

STATEMENT OF FINDINGS

State Environmental Quality Review Act

Pursuant to State Environmental Quality Review Act (SEQR) Article 8 of the New York 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 (NYSDEC) and the New York State Department of Transportation (NYSDOT), as co-lead agencies (the “Departments”), make the following findings and conclusions of fact and law:

Name of Action:

Amendment to the 1996 Remsen-Lake Placid Travel Corridor (RLPTC) Unit Management Plan (UMP) and Final Supplemental Environmental Impact Statement (FSEIS).

Location:

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

Acceptance Date of the FSEIS:

May 1, 2020

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

May 14, 2020

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I. DESCRIPTION OF THE ACTION

The Departments propose to approve the following with respect to the 1996 RLPTC UMP and Environmental Impact Statement (EIS): (1) Amendment to the 1996 RLPTC UMP; and (2) Final Supplemental Environmental Impact Statement for the Amendment to the 1996 RLPTC UMP.

A. BACKGROUND

The 2020 Remsen-Lake Placid Travel Corridor Unit Management Plan Amendment and Final Supplemental Environmental Impact Statement (hereinafter, “2020 Amendment and SEIS”) to the 1996 RLPTC UMP and EIS have been prepared after several years of public input and more than 20 years of effort to effectuate the recommendations contained in the 1996 RLPTC UMP and EIS. Train service in the 119-mile long RLPTC currently exists between Remsen, New York (where the Right-of-Way (ROW) becomes State-owned) and Big Moose Station, New York. The distance between Remsen and Big Moose Station is approximately 40 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 and 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 and EIS called for train service to be one continual operation from Remsen to the terminus in Lake Placid and the creation of a side-by-side, or parallel, recreational trail to be used in concert with train service. Several attempts to design, permit, and build this side-by-side recreational trail were made, but all efforts fell short due to the complications posed by the existence of wetlands and open water causeways throughout the corridor that would have resulted in unacceptable environmental impacts to those natural features and adjoining Forest Preserve units. Recognizing the impediments to implementing the preferred alternative contained within the 1996

RLPTC UMP, the Departments finalized this amendment to the 1996 RLPTC UMP in May of 2020.

Before undertaking the 2020 Amendment and SEIS, the Departments conducted significant outreach to ensure that amendment to the UMP was generally supported by the public and addressed any existing environmental conditions. As a result of these efforts, numerous listening sessions and stakeholder meetings were held between 2013 and 2019.

Additionally, in preparing the 2020 Amendment and SEIS, the Departments worked cooperatively to ensure consistency with the Adirondack State Land Master Plan (ASLMP). Notably, on June 21, 2019, the Adirondack Park Agency amended the ASLMP to explicitly permit recreational uses in a designated Travel Corridor. Additionally, prior to the development of this 2020 Amendment, NYSDEC acquired all necessary property interests to ensure that the entirety of corridor remains under State control after the rails are removed.

While developing this 2020 RLPTC Amendment and SEIS, the Departments worked cooperatively with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) to ensure compliance with the consultation process and procedural requirements of New York State Parks Recreation and Historic Preservation Law §14.09 (NYSPRHPL), culminating in the execution of a 2020 Letter of Resolution (LOR) documenting an agreed-upon course of action to mitigate any adverse impacts. The Departments also coordinated with NYSOPRHP to develop a comprehensive historic preservation plan with specific historic preservation measures which are referenced in the 2020 LOR. These efforts were supported and informed by the work of a Signage and Historic Preservation subcommittee of the Adirondack Rail Trail Stakeholder Group. The 2020 LOR was signed by all parties prior to the approval of the proposed 2020 UMP Amendment and SEIS.

B. PROPOSED MANAGEMENT OBJECTIVES (ACTIONS)

In 2013, based on growing public interest to develop a long-distance recreational trail, the challenges of developing a side-by-side trail with the rail, and the interest to extend scenic train services, the Departments' conducted public outreach to gauge public support for amending the 1996 RLPTC UMP and EIS to maximize the use of the RLPTC. In response to the public comments received, the Departments agreed to amend the 1996 RLPTC UMP and EIS to consider the conversion of the Tupper Lake to Lake Placid segment of the corridor from a railroad to a recreation trail. A second round of public listening sessions were conducted in 2014 to consider the specifics of such an amendment. The public response in 2014 confirmed the Departments' decision to amend the 1996 RLPTC UMP and EIS and consider a new preferred alternative ("Alternative 7") which recommended dividing the RLPTC into rail and trail, and trail-only segments.

The proposed management objectives in the 2020 Amendment and SEIS are based on Alternative 7 and include:

- Remsen to Tupper Lake Segment (RTL Segment): Rehabilitation of rail infrastructure, the most significant of which will take place on approximately 45 miles of rail between Big Moose Station to Tupper Lake Station; and
- Tupper Lake to Lake Placid Segment (TLLP Segment): Converting approximately 34 miles of the RLPTC from a railroad to a multi-use recreational trail between Tupper Lake and Lake Placid.

C. PUBLIC NEEDS AND BENEFITS

The Departments prepared the 2020 Amendment and SEIS to explore and maximize the public benefit of an underutilized State-owned asset. The management actions outlined in the 2020 Amendment and SEIS are specific to guiding public access and use for recreation. These actions include rehabilitating track conditions from Big Moose

Station to Tupper Lake Station, removing rails and ties from Tupper Lake to Lake Placid and creating a trail surface. In addition, the 2020 Amendment and SEIS identify existing and potential recreational access locations along the entire ROW.

The Tri-Lakes Region (Tupper Lake, Saranac Lake, and Lake Placid) is primarily an outdoor, recreation-oriented community. The Departments seek to enhance outdoor recreation and public use through the implementation of the 2020 Amendment and SEIS. The development of a multi-use recreational trail, will provide opportunities for recreationists of all abilities, living in and visiting the region, to enjoy hiking, biking, snowmobiling, cross-country skiing, running and numerous other various forms of outdoor recreation. Failure to adopt the 2020 Amendment and SEIS would preclude this unique recreational opportunity in the Adirondack Park for public use and enjoyment.

D. DEPARTMENT JURISDICTION

NYSDEC is empowered by ECL §9-0105 to exercise care, custody and control of the Adirondack Forest Preserve. The 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 state lands within the Adirondack Park should be managed and used. Section 816 of the Executive Law further directs NYSDEC to develop, in consultation with the Adirondack Park Agency, individual management plans for each unit of land under NYSDEC jurisdiction classified by the APSLMP. In developing individual management plans for each unit of land under NYSDEC jurisdiction classified by the APSLMP, NYSDEC prepared draft and final supplemental environmental impact statements pursuant to the requirements of SEQR.

This Statement of Findings is prepared in satisfaction of the requirements found in 6 NYCRR §617.11. As explained in the SEQR Handbook (https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf), “[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 or agencies' 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. Consistent with the above, this Findings Statement presents the Departments' consideration and mitigation of the adverse environmental impacts associated with the adoption of the 2020 Amendment and SEIS.

II. FACTS AND CONCLUSIONS IN THE 2020 AMENDMENT AND SEIS RELIED UPON TO SUPPORT THE DECISION

In developing this Findings Statement, the Departments have reviewed and considered the 2020 Amendment and SEIS. The following findings are based on the facts and conclusions set forth in the 2020 Amendment and SEIS.

The 2020 Amendment and SEIS detail the information necessary for approval and adoption, consistent with the terms and conditions of Article XIV, Section 1 of the New York State Constitution, the ECL, the ASLMP, 6 NYCRR, and New York State policy. The 2020 Amendment and SEIS will guide the development of rail infrastructure improvement from Big Moose Station to Tupper Lake Station, and multi-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 will accommodate reasonable, current and future, public use. The activities approved by the 2020 Amendment and SEIS will be monitored to document the condition of facilities within the unit and any environmental degradation that has occurred as a result of the activities. Future amendments to the UMP may be made if

resource and social conditions change significantly as identified through this monitoring process.

The 2020 Amendment and SEIS sufficiently addresses issues identified by the public and describe the range of reasonable alternatives considered in preparing the 2020 Amendment and SEIS. It also discloses and analyzes significant environmental impacts and the means by which to avoid or mitigate such impacts.

SEQR requires an objective description of potential significant environmental impacts. To the degree possible, potential significant environmental review should include both quantitative and qualitative information to determine: (1) how likely it is that an impact would occur, (2) how large the impact would be, (3) how important the impact would be, and (4) the time frame in which the impact would be anticipated.

One of the basic purposes of SEQR 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 will 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 on wildlife, fisheries, vegetation and habitat the Departments reviewed the proposed action and determined that impacts to wildlife, fisheries, vegetation and habitat will not be significant. Several potential impacts were considered including damage or disturbance to habitat caused by rail removal and trail construction; disturbance to wildlife by trail users; controlling beaver population as a result of any flooding caused by beavers; and impacts to rare, threatened or endangered species, and significant natural communities during rail removal and construction. The Departments have used existing natural resource information, Natural Heritage biologists and databases, and existing reports documenting the locations of

rare, threatened, or endangered species in order to examine the potential impacts of operational and construction activities in the TLLP and have determined that potential impacts to these resources are not significant. NYSDEC wildlife and fisheries staff have been consulted and conclude that impacts to wildlife and fisheries will not be significant. Given the nature and use of the RLPTC and its existing use, no significant impacts on wildlife are anticipated as a result of the implementation of the 2020 Amendment and SEIS.

The SEQR analysis revealed that the likely beneficial impacts resulting from the adoption of the 2020 Amendment and SEIS include restoring and enhancing the historic character of the segment of the RLPTC from Big Moose Station to Tupper Lake Station through rehabilitation of the railroad. This rehabilitation will also increase the public's ability to participate in recreational activities along that segment of the corridor, for example through rail biking. On the segment of the RLPTC where removal will occur, beneficial impacts include increased tourism to the area to utilize the rail trail as well as decreased conflict between bikes, pedestrians, and vehicular traffic within nearby towns.

Construction of a rail trail, with gentle grades and wider tread than traditional foot trails throughout the Adirondack Park, will facilitate outdoor recreation for users of all abilities and socioeconomic classes. The rail trail will create new recreational opportunities in the RLPTC and environs including fishing, hunting, hiking, wildlife viewing, cross-country skiing, 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. Outdoor recreation is beneficial for human health as it promotes physical fitness. It is also anticipated that there will be a minor reduction in the level of public use and associated impacts to other areas of the Forest Preserve resulting from the introduction of a new recreational trail designed and constructed to sustain heavy recreational use.

Additional beneficial effects resulting from the adoption of the plan include increased economic activity and connecting communities with a multiple-use trail. Kiosks and signs along the trail and adjacent amenities will also provide a unique educational opportunity allowing users of the trail to learn about the history and cultural influence of the railway; the natural history of the adjacent lands and waters and the flora and fauna living there; and current and former used of the land and the efforts to manage the uses and protect the natural resources.

The 2020 Amendment and 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, and the improved utilization of a public resource.

In terms of potential adverse impacts, the adoption of this 2020 Amendment and 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. This impact has been minimized by siting the recreational trail in the existing RLPTC, so minimal, if any, removal of vegetation is anticipated. If vegetation management occurs, it will be undertaken pursuant to NYSDEC policy and guidelines.

The RLPTC encompasses and is coincident with the New York Central Railroad, Adirondack Division Historic District, a property listed in the State and National Registers of Historic Places. 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.

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 2020 Amendment and SEIS will be mitigated as agreed upon in the LOR and in accordance with NYS PRHPL §14.09. Detailed design and work plans will be shared and coordinated with other involved agencies as they are developed.

The Historic District includes a total of 41 contributing features, 23 buildings and 18 structures historically associated with the operation of the Adirondack rail line that retain integrity to the period of significance. Contributing features of the Historic District include the right-of-way (tracks and ties), bridges, stations, freight houses and ancillary railroad buildings, as identified in the nomination's property list.

While this 2020 Amendment and SEIS calls for the removal of rail infrastructure between Tupper Lake and Lake Placid, the RLPTC itself will remain intact including the bridges, passenger stations and other miscellaneous buildings. The stations in public ownership may be reinterpreted as deemed appropriate through consultation with NYSOPRHP.

Consultation with NYSOPRHP has been ongoing throughout the development of the 2020 Amendment and SEIS. As a result, the Departments believe that the actions within the 2020 Amendment and SEIS can be fully implemented as specified in the executed LOR, including documentation of the historic nature of the RLPTC, provision of interpretive exhibits, and public education efforts, are completed. The 2020 Amendment and SEIS including the comprehensive Historic Preservation Plan (HPP) will serve as a roadmap for obtaining all required approvals and permits for these actions, in coordination and consultation with all involved agencies. Components of the HPP, developed with input from community members and user groups, includes locations for interpretive signage, re-use of removed railroad materials in such signage, and full photographic and video documentation of the 34 miles of the historic district that will be directly impacted. Adverse impacts to the RTL Segment will be avoided because the railroad track will be rehabilitated in a manner to preserve the integrity and character of

the historic corridor. Adverse impacts on the TLLP Segment will be mitigated to maintain the integrity and character of the historic corridor to the fullest extent practicable. The Departments and NYSOPRHP agree that implementation of the HPP will satisfactorily mitigate adverse impacts on the TLLP segment of the Historic District.

The Departments will develop acceptable and appropriate signage in consultation with APA, NYSOPRHP, 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 materials and signage in the TLLP Segment will inform a wider audience about the historic nature and value of the RLPTC.

Snowmobiles already use the RLPTC. The use of snowmobiles will continue to be limited to a narrowly defined corridor and subject to seasonal and regulated use so there are no significant adverse noise impacts anticipated from continued snowmobile use on the RLPTC.

Staff anticipates minor, temporary impacts to soils and slopes during construction. A Stormwater Pollution Prevention Plan (SWPPP) utilizing best management practices (BMPs) will be in place and maintained on-site during the trail construction occurring on the TLLP Segment. 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 the TLLP Segment, 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 could be another step of the trail construction process. Terrain modification in select locations may consist of bench cuts,

rearrangement of specific rocks, installation of water bars, and repair of any eroded portions of pre-existing corridor.

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

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

All erosion and control practices will be installed during the trail construction or terrain modification 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. The Departments analyzed the potential cumulative impacts of the RLPTC's proposed management actions as it relates to the RLPTC UMP as well as how the proposed management actions may affect resources managed by other unit management plans.

With regard to the potential for cumulative impacts caused by the new management actions taken in the RLPTC, the full implementation of the entire 2020 Amendment and

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 in the region, 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 public use, public 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 NYSDEC and local community enforcement efforts.

The overall impact of snowmobiles on wildlife is anticipated to decrease as a result of implementing the 2020 Amendment and SEIS. Snowmobile and bike traffic will likely be reduced in surrounding areas and shifted to the existing corridor where snowmobile use 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. Nevertheless, the Departments have not identified any potentially significant adverse growth inducing impacts that will result from the proposed action.

Finally, in accordance with the 2019 Climate Leadership and Community Protection Act, the Departments have considered the impact of the management actions proposed in this 2020 UMP Amendment/SEIS on climate change and greenhouse gas emissions. While the exact level of use of the trail is unknown at this time, the State does not expect overall greenhouse gas emissions to change from pre-implementation conditions. With respect to climate change, and in careful consideration of the 2019 Climate Leadership and Community Protection Act, the State concludes that any

potential negative impacts associated with the preferred alternative in this 2020 UMP Amendment/SEIS will not result in a significant adverse environmental impact.

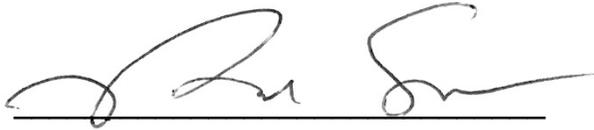
III. ALTERNATIVES

The 1996 RLPTC UMP and FEIS presented six management alternatives. The 2020 Amendment and SEIS to the 1996 RLPTC UMP and FEIS proposes a new Alternative 7, which would divide the RLPTC into trail only segments and rail with potential for parallel trail in the future. The rails will be retained within the RTL Segment and the rails will be removed within the TLLP Segment. In the RTL Segment, tracks will be improved from Big Moose Station to Tupper Lake Station, 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. The TLLP Segment will be converted to a multiple-use recreational trail. Snowmobiling will continue to be authorized along the entire length of the RLPTC, both within the RTL Segment and the TLLP Segment. The RTL Segment of the RLPTC will remain under NYSDOT jurisdiction. Jurisdiction of the TLLP Segment will be transferred to NYSDEC after the rail infrastructure is removed. The entire RLPTC will remain classified by the APSLMP as a Travel Corridor.

IV. CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft Amendment and DSEIS and the Final 2020 Amendment and 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 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 ECL, 6 NYCRR, the ASLMP and New York State policies for the care, custody and control of the Adirondack Forest Preserve.



Basil Seggos
Commissioner
New York State Department of Environmental Conservation

Date: May 26, 2020



Marie Therese Dominguez
Commissioner
New York State Department of Transportation

Date: May 28, 2020