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308163

ENTERED
Office of Proceedings April 4, 2024
April 5, 2024
Part of
Public Record

Via Electronic Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Room 1034
Washington, DC 20423-0001

RE: Docket AB-180X
Lowville & Beaver River Railroad Company
Abandonment Exemption
Verified Supplement and Amendment to Notice of Exemption

Dear Ms. Brown:

This firm represents the applicant the Lowville & Beaver River Railroad Company in the above captioned matter.

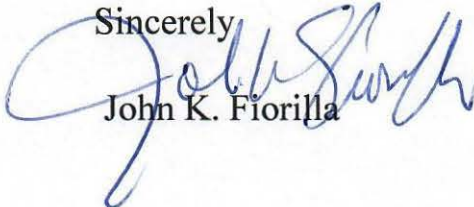
Pursuant to the Decision of the Board we are filing this Verified Supplement and Amendment Notice of Exemption which includes a revised Environmental and Historic Report as the Board requested.

Please note I hereby certify that I have served this letter and attachments upon all the parties in named in 49 CFR §§ 1105.7e and 1105.8 as the Board requested be done. This service was made on March 1, 2023 giving these parties 20 days to reply. No replies have been received.

In addition I have today served all the parties named in this docket with copies of this letter and all attachments by US Mail.

If you have any questions regarding this filing, please do not hesitate to call me.

Sincerely,


John K. Fiorilla

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-180X

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY
ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK**

**VERIFIED SUPPLEMENT AND AMENDMENT TO NOTICE OF
EXEMPTION**

John K. Fiorilla, Esq.

Dyer & Peterson PC

605 Main Street Suite 104

Riverton, N.J. 08077-1440

609-792-6851

Jfiorilla@dyerpetererson.com

Attorney for The Lowville & Beaver River Railroad Company

Date: April 4, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-180X

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY
ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK**

Supplement and Amendment to Notice of Exemption

The Lowville & Beaver River Railroad Company ("LBRR"), a rail carrier, files this Notice of Exemption to abandon certain right of way, known as the Lowville-Croghan Line pursuant to 49 C.F.R. § 1152 Subpart F- Exempt Abandonments or all of its line running from Milepost 0.0 to Milepost 10.57 a distance of 10.57 miles which is located between the Village of Lowville and the Village of Croghan in the County of Lewis, New York ("the Line"). The Line is found in Postal Service Zip Codes 13367 and 13327. In addition, LBRR is seeking to abandon its Beaver Falls Secondary Track which extends .4 miles from Devieres Road in Town of New Bremen, County of Lewis towards the Hamlet of Beaver Falls in the County of Lewis.

1. Procedural History/ Basis for filing

The LBRR filed a Notice of Exemption under the above noted docket on September 12, 2023 seeking to abandonment the lines noted above so as to allow the sale of the line to the County of Lewis which intends to build a trail on the right of way.

After filing its Notice of Exemption seeking abandonment LBRR was made aware that it had failed to seek Board approval of its purchase of the Lowville-Croghan line after having reacquired the Line from the County of Lewis Industrial Agency on July 14, 2016. A copy of the deed of this acquisition was filed with the Board with the LBRR's filing entered on September 27, 2023.

The LBRR is filing in a new Notice of Exemption bearing Docket No. FD-36763 to permit the Nunc pro tunc approval of the Board for its reacquisition of the Lowville-Croghan line which it is now seeking to abandon so that it may sell the line to the County of Lewis, N.Y. for recreational purposes.

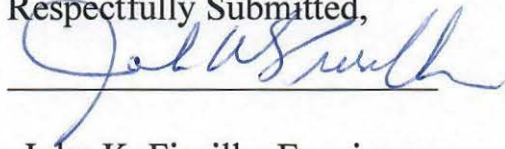
Pursuant to the Board's Decision of January 22, 2024 the LBRR is attaching a revised Environmental and Historic report regarding both the Lowville-Croghan Line and Beaver Falls Secondary Track and correcting all mileposts for the lines included in this docket and providing new maps of the lines to be abandoned.

Environmental and Historic Report

A copy of both the cover letter and LBRR's revised and updated Combined Environmental and Historic Report (CEHR) containing the information required in 49 C.F.R. §§ 1105.7(e) and 1105.8 and was served by US Mail on the parties listed in 49 CFR §§1105.7(b) and 1105.8(c) on March 6, 2024. It is attached hereto as Exhibit 1. As the Board required in its decision, the parties therefore have had twenty days to reply to the revised CEHR. No replies have been received to date.

Dated this 4th day of April, 2024

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "John K. Fiorilla", written over a horizontal line.

John K. Fiorilla, Esquire
Dyer & Peterson, PC
605 Main Street Suite 104
Riverton, N.J. 08077-1440
609-792-6851
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Nathan C. Orr
norr@dyerpetererson.com
Direct: 973-841-5688

March 1, 2024

Via US Mail

To: See Attached List

Re: Proposed Abandonment and Discontinuance of approximately 10.57 miles of the Lowville & Beaver River Railroad Company located in Lewis County, New York STB Docket No. AB-180.

To Whom it May Concern:

On or after September 12, 2023 the Lowville & Beaver River Railroad Company (LBRR) filed with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon and discontinue service of approximately 10.57 miles of the Lowville & Beaver River Railroad Company located in Lewis County, New York. You were served with an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects as well as map of the affected area.

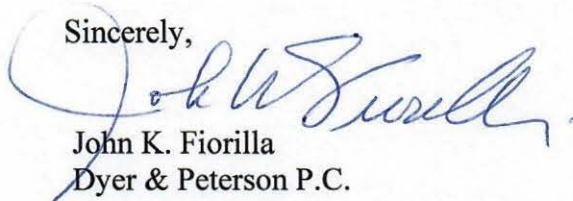
On January 22, 2024 the Surface Transportation Board issued a decision requiring the LBRR to file a revised Environmental and Historic Report describing the property which LBRR would like to abandon including a Branch Line not previously included.

Therefore, attached is a combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

LBRR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OES), Surface Transportation Board, Washington, D.C. telephone 202-245-0291 and refer to the above Docket No. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to me the LBRR's representative) would be appreciated within 20 days of the date of this letter.

Your comments will be considered by the STB in evaluation of the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me the representative of the LBRR directly. My name is John K. Fiorilla. I may be contacted by telephone at 609-792-6851, by email at jfiorilla@dyerpetereson.com or by mail at 605 Main Street Suite 104, Riverton, N.J. 08077-1440.

Sincerely,

A handwritten signature in blue ink, appearing to read "John K. Fiorilla".

John K. Fiorilla
Dyer & Peterson P.C.

Docket No. AB-180

Service List

State Clearinghouse or Alternate

New York State Director of the Budget
50 Wolf Road
Albany, N.Y 12231

State Environmental Protection Agency

New York State Department of Environmental Conservation
625 Broadway
Albany, N. Y. 12233-0001

US Department of Environmental Protection Agency- Regional Office

US Environmental Protection Agency
Region 2
290 Broadway
New York, N.Y. 10007-1866

State Historic Preservation Office

New York State Historic Preservation Officer
OPRHP PO Box 189
Waterford, N.Y. 12188

US Fish and Wildlife Service- Regional Office

US Fish and Wildlife Service
NE Regional Office
300 Westgate Center Drive
Hadley, MA 01035

US Army Corp of Engineers

US Army Corp of Engineers

Buffalo District Commander

1776 Niagara Street

Buffalo, N.Y. 14207-3199

National Park Service (Regional Office)

National Park Service Philadelphia Office

Interior Region- North Atlantic

1234 Market Street 20th Floor

Philadelphia, PA 19107

US Natural Resources Conservation Service

Natural Resource Conservation Service

7586 South State Street

Lowville, N.Y. 13367

National Geodetic Survey

NGS Information Services, NOAA, N/NGS12

Geodetic Services Division SSMC-3 #9340

1315 E-W Highway

Silver Spring, MD 20910-3282

Head of Lewis County, NY

Lewis County Manager

7660 North State Street

Lowville, N.Y. 13367

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-180

LOWVILLE & BEAVER RIVER RAILROAD COMPANY. ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Lowville & Beaver River Railroad Company, a New York Corporation ("LBRR") is proposing to abandon all of its lines of railroad (the "Subject Lines running from Milepost 0.00 to Milepost 10.57, a total distance of approximately 10.57 miles all of which are located between the Village of Lowville and the Village of Croghan in the County of Lewis, New York in US Postal Service Zip Codes 13367 and 13327 It also wishes to abandon the Beaver Falls Branch of approximately .4 miles. This line branches off the Lowville-Croghan Line at Deveiners Road as shown on the **FRA Safety Map** (<http://fragis.fra.dot.gov/GISFRASafety> / and heads toward the Hamlet of Beaver Falls. It does not include the bridge over the Beaver River which is not owned by the railroad. In regard thereof, LBRR submits this Combined Environmental and Historical Report in compliance with the reporting requirements of the Surface Transportation Board regulations at 49 C.F.R. §§ 1105.7 and 1105.8.

- 1. PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action including the commodities transported, the planned disposition (if any) of any rail lines and other structures that may be involved, and any possible changes in current operations and maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a reasonable detailed map and drawings clearly delineating the project.**

RESPONSE; LBRR proposes to abandon the Subject lines running between Milepost 0.00 in Lowville, New York to Milepost 10.57 in Croghan, New York, a total distance of approximately 10.57 miles and the Beaver Falls Branch a total distance of .4 miles.

There has been no rail traffic on the Subject Lines for more than fifteen years (15) years

and no shippers are located on the Subject Lines. There is no overhead traffic on the Lines.

As shown on Map Exhibit A, attached to hereto, the portion of the abandonment which is right of way is being conveyed to the County of Lewis, New York as public purpose land.

LBRR has plans to salvage the Subject Lines's signals, crossing protection and switches.

However, the rail and related track material for the length of the abandonment is to be conveyed to the County of Lewis, New York pursuant to LBRR's agreement with the County of Lewis New York.

2. TRANSPORTATION SYSTEM. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger and/or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: As noted above there has been no rail traffic for over fifteen (15) years on the Subject Lines. Accordingly, the proposed abandonment would have no effect on regional or local transportation systems or patterns.

3. LAND USE

I Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: LBRR has reviewed the plans of the County of Lewis, New York to use the property for a trail system for recreational use. Its use as part of a trail system would

seem to be an appropriate land use. In addition, LBRR has notified the State of New York, Department of Transportation, requesting that that the State of New York release its preferential right of acquisition of abandoned railroad property under § 18 of New York's Transportation Law. As of this date LBRR has not received any reply from NYDOT. If a response is received copies will be sent to the Board. LBRR will also advise the Villages of Lowville and Croghan and County of Lewis of its intention to abandon the Subject Lines in letters dated March 1, 2024 which included copies of these reports. No response has been received as of this date from the County of Lewis or Villages of Lowville or Croghan. If a response is received, a copy will be provided to the Board.

II Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: LBRR, notes that this property is being acquired by the County of Lewis, New York. The Subject Lines are not adjacent to any prime agricultural land. The United States Department of Agriculture, Natural Resource Conservation Service were notified of the proposed abandonment by letter dated March 1, 2024. LBRR will provide the Board copies of any response it receives.

III- If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

RESPONSE: As LBRR does not believe the Subject Lines are in a designated coastal zone and will be used as public recreational land, the proposed abandonment of the Subject Lines would not seem to have any effect on a Coastal Zone. However, the NY State Department of Environmental Conservation (NYSDEC) was notified by letter dated

March 1, 2024 of the proposed abandonment and asked if the action would affect land or water uses and their comments solicited. As of the date of this report NYSDEC has not responded. LBRR will provide the Board copies of any responses it receives.

IV If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

RESPONSE: This intention of this abandonment is to sell the Subject Lines' right of way to the County of Lewis, New York to be used for a trail system for recreational use. The LBRR and the County of Lewis have already signed an agreement of sale for this purpose and as a result, we conclude that it is suitable for this public use.

4. ENERGY

I. Describe the effect of the proposed action on the transportation of energy resources.

RESPONSE: Over the past fifteen years (15), no traffic has moved over the Subject Lines. The proposed abandonment will have no effect on the transportation of energy resources.

II. Describe the effect of the proposed action on recyclable commodities>

RESPONSE: Over the past fifteen years (15), no traffic has moved over the Subject Lines. The proposed abandonment will have no effect on the transportation of recyclable commodities.

III State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will have no effect on overall energy efficiency as there have been no rail shipments of the Subject Lines in the past fifteen (15) years.

IV If the proposed action will cause diversions from rail to motor carriage of more than:

- a. 1,000 rail carloads a year, or**
- b. an average of 50 rail carloads per mile per year for any part of the affected Lines, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

RESPONSE: There are no shippers on the Subject Lines and there have not been rail shipments for over fifteen (15) years. Accordingly, the proposed abandonment will have no effect on any shipper's ability to use rail and will not cause a diversion of rail traffic to motor carriage.

5. AIR

I If the proposed action will result in either:

- a. An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of rail lines affected by the proposal, or**
- b. An increase in rail yard activity of at least 100% (measured by carload activity), or**
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions, for a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new lines or re-institute service over a previously**

abandoned lines, only the eight train a day provision in §§ (5)(i)(A) will apply.

RESPONSE: The proposed abandonment will not result in an increase in rail traffic on any segment of the rail lines affected by the proposal, an increase in rail yard activity, or an increase in truck traffic in excess of the above thresholds.

II If the proposed action affects a Class 1 or non-attainment area under the Clean Air Act and will result in either:

- a. An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of the rail lines,
- b. An increase in rail yard activity of at least 20% (measured by carload activity), or
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the restitution of service over a previously abandoned lines, only the three train a day threshold in this Item shall apply.

RESPONSE: The proposed abandonment will not result in an increase in rail or truck traffic or rail yard activity.

III If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: No traffic has moved over these lines in the last fifteen (15) years. Accordingly, the proposed abandonment does not involve the transportation of ozone depleting materials.

6. NOISE. If any of the thresholds identified in item 5(i) of this section are surpassed state whether the proposed action will cause:

I an incremental increase in noise levels of three decibels Ldn or more or

II an increase to a noise level of 65 decibels Ldn or greater. In so, identify sensitive receptors (e.g., schools, bioreceptors if the thresholds are surpassed).

RESPONSE: The thresholds identified in item (5) (i) will not be surpassed.

7. SAFETY

I. Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: The proposed abandonment will have no adverse effect on public health or safety.

II If hazardous materials are expected to be transported, identify: the materials and quantify: the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicants safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: The proposed abandonment does not involve or effect the transportation of hazardous materials.

III If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.

RESPONSE: There are no hazardous waste sites on the right of way to be abandoned nor are there any known spills on the right-of- way.

8. BIOLOGICAL RESOURCES

- I. Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

RESPONSE: LBRR will not be removing the track and track materials as a result of this abandonment. However, the LBRR does not believe that the removal of track and track materials would have an effect on endangered or threatened species designated as a critical habitat. However, the U.S. Fish and Wildlife Service was notified by letter dated March 1, 2024 of the proposed abandonment and their comments solicited. When this report, before it was revised, was sent to the U.S. Fish and Wildlife, LBRR received a response from US Fish and Wildlife Service via email which indicates that “The Service has determined that no federally listed species occur within or in the vicinity of the proposed project site.

9. WATER.

- I- Based on consultation with the State water quality officials, state whether the proposed action is consistent with applicable Federal, State, or local water quality standards. Describe any inconsistencies.**

RESPONSE: LBRR does not believe that the proposed abandonment would be inconsistent with applicable Federal, State or local water quality standards. The NY State Department of Environmental Conservation was notified for the proposed abandonment by letter dated March 1, 2024 and their comments solicited. As of the date of this report no response has been received. LBRR will provide the Board with copies of any responses it receives.

II Based on consultation with the U.S. Army Corp of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe effects.

RESPONSE: LBRR will not be removing soils from the right-of-way - only track and track materials will be removed by the County of Lewis. There is no reason to believe that this would cause a discharge into a waterway which would require a permit under § 404 of the Clean Water Act. However, the U.S. Corp of Engineers was notified of this abandonment in a letter of July 28, 2023 and their comments were solicited. As of the date of this report no response has been received. LBRR will provide the Board with copies of any response it receives.

III Stage whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection agency or equivalent agency if they are unsure whether such permits are required.

RESPONSE: LBRR will do no construction on the site and will not be removing any soil. There is no reason to believe that there will be a discharge covered by § 402 of the Clean Water Act. The US EPA and the NY State Department of Environmental Conservation were notified of this proposed abandonment by letter dated July 29, 2023 and their comments solicited. As of the date of this report no responses from the parties have been received. LBRR will provide the Board with copies of any responses it receives.

10. PROPOSED MITIGATION. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: In the past fifteen (15) years there have been no rail shipments on the Subject Lines and no shippers are located on the Subject Lines. Moreover, LBRR does not intend to move any soil on the Subject Lines. Accordingly, the proposed abandonment will not have any adverse environmental impacts in the area and no mitigating action will be necessary.

HISTORIC REPORT
49 C.F.R. § 1105.8 (d)

1. MAP

A map showing the location of the portion of the Subject Lines proposed to be abandoned is attached hereto as Exhibit A. There are no buildings owned by the railroad on the Subject Lines that are 50 years old or older. There are buildings which were previously sold to other parties prior to the current owners purchasing the railroad.

2. DESCRIPTION OF LINES

The area through which the Subject Lines runs is sparsely populated and consists primarily of flat land. The Lowville to Croghan line runs from Milepost 0.0 to Milepost 10.57, a total distance of approximately 10.57 miles, all of which is located between the Village of Lowville and the Village Croghan in the County of Lewis NY and in US Postal Service Zip Codes 13367 and 13327. The Beaver Falls Branch comes off the Lowville-Croghan line in Croghan at Deveiners Road, New Bremen, NY, and extends for .4 miles where it terminates. The County of Lewis, N.Y is acquiring all of the right of way for use as a trail system for recreational use. The width of the right of way portion of the Subject Lines to be conveyed to the County of Lewis, New York is approximately 66 feet wide in most areas.

3. PHOTOGRAPHS

Other than bridges and culverts, there are no structures 50 years old or older (in fact there are no structures of any age) on the Subject Lines currently owned by the railroad to be abandoned.

4. INFORMATION ON STRUCTURES

Because there are no structures other than bridges and culverts on the Subject Lines, this section is not applicable.

5 BRIEF HISTORY OF OPERATIONS.

No operational changes by LBRR are contemplated as a result of the proposed abandonment. It should be noted that there has been no service on the lines for fifteen (15) years. The original railroad which constructed the Subject Lines was The Lowville & Beaver River Railroad Company which was chartered in 1903, constructed the Subject Lines circa 1903 and began operating the Lines about that time. In January 1991, The Lowville & Beaver River Railroad Company was acquired by Genesee Valley Transportation Co., Inc. from its prior owner Specialty Paperboard Inc.

6. ENGINEERING DOCUMENTS

Documents in LBRR's possession concerning this abandonment may include valuation maps.

7. HISTORIC CRITERIA

8. LBRR does not believe, based on readily available information in its possession, that the Subject Lines meets the criteria for listing on the National Register of Historic Places.

LBRR does not believe that there is a likelihood of archeological resources or any other

previously unknown historic railroad properties in the project areas. The New York Historic Preservation Office was notified by letter dated July 28, 2023 of the proposed abandonment. As a result of that letter from the original notice, LBRR received a letter from the SHPO of the State of N.Y. It is attached hereto as Exhibit B.

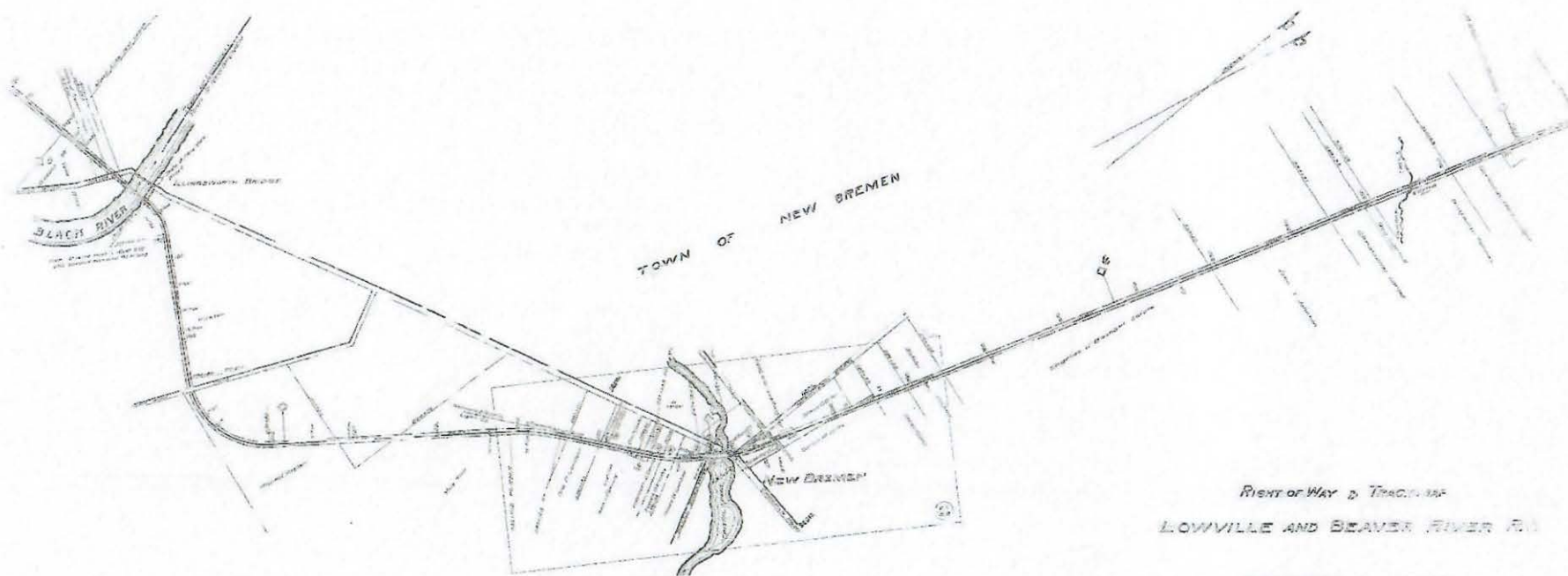
9. GROUND DISTURBANCES

Based upon readily available information in its possession, LBRR does not know of any other sub-surface ground disturbance or fill, environmental conditions (naturally occurring or LBRR-made) that might affect archeological recovery of resources on the Subject Lines to be abandoned attached hereto. LBRR will not be involved in any subsurface excavation or salvage of the lines except to remove signals, switches and crossing equipment. The rail may be removed by the County of Lewis. LBRR gave notice to the National Geodetic Survey of this Abandonment. When we receive a reply from the Survey, we will report it to the Board.

10. WITHIN 20 DAYS OF RECEIPT OF THE HISTORIC REPORT, THE STATE HISTORIC PRESERVATION OFFICER MAY REQUEST THE FOLLOWING ADDITIONAL INFORMATION REGARDING SPECIFIED NONRAILROAD OWNED PROPERTIES OR GROUPS OF PROPERTIES IMMEDIATELY ADJACENT TO THE RAILROAD RIGHT-OF-WAY; PHOTOGRAPHS OF SPECIFIED PROPERTIES THAT CAN BE READILY SEEN FROM THE RAILROAD RIGHT-OF-WAY (OR OTHER PUBLIC RIGHTS-OF-WAY ADJACENT TO THE PROPERTY) AND A WRITTEN DESCRIPTION OF ANY

**PREVIOUSLY DISCOVERED ARCHEOLOGICAL SITES, IDENTIFYING
THE LOCATION AND TYPE OF THE SITE (I.E, PREHISTORIC OR NATIVE
AMERICAN.**

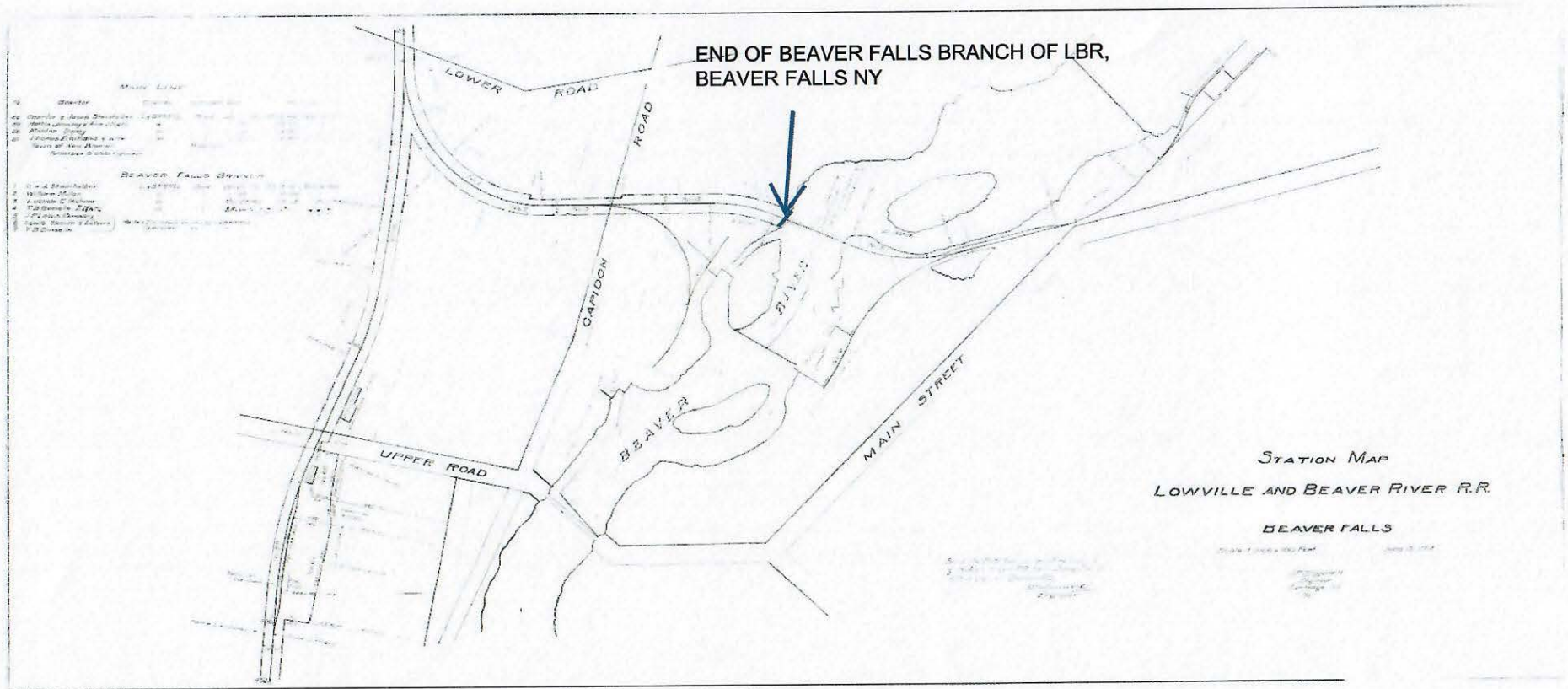
If any additional information is requested LBRR will provide what it has,



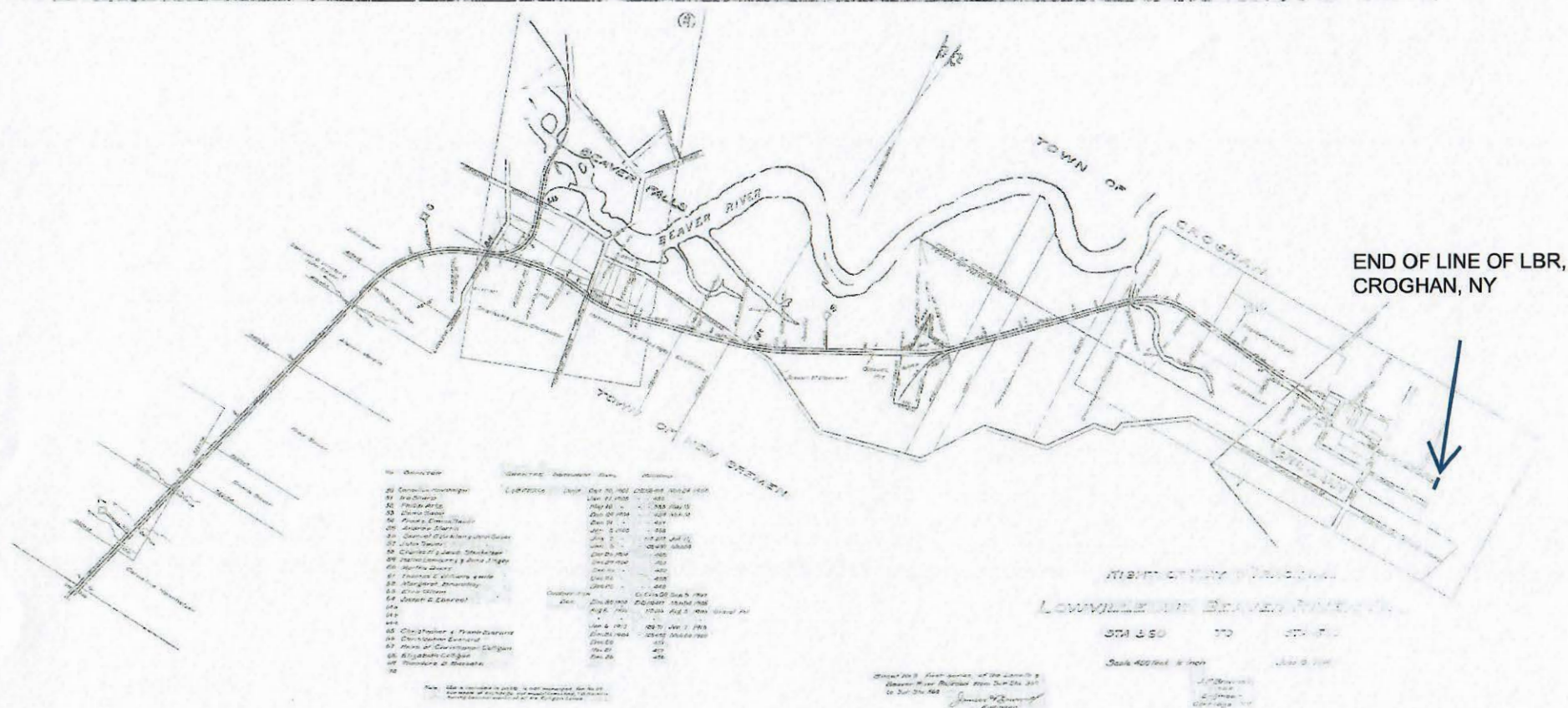
RIGHT OF WAY & TRACK MAP
LOWVILLE AND BEAVER RIVER R.R.

Scale 1-inch=400 feet June 15, 1904
J. H. Blumberg
Engineer
Corning, N.Y.

Blumberg No. 5119
EXHIBIT
A-4



A-5





**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner



January 17, 2024

Mr. John Herbrand
Genesee Valley Transportation
1 Mill Street
Batavia, NY 14020

Re: Lowville Beaver River Railroad
Lewis County, NY

Dear John Herbrand:

We are pleased to inform you that the property, noted above, will be considered by the New York State Board for Historic Preservation at its next meeting, **December 4, 2023**, for nomination to the National and State Registers of Historic Places. These registers are the official lists of properties that are significant in history, architecture, engineering, landscape design, and culture. Listing in the registers provides recognition of our national, state and local heritage and assistance in preserving it. Enclosed is a copy of the criteria under which properties are evaluated for listing.

Listing in the National and State Registers affords properties a measure of protection from the effects of federal and/or state sponsored or assisted projects, provides eligibility for certain federal and/or state tax credits and renders properties owned by non-profits or municipalities eligible for state preservation grants. In general, there are no restrictions placed upon private owners of registered properties. The results of listing are explained more fully in the attached fact sheet.

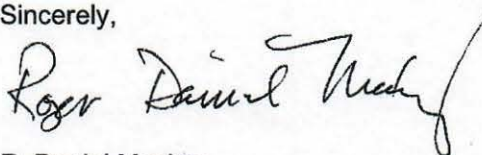
Owners of private properties proposed for listing in the National Register must be given the opportunity to concur in or object to the listing. If you are the sole owner of the property proposed for listing and you wish to object to National Register listing, you must submit acknowledgement that you are the owner of the property in question and that you object to the proposed listing, adding the following signed and dated sentence, **"I declare under penalty of perjury that the foregoing is true and correct"** (see 28 U.S.C. § 1746; <https://www.govinfo.gov/content/pkg/USCODE-2019-title28/pdf/USCODE-2019-title28-partV-chap115-sec1746.pdf>). Alternately, you may submit a notarized objection. If you are the sole owner and you object by either of these two methods, the property cannot be listed. If there is more than one owner, a majority of the private owners must submit objections in the manner noted above in order to prevent listing. Each private property owner has one vote regardless of what portion of a single property that party owns. Objections must be submitted before the property is listed.

If a property cannot be listed because of owner objection, the SHPO will submit the nomination to the Keeper of the National Register for a determination of eligibility for listing. Properties formally determined eligible for National Register listing by the Keeper are subject to the same protection from the effects of federally sponsored or assisted projects as are listed properties. There are no provisions in the New York State Historic Preservation Act that allow an owner to prevent listing in the State Register by means of objection.

If you wish to comment on whether or not the property should be nominated to the National and State Registers, please send your comments to the SHPO at the address below. Comments must be received by **December 3, 2023**, in order to be considered by the State Board for Historic Preservation when it reviews the proposed nomination.

A draft copy of the proposed nomination will be made available upon request approximately thirty days prior to the board meeting. Additionally, draft nominations will be posted on our website (parks.ny.gov/shpo/) in advance of the meeting date. For more information, contact Leslie Krupa, Division for Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, New York 12188, (518) 268-2464 or via email at leslie.krupa@parks.ny.gov.

Sincerely,



R. Daniel Mackay
Deputy Commissioner for Historic Preservation and
Deputy State Historic Preservation Officer

Enclosure: NYS and National Registers of Historic Places National Register Criteria for Evaluation
NYS and National Registers of Historic Places Frequently Asked Questions
NYS Historic Homeownership Rehabilitation Tax Credit Program
Federal and NYS Historic Preservation Tax Credit Programs

Para información en español vaya a parks.ny.gov/shpo/national-register/ y parks.ny.gov/shpo/tax-credit-programs/