

STATEMENT OF FINDINGS

State Environmental Quality Review Act

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the New York State Environmental Conservation Law (ECL) and the implementing regulations in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR), the New York State Department of Environmental Conservation (DEC) and the New York State Department of Transportation (DOT), as co-lead agencies (Departments), make the following findings and conclusions of fact and law:

Name of Action:

Amendment to the Remsen-Lake Placid Travel Corridor Unit Management Plan (UMP) and Final Supplemental Environmental Impact Statement (FSEIS).

Location:

The project is located within the Towns of North Elba, in Essex County; Harrietstown, Santa Clara, and Tupper Lake in Franklin County; Long Lake in Hamilton County; Webb in Herkimer County; Forestport, Steuben, and Remsen in Oneida County; and Colton, and Piercefield in St. Lawrence County.

Acceptance Date of the FSEIS:

January 27, 2016

Date of Adirondack Park Agency determination of Compliance with the Adirondack Park State Land Master Plan:

February 11, 2016

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I. DESCRIPTION OF THE ACTION

The New York State Department of Environmental Conservation and Department of Transportation (Departments) propose to approve the following with respect to the 1996 Remsen-Lake Placid Travel Corridor (RLPTC) Unit Management Plan (UMP) and Environmental Impact Statement (EIS): (1) Amendment; and (2) Final Supplemental Environmental Impact Statement for the Amendment.

A. BACKGROUND

The 2016 Remsen-Lake Placid Travel Corridor Unit Management Plan Amendment/Final Supplemental Environmental Impact Statement (2016 Amendment/SEIS) to the 1996 RLPTC UMP/EIS has been prepared after several years of public input and almost 20 years of effort to effectuate the recommendations in the 1996 RLPTC UMP/EIS to utilize the State-owned RLPTC. Train service in the 119-mile RLPTC currently exists between Remsen, NY [where the Right-of-Way (ROW) becomes State-owned] and Big Moose for a distance of approximately 40 miles, and between Lake Placid and Saranac Lake for a distance of approximately 9 miles.

Public listening sessions were held in various regional locations in 2013 and 2014 to gauge local and regional interest in revisiting the feasibility of implementing the preferred alternative chosen in the 1996 UMP/EIS. Much of the public opinion stated the RLPTC was underutilized and supported the removal of the rails within the ROW in order to create a multiple-use recreational trail. The preferred alternative in the 1996 UMP/EIS called for train service to be one continual operation from Remsen to the terminus in Lake Placid. The 1996 UMP/EIS also called for creation of a side-by-side, or parallel, recreational trail to be used in concert with train service. Several efforts to design, permit, and build this parallel trail fell short due to complications posed by the existence of wetlands and open water causeways that would create unacceptable environmental impacts to those natural features and adjoining Forest Preserve units.

B. PROPOSED MANAGEMENT OBJECTIVES (ACTIONS)

Based on growing public interest to develop a long-distance recreation trail, the challenges of developing a parallel trail with the rail, and the interest to extend scenic train services, the Departments' Commissioners reached out to the public in 2013 to ask if the 1996 UMP/EIS should be revisited to maximize the best uses of the RLPTC and achieve both its full rail and trail potential. In response to this public input, the Commissioners agreed the 1996 UMP/EIS should be amended to consider the conversion of the Tupper Lake to Lake Placid segment to a recreation trail. A second round of public listening sessions were conducted in 2014 to consider such an amendment. The public response in 2014 confirmed the decision to amend the 1996 UMP/EIS and consider a new preferred alternative (Alternative 7) which divides the RLPTC into rail/trail and trail-only segments.

The proposed management objectives in the 2016 Amendment/SEIS are based on a new preferred alternative (Alternative 7) and include:

- Improving the rails from Big Moose to Tupper Lake (Segment 1 - approximately 45 miles);
- Convert the RLPTC to a multi-use recreational trail between Tupper Lake and Lake Placid (Segment 2 - approximately 34 miles);

C. PUBLIC NEEDS AND BENEFITS

The 2016 Amendment/SEIS has been prepared in order for DEC and DOT to improve public access to State-owned land that in the past has been off-limits to the public (except for snowmobiling in winter). The management actions outlined in the 2016 Amendment/SEIS are specific to guiding public access and use for recreation. These actions include removing rails and ties from Lake Placid to Tupper Lake, creating a trail surface, and restoring track conditions from Big Moose to Tupper Lake. In addition, the 2016 Amendment/SEIS identifies recreational access locations – existing and potential – along the entire ROW.

The Tri-Lakes Region (Tupper Lake, Saranac Lake, and Lake Placid) is an outdoor recreation-oriented community. New York State is committed to enhancing the public enjoyment of the outdoors. With implementation of this 2016 Amendment/SEIS, recreationists of all abilities living and visiting the region can enjoy hiking, biking, roller-blading, snowmobiling, skiing, running and other various forms of outdoor recreation.

D. DEPARTMENT JURISDICTION

DEC is empowered by ECL § 9-0105 to exercise care, custody and control of the Adirondack Forest Preserve. The Adirondack Park State Land Master Plan (APSLMP), developed pursuant to the mandate contained in Article 27, Section 816 of the Executive Law, known as the Adirondack Park Agency Act, is designed to provide a unified and comprehensive mandate on how these state lands within the Adirondack Park should be managed and used. Section 816 of the Executive Law further directs DEC to develop, in consultation with the Adirondack Park Agency, individual management plans for each unit of land under its jurisdiction classified by the APSLMP. Draft and final supplemental environmental impact statements were prepared pursuant to SEQR.

This Statement of Findings is prepared in satisfaction of the requirements found in 6 NYCRR § 617.11. As explained in the SEQR Handbook (<http://www.dec.ny.gov/permits/56832.html>), “[f]indings provide a rationale for agency decisions, including any conditions to be attached to the agency's approval. Should an agency decision be challenged, findings also provide a record to help explain the agency's decision-making. The findings procedure allows each involved agency to consider the relevant environmental factors presented in the final EIS, and balance and weigh essential considerations, including the economic and social factors, in reaching its decision on its underlying jurisdiction.” The Departments must certify that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the preferred alternative is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable

by incorporating as conditions to the decision those mitigation measures that were identified as practicable. This Findings Statement presents the Departments' consideration of significant, adverse environmental impacts associated with the adoption of the 2016 Amendment/SEIS.

II. FACTS AND CONCLUSIONS IN THE 2016 AMENDMENT/SEIS RELIED UPON TO SUPPORT THE DECISION

In developing this Findings statement, the Departments have reviewed and considered the 2016 Amendment/SEIS. The following findings are based on the facts and conclusions set forth in the 2016 Amendment/SEIS.

The 2016 Amendment/SEIS documents the necessary information needed for its approval and adoption, consistent with the terms and conditions of the APSLMP, Article XIV, Section 1 of the New York State Constitution, the Environmental Conservation Law, and DEC rules, regulations and policy. The role of the 2016 Amendment/SEIS is to guide the development of rail infrastructure improvement from Big Moose to Tupper Lake, and multiple-use trail construction from Tupper Lake to Lake Placid in a manner that maintains and protects, to the greatest extent practicable, the historic, wild forest, and wilderness character of the area and accommodates reasonable current and future public use. The activities will be monitored to document the condition of facilities within the unit and any environmental degradation. Future amendments to the UMP may be made if resource and social conditions change significantly as identified through this monitoring process.

The 2016 Amendment/SEIS sufficiently addresses issues identified by the public and describes the range of reasonable alternatives considered in preparing the final 2016 Amendment/SEIS. It also discloses and analyzes their significant environmental impacts and the means by which to avoid or mitigate them.

SEQRA requires an objective description of potential significant environmental impacts, to the degree possible and include both quantitative and qualitative information to determine how likely it is that an impact would occur, how large the impact would be,

how important the impact would be and the time frame in which the impact is anticipated.

One of the basic purposes of SEQRA is to incorporate the consideration of environmental factors at an early stage of project development. This often means that an EIS would be prepared before final plans are available. As a general rule, the amount of detail regarding a specific impact in an EIS should depend on the magnitude and importance of the impact. Although final plans are not necessary, the EIS should contain enough detail on size, location and elements of the proposal to allow an understanding of the proposed action, the associated impacts and the effectiveness of the proposed mitigation.

With regard to assessing the potential impact to updated information on bats and moose, there are no known bat hibernaculum within twenty miles of the RLPTC, and research on file indicates that the frequency of traffic did not seemingly affect the average percent of moose active, or the number of moose present in study areas. Snowmobile traffic did displace moose to less favorable habitats in at least one study (on file), yet some analyses suggested that moose are only minimally affected by increasing snowmobile activity. Given the nature and use of the RLPTC and its existing use by snowmobiles, no significant impacts on wildlife is anticipated as a result of the implementation of the proposed management action.

In terms of beneficial impacts, it is anticipated that there may be a minor reduction in the level of public use and associated impacts to other areas of the Forest Preserve as a new recreational trail in the RLPTC becomes available for use. The 2016 Amendment/SEIS, in coordination with management plans for neighboring Forest Preserve lands, will provide an opportunity for a significant expansion of the regional economy, a substantial increase in trail-based recreational and educational opportunity, improved Olympic training opportunity, and the improved utilization of a public resource.

In terms of potential adverse impacts, the adoption of this 2016 Amendment/SEIS in addition to management plans for neighboring Forest Preserve lands could lead to

minor pollution of surface waters and minor disturbance of wetlands related to trail construction and maintenance. Because the recreational trail will be constructed in the existing RLPTC, no removal of vegetation is anticipated. Minor adverse effects on fish and wildlife populations related to trail construction and maintenance activities are anticipated. In addition, implementation of the 2016 Amendment/SEIS could cause a minor increase in highway use and traffic congestion in communities where trailheads and support facilities are located. There may be a moderate increase in the public use of neighboring Forest Preserve lands with subsequent moderate increase in the need for law enforcement, fire protection and search and rescue services. Noise levels are not anticipated to be significantly more noticeable than that generated by existing uses. Adoption of the 2016 Amendment/SEIS could lead to a minor increase in the likelihood of trespass onto neighboring private lands and related new costs to State agencies and taxpayers associated with management of the RLPTC.

The RLPTC is listed on the State and National Registers of Historic Resources as the New York Central Railroad, Adirondack Division Historic District. The existing rail corridor was constructed prior to the development of modern environmental and ecological concerns. It was constructed along natural water courses and through wetland areas in order to take advantage of the generally low relief and minimal elevation changes that are characteristic of such areas. These lands would have been considered marginal for human use at the time of construction. Today these wetland areas are protected by state and federal law and the surrounding state land is forest preserve.

The nature of the region that the rail corridor passes through makes the routing and proposed construction of an alternate parallel trail that would fulfill the project goals extremely difficult. An organization called Trails with Rails Action Committee (TRAC) spent considerable time and effort developing a conceptual alternative parallel trail in the RLPTC from Tupper Lake to Saranac Lake. The TRAC alternative is recognized as the best conceptual design for a potential parallel trail along this segment of the RLPTC. However, the TRAC route would result in significant, immitigable impacts to wetlands and other environmentally sensitive lands. Portions of the TRAC route would utilize

state highway corridors. In addition, existing Adirondack Forest Preserve land classification would preclude the use of snowmobiles (for example) on portions of the proposed TRAC route. Finally, while the TRAC proposal would preserve the rails in place it would still have significant effects on the historic property due to the construction of parallel berms, fences and cantilevering structures from bridges and other structures.

Cost, coupled with the potential for significant adverse impacts to wetland, natural resource, and historic resources, as well as not meeting the project goals, leads the State to conclude that the TRAC alternative is not feasible.

The RLPTC and its associated features are listed in the State and National Registers of Historic Places. Alternative 7 will involve impacts to the State and National Register listed property due to the removal of the rails and ties which are identified as contributing elements to the listed property. Adverse impacts on historic resources as a result of the implementation of the 2016 Amendment/SEIS will be mitigated through consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) by NYSDEC and NYSDOT as required by the New York State Historic Preservation Act (SHPA) (PRHPL Article 14), in accordance with the Article 14.09 process. Detailed design and work plans will be shared and coordinated with other involved agencies as they are developed.

The National Register application, from 1993, identifies 10 station buildings, 17 contributing bridges, 13 other buildings, and the railroad right-of-way, including tracks and ties (which are counted as a single structure), all of which contribute to the National Register listing. While this 2016 Amendment/SEIS calls for the removal of rail infrastructure between Tupper Lake and Lake Placid, the RLPTC itself will remain intact. All the stations in public ownership will remain and/or be interpreted as deemed appropriate through consultation with OPRHP.

Consultation with the State Historic Preservation Office (SHPO) has been ongoing throughout the development of the 2016 Amendment/SEIS. Through this consultation, it

appears that the actions within the 2016 Amendment/SEIS can be fully implemented as long as required mitigation measures, including documentation of the historic nature of the RLPTC, provision of interpretive exhibits, and public education efforts, are completed. The 2016 Amendment/SEIS will serve as a roadmap for obtaining all required approvals and permits for these actions, in coordination and consultation with all involved agencies.

Mitigation of adverse impacts will maintain the integrity and character of the RLPTC Segment 2 to the fullest extent practicable. Segment 1 will rehabilitate track structures in order to restore train service to Tupper Lake from its current terminus at Big Moose, and reuse of this segment with train services will preserve the integrity and character of the historic property.

The Departments will develop acceptable and appropriate signage in consultation with APA, SHPO, and local governments, and consistent with Adirondack-Catskill Sign Law. Moderately sized kiosks and rustic-style signs could be used at trailheads and road-crossings to inform the recreating public about the historic nature and importance of the RLPTC. Small maps may be incorporated as well, as could informative signs with educational narratives highlighting historic features along and within the RLPTC. It is expected that educational and signage mitigation measures in Segment 2 will inform a wider audience about the historic nature and value of the RLPTC than could be accomplished with train operations.

In the event that Federal Highway Administration funding becomes available to support the proposed management actions, the provisions of Section 106 of the National Historic Preservation Act and Section 4(f) of the U.S. Department of Transportation Act of 1966 need to be satisfied.

Because snowmobiles already use the RLPTC, and the use of snowmobiles is limited to a narrow defined corridor and is sporadic, intermittent and isolated, no significant adverse long-term noise impacts are anticipated from snowmobile use on the RLPTC.

The existing use by snowmobiles, and the limited extent of snowmobile trails within the RLPTC and on adjacent management areas, limits the potential for adverse impacts.

Staff anticipated minor, temporary impacts to soils and slopes during construction. A Stormwater Pollution Prevention Plan (SWPPP) utilizing best management practices (BMP's) will be in place and maintained on-site during Segment 2 trail construction. The trail plan lays out the location of trail modification, bridges, water bars and other trail structures. This SWPPP designates the procedures and BMPs to be used in construction of these structures. The SWPPP is an integral part of the trail project plans.

Along Segment 2, trail construction will consist of removal and salvage of rail infrastructure and installation of final surface material. Minor surface modification and installation of erosion control best management practices will occur. Terrain modification and installation of water control devices performed by a mini excavator (if needed) could be another step of the trail construction process. This work would allow for terrain modification in select locations consisting of bench cuts, rearrangement of specific rocks, installation of water bars, and repair of any eroded portions of pre-existing corridor.

Water/sediment control structures will be installed at locations of terrain modification locations as required to minimize any potential sources of erosion or sedimentation. When active work is complete, disturbed portions of this trail will be seeded with native plants and mulched and any temporary erosion and sediment control structures will be left in place until the site is stabilized.

It is expected that railroad tracks and related materials will be removed, followed by installation of water/erosion/sediment control structures as necessary for terrain modification and trail construction. Trail segments will then be completed with various portions being put to bed, with seeding and mulch as they are individually completed. Temporary drainage/erosion/sediment control structures will remain in place until the areas have stabilized.

All erosion and control practices will be installed during the terrain modification or trail construction phases of the project. Areas targeted for ground manipulation or rehabilitation and subject to erosion will be identified and control practices will be installed to avoid, minimize, or repair erosion hazards. All temporary practices will remain in place until the areas have stabilized.

Cumulative impacts occur when multiple actions affect the same resource or resources. These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from a number of individually minor but collectively significant actions taking place over a period of time (See The SEQR Handbook, p. 205, published on the DEC's website at <http://www.dec.ny.gov/permits/6188.html>). For the RLPTC, the Departments analyzed potential impacts of the RLPTC's proposed management actions that may affect the same resources identified in other unit management plans.

With regard to the potential for cumulative impacts in the RLPTC, the full implementation of the entire 2016 Amendment/SEIS will occur over a number of years, thereby negating any cumulative effect of any one proposed action.

Further, due to the many points of access to the multi-use trail system, the increase in use will be dispersed throughout the communities to be connected by the trail system. Therefore, significant impacts to any one area are not likely.

Increased education and law enforcement efforts are anticipated to reduce unauthorized use of both public and private lands. Utilization of trail siting guidelines should result in reduced potential for trespass onto private lands and wilderness areas. These measures will partially mitigate the anticipated minor increase in need for DEC enforcement efforts.

The overall impact of snowmobiles on wildlife is anticipated to decrease as a result of implementing the 2016 Amendment/SEIS. Snowmobile and bike traffic is likely to be

reduced in interior areas and shifted to the existing corridor where motor vehicle traffic already exists.

It is reasonably foreseeable for the local communities to have some minor growth inducing impacts from the success of the year-round, multiple-use recreational trail. Growth inducing impacts refer to the likelihood that the proposed action will cause significant increases in local population and trigger further development. The Departments have not identified any potentially significant, adverse growth inducing impacts that will result from the proposed action.

Finally, the potential increase in volume of visitors traveling by car to the multi-use recreational trail, and a potential increase in the number of snowmobiles utilizing the proposed recreational trail, may result in impacts on greenhouse gas (GHG) emissions and climate change. During construction and maintenance of trails, direct GHG emissions will be produced from construction vehicles and equipment exhaust at variable rates. The use of snowmobiles could also lead to an increase in GHG emissions. Agency staffs have determined, however, that the slight to moderate increase in GHG emissions will not result in a significant adverse environmental impact.

The proposed management actions are also expected to have beneficial effects. New recreational opportunities in the RLPTC and environs include fishing, hunting, hiking, wildlife viewing, cross-country skiing, horseback riding, bicycling, paddling, camping and snowmobiling. New areas will be opened for the general public to access, and there will be the possibility of conducting habitat and wildlife research. Additional beneficial effects resulting from the adoption of the plan include: economic impact on the local economy; connecting communities with a multiple-use trail; ecosystem protection; furthering the goals of open space conservation; protection of wildlife habitat; scientific game management; protecting water supplies and providing for aquifer recharge; and the use of existing infrastructure that will lead to the retention of trees which provide natural cooling through shade and evaporative cooling through leaves, carbon sequestration in soil and wood, drought mitigation, steady source of oxygen from plant photosynthesis, and improved air quality by forests capturing small particulate matter.

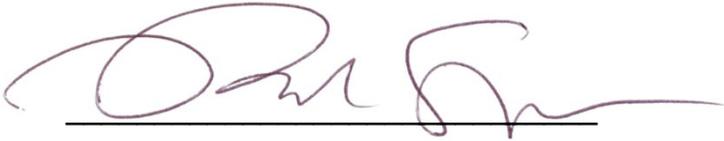
III. ALTERNATIVES

The 1996 UMP/FEIS presented six management alternatives. The 2016 Amendment/SEIS to the 1996 UMP/FEIS proposes a new Alternative 7, which calls for dividing the RLPTC into rail and trail segments. The rails will be retained within the RLPTC from Remsen to Tupper Lake (Segment 1) and the rails will be removed within the RLPTC from Tupper Lake to Lake Placid (Segment 2). In Segment 1, tracks will be improved from Big Moose to Tupper Lake, operating rail service will be extended 45 miles from the Big Moose Station to the Tupper Lake Station, connections to existing trail systems on neighboring public lands will be established and facilities such as engine houses and fueling facilities will continue to be supported where necessary. Segment 2 will be converted to a multiple-use recreational trail. Snowmobiling will be authorized to continue along the entire length of the RLPTC, both within Segment 1 and Segment 2. The entire length of the RLPTC will remain in DOT ownership and remain classified by the APSLMP as a Travel Corridor.

IV. CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft Amendment/DSEIS and the Final 2016 Amendment/SEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 implementing Article 8 of the ECL (SEQRA) have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action chosen is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
3. This action will achieve a reasonable balance between the protection of the environment and the need to accommodate essential social, recreational and economic considerations and, as such, will not contravene those limitations or standards prescribed by Article XIV, Section 1 of the New York State Constitution, the Adirondack Park State Land Master Plan, the ECL, and DEC rules, regulations and policies for the care, custody and control of the Adirondack Forest Preserve.



Basil Seggos

Acting Commissioner
New York State Department of Environmental Conservation

Date: May 17, 2016



Matthew J. Driscoll

Commissioner
New York State Department of Transportation

Date: May 17, 2016