



**RESOLUTION AND SEQRA FINDINGS
ADOPTED BY THE ADIRONDACK PARK AGENCY
WITH RESPECT TO THE
REMSEN-LAKE PLACID TRAVEL CORRIDOR
UNIT MANAGEMENT PLAN 2020 AMENDMENT**

May 14, 2020

WHEREAS, section 816 of the Adirondack Park Agency Act (NYS Executive Law § 816) directs the Department of Transportation (DOT) and the Department of Environmental Conservation (DEC) to develop, in consultation with the Adirondack Park Agency (Agency), individual management plans for units of land classified as Travel Corridors in the Master Plan for Management of State Lands (Master Plan) and requires such management plans conform to the guidelines and criteria of the Master Plan; and

WHEREAS, in addition to such guidelines and criteria, the Master Plan prescribes the contents of unit management plans (UMPs) and provides that the Agency will determine whether a proposed individual UMP complies with such guidelines and criteria; and

WHEREAS, in 1996, the DEC and the DOT adopted a Unit Management Plan/Final Environmental Impact Statement for the Remsen-Lake Placid Travel Corridor which contained the preferred alternative for rail use along the entire length of the Corridor and encouraged the development of a parallel trail where feasible; and

WHEREAS, the DEC and the DOT adopted a UMP amendment for the Remsen-Lake Placid Travel Corridor in 2016 (2016 UMP Amendment), which included an alternative that proposed new management actions for the 119-mile-long railroad right-of-way, and the Agency found that the 2016 Amendment conformed to the Master Plan on February 11, 2016; and

WHEREAS, the New York Supreme Court, Franklin County, by Decision dated September 26, 2017, held that the 2016 UMP Amendment violated the Agency Act because the 2016 UMP Amendment was not in conformance with the Travel Corridors definitions and guidelines of the Master Plan, finding that the Master Plan defined Travel Corridors in terms of either automobile or railroad transportation; and

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WHEREAS, the Master Plan was amended in June 2019 to clarify the definition and corresponding guidelines for management and use for the Travel Corridors classification category, defining a railroad corridor as the fee, easement, or right-of-way lands that include a railbed for the Remsen-Lake Placid Travel Corridor, existing (1) for the operation of rail cars and/or (2) to serve as a rail trail; and

WHEREAS, the Master Plan now defines a rail trail as a trail developed within a railroad corridor where the tracks have been removed to accommodate modes of travel other than rail cars including horses, snowmobiles and bicycles but excluding public use of ATVs, automobiles or other motor vehicles; and

WHEREAS, the Master Plan also requires that DEC evaluate whether to preserve and/or restore historic railroad structures remaining in the railroad corridor when rails are removed in accordance with a historic preservation plan that is compliant with the State Historic Preservation Act; and

WHEREAS, the Remsen-Lake Placid Travel Corridor encompasses and is coincident with the New York Central Railroad, Adirondack Division Historic District, (Historic District) a property listed in the New York State and National Registers of Historic Places; and

WHEREAS, DEC and DOT have prepared a Proposed Final UMP Amendment/Final Supplemental EIS dated May 2020 (2020 Proposed Final Amendment/FSEIS) which includes a Historic Preservation Plan (Appendix D) compliant with the State Historic Preservation Act and in conformance with the Master Plan; and

WHEREAS, the determination of Master Plan conformance of the proposed 2020 Proposed Final Amendment/FSEIS constitutes a State agency action which qualifies as an undertaking subject to review under Section 14.09 of the New York State Parks Recreation and Historic Preservation Law (NYSPRHPL), pursuant to 9 NYCRR Part 428; and

WHEREAS, the adoption of the proposed 2020 Proposed Final Amendment/FSEIS constitutes a State agency action which qualifies as an undertaking subject to review under Section 14.09 of the NYSPRHPL, pursuant to 9 NYCRR Part 428; and

WHEREAS, the Agency, DEC, and DOT entered a Letter of Resolution with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), on April 20, 2020, in accordance with NYSPRHPL Section 14.09; and

WHEREAS, the NYSOPRHP, DEC, and the Agency agree that implementation of the Historic Preservation Plan will satisfactorily mitigate adverse impacts on the segment of the Historic District from Tupper Lake to Lake Placid; and

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WHEREAS, the Agency is required to meet its obligation under the Climate Leadership and Protection Act (CLPA) of 2019 to work to ensure its actions are consistent with achieving the State's 2030 and 2050 greenhouse gas reduction targets; and

WHEREAS, DEC has evaluated the project attributes to determine there is no expected change in overall greenhouse gas emissions resulting from implementation of this UMP; and

WHEREAS, the proposed removal of rails between Tupper Lake and Lake Placid may lead to a potential increase in snowmobile use and destination travel and therefore a potential increase in greenhouse gas emissions; and

WHEREAS, the Agency and DEC commit to develop, within two years of adoption of the UMP, a protocol to monitor motor vehicle use levels within the 34 mile segment the Corridor between Tupper Lake and Lake Placid. This monitoring protocol will provide data to assist in evaluating the potential impacts of use level on targeted greenhouse gas emissions established under the CLPA; and

WHEREAS, the Agency and DEC agree that if the evaluation of the monitoring data reveals an increase in greenhouse gas emissions, resulting from implementation of this UMP, the UMP will be revised to address and mitigate these impacts in accordance with the established statewide targets; and

WHEREAS, DEC and DOT accepted the 2020 Proposed Final Amendment/FSEIS and filed notice of acceptance of the FSEIS in the Environmental Notice Bulletin on April 29, 2020, pursuant to the State Environmental Quality Review Act (ECL Article 8) and implementing regulations, 6 NYCRR Part 617; and

WHEREAS, the 2020 Proposed Final Amendment/FSEIS acknowledges that any proposed new development or use outside the Remsen-Lake Placid Travel Corridor must conform to Master Plan guidelines for State land and may require the adoption of new UMPs or amendments to existing UMPs for adjacent or nearby Forest Preserve units; and

WHEREAS, in accordance with the Master Plan, specific improvements within the entire Corridor will continue to be developed and reviewed in consultation with the Agency pursuant to Section 816 of the Adirondack Park Agency Act, the Master Plan, the 2020 Final Amendment/FSEIS, and where applicable, the NYS Freshwater Wetlands Act (ECL Article 24); and

WHEREAS, the Agency sought public comment starting on March 20, 2020 regarding the consistency of the 2020 Proposed Final Amendment/FSEIS to the guidelines and criteria of the Adirondack Park State Land Master Plan; and

WHEREAS, the Agency's public comment period on the 2020 Proposed Final Amendment/FSEIS closed on April 20, 2020, and approximately 79 written comments were received; and

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WHEREAS, the Adirondack Park Agency has reviewed the 2020 Proposed Final Amendment/FSEIS.

NOW, THEREFORE, BE IT RESOLVED, that if evaluation of the monitoring data reveals an increase in greenhouse gas emissions resulting from implementation of this UMP, the UMP will be revised to address and mitigate these impacts; and

BE IT FURTHER RESOLVED, that, considering all of the above, pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the 2020 Proposed Final Amendment/FSEIS conforms with the guidelines and criteria of the Adirondack Park State Land Master Plan; and

BE IT FURTHER RESOLVED, the Agency concludes that with respect to climate change, any potential negative impacts associated with the preferred alternative in the 2020 Proposed Final Amendment/FSEIS are not substantial enough to warrant mitigation or a change in the management actions; and

BE IT FURTHER RESOLVED, that the Agency finds pursuant to 6 NYCRR Part 617.11 that the management actions contained in the 2020 Proposed Final Amendment/FSEIS are intended to protect the Travel Corridor's natural resources, character, and recreational use according to the provisions of the Master Plan; and

BE IT FURTHER RESOLVED, that consistent with the social, economic, and other essential considerations required under ECL Article 8, from among the reasonable alternatives, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the 2020 Proposed Final Amendment/FSEIS; and

BE IT FINALLY RESOLVED, that the Adirondack Park Agency authorizes its Executive Director to advise the Commissioners of the Departments of Transportation and Environmental Conservation of the Agency's determination in this matter.

Ayes:

Nays:

Abstentions:

Absent: