomena overwhelming in physical magnitude and deeply embedded in the popular consciousness;
2. Tourism and Recreation—Niagara Falls has been a leading international tourist attraction for over 200 years, influencing the development of tourism and nature conservation in North America;
3. Power and Industry—Around 1895, Niagara Falls became the foremost source of hydroelectric power in North America, stimulating the development of innovative heavy industries in Niagara Falls and Buffalo;
4. Borderland/ Border Crossing—The Niagara River area, a boundary between the United States and Canada, has played an important role in Indian culture, the French and English colonial struggle to control North America, the American Revolution, the War of 1812, and the Underground Railroad, and it reflects national differences and similarities between the two countries today.

There has been public interest in establishing a Niagara Falls National Heritage Area since 2000, when local leaders met with National Park Service officials to discuss the concept. This interest has been related to a number of planning and heritage initiatives, including the Urban Design Project of the University of Buffalo, the Binational Niagara Tourism Alliance, and the Buffalo Niagara Cultural Tourism Initiative; and efforts to redevelop and promote Niagara Falls by the City of Niagara Falls, the New York State Office of Parks, Recreation, and Historic Preservation, USA Niagara, and the Niagara Tourism and Convention Corporation.

With extensive cultural, historic, and natural resources in the Niagara Region, there is a widespread belief that there is great potential for upgrading the area's offerings. A Niagara National Heritage Area designation has been explored locally as a way to heighten appreciation of the region, better preserve its natural and historic resources, improve coordination among existing programs and sites, and improve the quality of life and economy of the area.

THE ALTERNATIVES

The study examined three management alternatives: (1) Continuation of Current Practices; (2) National Heritage Area—Niagara Falls and Lower Niagara River; (3) National Heritage Area—Niagara Falls and Network of Thematically Related Sites.

Alternative 1 would continue current management practices at heritage sites related to Niagara Falls. Alternative 2 would establish a heritage area along the American side of the Niagara River from the rapids above the Falls to the river's mouth at Lake Ontario. Alternative 3 would have as its core the area described in Alternative 2, as well as a network of sites thematically related to Niagara Falls in Niagara and Erie Counties with possibilities for cooperation with related sites in Canada.

Three possible models for the National Heritage Area management entity are a state agency, a regional nonprofit organization or a federal commission. As a public body created by Congress, a federal commission would assemble a cross-section of public and private interests, including the National Park Service. A state commission that could be an appropriate management entity would be the newly created Niagara River Greenway Commission, which has been established to develop a plan for a greenway stretching the length of the Niagara River, from Lake Erie to Lake Ontario. The State of New York Office of Parks, Recreation and Historic Preservation had expressed a preference that this commission be the management entity for a potential National Heritage Area. A nonprofit heritage organization in the Niagara region has not been identified.

This study included an Environmental Assessment of possible impacts related to the three alternatives. This assessment found that the potential impacts are not significant, although additional visitors staying over longer periods of time would contribute to the tourism economy and specific sites might receive more visitation.

Alternative 3 National Heritage Area—Niagara Falls and Network of Thematically Related Sites is the preferred alternative. This alternative was favored by most Niagara-area stakeholders and citizens commenting on the heritage area study because it most thoroughly preserves and interprets the historic and cultural resources of the Niagara Falls area. Alternative 1 and Alternative 2 were rejected because they would not as effectively preserve and interpret the resources and stories connected with the historic region. The preferred management entity is a limited term federal commission that would not exceed 5 years. The federal commission should be representative of the various local government and organizational interests within the region and specifically contain representation from the Niagara Greenway Commission. The federal commission was preferred because it would provide for a representative and cohesive short-term management and planning organization in the absence of a clearly defined local management entity. A federal commission would also offer the greatest opportunity for NPS support and technical assistance. The commission would be required to prepare a heritage area management plan that identifies a successor management organization among other tasks.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ provides direction that the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101:

- fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The preferred alternative (Alternative 3: National Heritage Area – Niagara Falls and Network of Thematically Related Sites with a limited term 5-year federal commission) is the environmentally preferred alternative.

After a careful review of potential impacts to natural, historic and cultural resources, the visitor's experience, site operations and socioeconomic resources, the preferred alternative strikes the optimum balance between the necessity of protecting the area's resources with the need for enhancing the visitor's experience.

PUBLIC INVOLVEMENT

In May 2003, the National Park Service formally started work on the National Heritage Area study process for Niagara Falls, as directed by Public Law 107-256, the "Niagara Falls National Heritage Area Study Act." The study team interviewed over 30 local stakeholders, state agencies, local communities, historians, tourism interests, business interests, and the academic community along the Niagara River corridor. Although primary emphasis has been placed on meeting with stakeholders in New York State, the study team also interviewed representatives of pertinent groups on the Canadian side of Niagara Falls as well.

The study team built upon several public planning processes taking place coincidentally with the NPS study. The Urban Design Project (SUNY/ Buffalo), which had been engaged in many of these efforts, identified key audiences assembled useful databases of resources and contact persons for the heritage area study. The study team employed the Urban Design Project to help the National Park Service coordinate public involvement efforts related to the study process.

In November 2003, the study team conducted a scoping session at the Niagara Falls Arts and Cultural Center. At the session, NPS planners described the study process and related their initial study findings. Over 100 people attended the session and commented on all aspects of the

presentation. In February 2004, a newsletter summarizing the meeting was printed and distributed to a mailing list of 1,200 contacts and also appeared on the study's newly launched website, www.niagaraheritagestudy.org.

In June, 2004, a second newsletter describing possible heritage area alternatives for the region was released. Again the newsletter was distributed to the full mailing list and appeared on the project website. Also in June, a public meeting and a focus group were held to discuss the proposed alternatives. Approximately 40 people attended the public meeting and stakeholders representing local municipalities, Niagara County, New York State agencies, and the Congressional delegation were consulted during the smaller work session. In November, 2004, an additional focus group session on the management and activities of existing National Heritage Areas was held for about 25 key stakeholders.

The Niagara National Heritage Area Study report was made available to the public in November, 2005, for a 45-day comment period ending on January 17, 2006. The executive summary and the study report were mailed to over 300 interested individuals and organizations throughout Niagara and Erie Counties as well as Canada's Niagara Peninsula in Ontario. A separate copy of the executive summary was mailed to an additional 750 interested parties. The public was able to obtain an electronic copy of the study report through a link on the project's website (www.niagaraheritagestudy.org) that connected to the National Park Service's Planning, Environment, and Public Comment (PEPC) website. Two public meetings were held in Niagara Falls, New York, on December 5, 2005, to present the findings of the study and to obtain public comment. Approximately 100 people attended these meetings.

At the public meetings, most participants expressed support for National Heritage Area designation as described in Alternative 3 and identified a federal commission as their preferred management entity. During the ensuing public comment period, the National Park Service received 40 letters offering comments on the study. The vast majority expressed support for the federal designation of a National Heritage Area as described under Alternative 3. A large number of respondents also expressed an interest in having a federal commission or some form of federal involvement in a management entity. Of those expressing support for a federal commission, a large number noted that they saw such a body as a short term solution and would like to see a local body assume responsibility for a heritage area over the long term. A single writer expressed opposition to the designation of a heritage area. The NYS Office of Parks, Recreation and Historic Preservation recommended that the existing, state-established Niagara River Greenway Commission be selected as management entity. A group of four Niagara River Greenway Commissioners, acting independently, also suggested that the Greenway Commission be considered as management entity.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT

Since this feasibility study is intended to determine if the Niagara Falls region meets the criteria for designation as a National Heritage Area, it does not propose any specific federal action beyond a recommendation of the Secretary of the Interior to Congress regarding designation. The conceptual nature of the management alternatives in this study limits the scope of the impact evaluation of environmental aspects to a relatively broad analysis. If the Niagara National Heritage Area were to receive federal designation, a management plan would be developed in greater detail to describe actions to be implemented. Preparation of that management plan would be accompanied by an EA or Environmental Impact Statement (EIS) for project work involving

federal action where it is deemed to be major and of a significant impact to the human environment. Section 106 compliance would also be covered at that time.

In determining the significance of impacts from the preferred alternative, NEPA guidance, codified in 40 CFR §1508.27, requires examination of the following criteria:

Impacts that may be both beneficial and adverse: No impacts to geological resources, water resources, soils, air quality, biotic communities, threatened, endangered, candidate species or species of special concern, or prime or unique farmlands were identified from implementation of the preferred alternative.

Implementation of the preferred alternative may lead to specific preservation projects, which would provide minor beneficial impacts to historic, cultural, and natural resources. Increased visitation would provide minor impacts to the socioeconomic environment. Implementation of the preferred alternative would not adversely affect historic properties and will have no effect, either direct or indirect, on known archeological resources at the site. If specific National Heritage Area projects are undertaken, additional research and NEPA compliance may be necessary, as there may be impacts on as yet undiscovered or unknown archaeological resources.

Degree of effect on public health or safety: No actions were described in the preferred alternative that would adversely affect normal visitor safety and access to site facilities.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas: As described in the Environmental Assessment, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas will not be affected. Implementation of the preferred alternative could produce impacts on historic or cultural resources or park lands, but they would be beneficial because of the intention to improve the integrity of these resources.

Degree to which effects on the quality of the human environment are likely to be highly controversial: There were no highly controversial effects identified during preparation of the Environmental Assessment, nor were comments raised during the public review period.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks: There were no highly uncertain, unique or unknown risks identified during preparation of the Environmental Assessment or the public review period.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: Implementation of the preferred alternative neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about future actions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: As described in the Environmental Assessment, there could be beneficial impacts from implementation of the preferred alternative related to visitor use and experience, historic preservation, site operations, and the socioeconomic environment. These could result in net minor to major beneficial cumulative impacts.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: No adverse impacts on districts, sites, highways, structures, objects listed on the National Register of Historic Places or loss or destruction of significant scientific, cultural, historical, or known archaeological resources were identified during the preparation of the Environmental Assessment, nor were they commented upon during the public review period. Additional research related to cultural resources may be necessary if a Niagara National Heritage Area is established and it undertakes specific projects affecting cultural resources. Upon initiation of such an undertaking, formal compliance with Section 106 of the National Historic Preservation Act (NHPA) will be accomplished.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: No adverse impacts on endangered or threatened species or their critical habitats were identified during the preparation of the Environmental Assessment, nor were they commented upon during the public review period. Additional research related to endangered species and their habitats may be necessary if a Niagara National Heritage Area is established and it undertakes specific projects affecting natural resources.

Whether the action threatens a violation of federal, state, or local environmental protection law: Implementation of the preferred alternative is not expected to violate federal, state, or local environmental protection laws.

ACTION DECISION and FINDING OF NO SIGNIFICANT IMPACT

Alternative 3 National Heritage Area—Niagara Falls and Network of Thematically Related Sites with a limited term 5-year commission is recommended for implementation. No significant impacts have been identified on public health, public safety, threatened or endangered species, historic properties either listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, or significant cumulative effects have been identified. Implementation of Alternative 3 will not violate any federal, state, or local environmental protection law. Implementation of Alternative 3 will have no significant impact on the quality of the human environment. Projects ultimately undertaken by a Niagara National Heritage Area, including rehabilitation of historic structures or restoration of cultural and natural landscapes, would require additional research and continuing review for compliance with Section 106 of National Historic Preservation Act (NHPA) by the New York State SHPO.

Based on the foregoing, an Environmental Impact Statement is not required for this National Heritage Area Study and thus will not be prepared.

Approved:

 May 26, 08
Mary Bomar Date
Director, Northeast Region

References: Niagara National Heritage Area Study/Environmental Assessment