

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

This SEQR is being prepared for the acquisition of the former Lowville Beaver River Railroad and the Mohawk, Adirondack & Northern Railroad for purposes of public use and enjoyment as walking and hiking trails. The acquisition of the land should have no significant impact on the following resources identified in the project area:

1. Land: The project of acquisition shall not involve construction or physical alteration to the land surface of the former railroad for the eventual development of a walking trail.
2. Geological Features: In checking with the NYS DEC's Environmental Resource Mapper, there are no unique geologic features to impact. Therefore the acquisition will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.
3. Surface Water: Although the project area most definitely traverses wetlands and waterways, the rail is already a built structure and the acquisition of the rail should have no impact on surface waters for purposes of a walking trail.
4. Groundwater: The acquisition of the railroad does not in itself involve construction or ground disturbance and therefore should have no impact on the groundwater resource.
5. Flooding: Although within the 100 year flood plain for the Black River, the initial acquisition of the railroad does not involve construction or development on lands subject flooding and therefore will have no impact on flooding.
6. Air: The acquisition of the railroad will not require a permit for air emissions, nor will it produce hazardous volumes of air pollutants and therefore will have no impact on the air resources of the project area.
7. Plants and Animals: While flora and fauna do exist on and adjacent to the railroad right of way, the acquisition of the railroad will have no impact on any species of concerns or those listed as endangered by New York State or the Federal government and does not involve conversion of any forestland, grassland or locally important habitat and does not involve the use of herbicides or pesticides.  
 For those sections of rail that are overgrown with shrubs and young seedlings, the overgrowth will be removed to create a continuous path for walking. If there are any trees over the 9 dbh that need to be removed, guidelines including "Protective measures for northern long eared bats when engaging in forestry practices" and the USFWS issued its Final 4(d) Rule for the NLEB based on the proximity of the tree to identified sensitive areas. Legal tree removal will occur within the federally established dates between October 1 and March 31 when bats are hibernating in caves and not in trees.
8. Agricultural Resources: The acquisition of the railroad will not involve any ground disturbance and will not impact or compact soils of local and statewide importance, nor limit access to agricultural land, will not involve converting agricultural land or prevent agricultural land management system installation, or directly or indirectly increase development potential or pressure on farmland.  
 (SEE ATTACHMENT)

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information from the NYS Environmental Resource Mapper, the CRIS SHPO website, the office of County Planning, the NYS DEC Environmental Assessment Mapper, USFWS online resources

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Lewis County as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Acquisition of the Lowville Beaver River Railroad and the Mohawk, Adirondack and Northern Railroad for public recreational use

Name of Lead Agency: Lewis County

Name of Responsible Officer in Lead Agency: Lawrence L. Dolhof

Title of Responsible Officer: Chairman, Lewis County Board of Legislators

Signature of Responsible Officer in Lead Agency:

Date: 2/9/2023

Signature of Preparer (if different from Responsible Officer)

Joan E. McNichol, Esq.

Date: 2/7/2023

**For Further Information:**

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**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

9. **Aesthetic Resources:** The land use of the proposed project area is not in sharp contrast to the current use of the rail. The proposed land use intended is for public recreational use including hiking and walking and will not involve a change to scenic or aesthetic resource.

10. **Historic and Archaeological Resources:** The rail itself has been identified as eligible for listing on the National Historic Register as well as adjacent buildings on properties contiguous to the rail. The acquisition of the rail will not change the nature of the rail's eligibility, nor impact those buildings that are eligible or listed in contiguous areas adjacent to the rail. The intent of the acquisition of the rail is for public enjoyment for walking and hiking and would only attempt to enhance the historical resources, not eliminate them. The acquisition does specify that the current railroad owners retain switch gates along the rail. The owners propose to remove these switches along the rail once the rail is purchased by Lewis County; and purchase by Lewis County is subject to the Surface Transportation Board approval and abandonment. In addition, approximately 1 mile of rail will be retained for use by the Croghan Railroad Historical Society with its intended use for tourist/public activities. Therefore, the acquisition of the rail should not have a significant impact on historic or archeological resources but enhance such resources.

11. **Open Space and Recreation:** The acquisition of the rail will not result in the loss of open space or recreation and should have no negative impact on open space and recreation but enhance recreational opportunities.

12. **There are no Critical Environmental Areas identified on the project area according to the NYS DEC Environmental Resource Mapper, rendering the acquisition of the rail not significant impact.**

13. **Transportation:** The acquisition of the rail will remove the designation of the railway as a public rail. However, the majority of the railway has not been used for several years for actual rail transportation. Occasional maintenance has occurred on portions of the rail between Lowville and Carthage. Maintenance has not been witnessed between Lowville and Croghan and no rail cars have used the tracks for years except at the Croghan Railroad Historical Society. The only portion of the track that is still functional with rail cars traveling on it are in the Village of Lyons Falls. Portions of this rail will be maintained by the owners in order to maintain rail car storage on the tracks. The county will have a use easement adjacent to the track while the original owners retain ownership. Acquisition of the rail should have no significant impact on transportation otherwise.

14. **Energy.** The acquisition of the rail will not require new or upgrades to a substation, require creation of energy transmission, utilize more than 2500 MWhrs per year of electricity, nor require heating or cooling. The acquisition of the rail should have not significant impact on energy usage in the project area.

15. **Noise, Odor, and Light:** The acquisition of the rail will not result in an increase in noise, odor or lighting. The acquisition may result in brief visits by professionals and engineers evaluating the structural integrity of structures that traverse the Black River including trestles in Carthage, Lowville and other small bridges/culverts throughout the rail. Evaluation will not involve blasting nor the creation of

odors for more than one hour a day, nor shining light onto adjacent properties. Therefore, the acquisition will not have a significant impact on noise, odor or light.

16. Human Health: The acquisition of the rail will not involve remediation, excavation, removal, or disposal of hazardous or solid wastes. The current owners will be removing switches for their own retention, but this should have no significant impact on human health. Steel will eventually be removed by a qualified contractor. However, a feasibility study will be needed to identify potential uses or types of recreation in the future.

17. Consistency with Community Plans: The acquisition of the railway as a recreational resource is consistent and included on the County Comprehensive Plan, page 43, published October 6, 2009. The comprehensive plan can be found on the Lewis County Planning website. The proposed action is not in sharp contrast to current surrounding landuse patterns, nor will it cause the population to increase by 5%. Acquisition is consistent with county plans, will not cause a change in the density of development not supported by infrastructure, will not require new or expanded public infrastructure other than trail development and will not induce secondary development.

18. Consistency with Community Character: The acquisition of the rail itself will eventually involve the removal of steel of the railway. However, this rail has not been used in years, maintenance on the rails has been minimal and 95% of the rail does not serve as an active railway now. The acquisition of the rail will not displace affordable or low-income housing or interfere with the use or enjoyment of the recognized public resources. The action is consistent with the predominant architectural scale and character and is also consistent with the existing natural landscape. The action will not create a demand for additional community services