



ANNUAL USE OF CAPITAL SURVEY - 2009

NAME OF INSTITUTION

(Include Holding Company Where Applicable)

First Niagara Financial Group, Inc. and First Niagara Bank

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| Person to be contacted regarding this report: | Ann M. Segarra |
| UST Sequence Number: | 9 |
| CPP Funds Received: | 184,011,000 |
| CPP Funds Repaid to Date: | 184,011,000 |
| Date Funded (first funding): | Nov 21, 2008 |
| Date Repaid ¹ : | May 27, 2009 |

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| RSSD: (For Bank Holding Companies) | |
| Holding Company Docket Number: (For Thrift Holding Companies) | |
| FDIC Certificate Number: (For Depository Institutions) | |
| City: | Buffalo |
| State: | New York |

¹If repayment was incremental, please enter the most recent repayment date.

American taxpayers are quite interested in knowing how banks have used the money that Treasury has invested under the Capital Purchase Program (CPP). To answer that question, Treasury is seeking responses that describe generally how the CPP investment has affected the operation of your business. We understand that once received, the cash associated with TARP funding is indistinguishable from other cash sources, unless the funds were segregated, and therefore it may not be feasible to identify precisely how the CPP investment was deployed or how many CPP dollars were allocated to each use. Nevertheless, we ask you to provide as much information as you can about how you have used the capital Treasury has provided, and how your uses of that capital have changed over time. Treasury will be pairing this survey with a summary of certain balance sheet and other financial data from your institution's regulatory filings, so to the extent you find it helpful to do so, please feel free to refer to your institution's quarterly call reports to illustrate your answers. This is your opportunity to speak to the taxpayers in your own words, which will be posted on our website.

What specific ways did your institution utilize CPP capital? Check all that apply and elaborate as appropriate, especially if the uses have shifted over time. Your responses should reflect actions taken over the past year (or for the portion of the year in which CPP funds were outstanding).

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|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | Increase lending or reduce lending less than otherwise would have occurred. | Throughout this economic crisis and turmoil in our industry, we have consistently met the borrowing needs of the individuals and businesses that we serve. Our loan activity was robust throughout 2009 as evidenced by a \$3.5 billion, or 20% increase, in total loan and line originations. |
| <input type="checkbox"/> | To the extent the funds supported increased lending, please describe the major type of loans, if possible (residential mortgage loans, commercial mortgage loans, small business loans, etc.). | |
| <input type="checkbox"/> | Increase securities purchased (ABS, MBS, etc.). | |

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| <input type="checkbox"/> Make other investments | |
| <input type="checkbox"/> Increase reserves for non-performing assets | |
| <input type="checkbox"/> Reduce borrowings | |
| <input type="checkbox"/> Increase charge-offs | |
| <input type="checkbox"/> Purchase another financial institution or purchase assets from another financial institution | |
| <input type="checkbox"/> Held as non-leveraged increase to total capital | |

What actions were you able to avoid because of the capital infusion of CPP funds?

There are no specific actions that the institution avoided as a result of the capital infusion of CPP funds.

What actions were you able to take that you may not have taken without the capital infusion of CPP funds?

First Niagara has always maintained strong capital levels and experienced sound credit quality and, as a result, we targeted increased loan activity as our primary focus for utilization of CPP proceeds. Even though First Niagara was well-capitalized prior to participating in the program, the funds obtained provided further support to our already strong capital position and allowed us to enhance our ability to support even more individuals and businesses throughout the Northeast, especially during such uncertain times.

Please describe any other actions that you were able to undertake with the capital infusion of CPP funds.

There were no other specifically identifiable actions taken as a result of receiving CPP funds.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0222. The time required to complete this information collection is estimated to average 80 hours per response.