

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 768X

**Mohawk, Adirondack & Northern Railroad Corporation
—Abandonment Exemption—
In Lewis And Jefferson Counties, N.Y.**

BACKGROUND

In this proceeding, Mohawk, Adirondack & Northern Railroad Corporation (MAN) filed a verified notice of exemption under 49 U.S.C. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903 to abandon:¹ (1) an approximately 16-mile rail line that runs between milepost 58.1 and milepost 74.0 located between the Village of Lowville in Lewis County, N.Y., and the Village of Carthage in Jefferson County, N.Y. (Lowville-Carthage Line); and (2) 0.5 miles of an unused spur track and 300 feet of MAN's terminal main line all within the Village of Lyons Falls, N.Y. (Lyons Falls Track) (collectively, the Line).²

In a decision served on January 22, 2024 (January 22 Decision), the Board placed the proceedings in Docket Nos. AB 768X and AB 180X in abeyance because more information was required. With respect to the environmental and historic review here, the Board required MAN to update its environmental and historic report (E&H Report) and specifically asked for information regarding potential historic structures that may be eligible for listing in the National Register of Historic Places (National Register) and whether any track and track materials had been removed on the Line. See January 22 Decision at 6-7. MAN submitted a revised E&H Report on April 5, 2024, and a supplement on May 13, 2024, including the information requested by the Board. On January 14, 2025, the Board removed the proceedings in Docket Nos. AB 180X and AB 768X, including the environmental and historic reviews, from abeyance.

Maps depicting the Line in relationship to the area served are appended to this Draft Environmental Assessment (Draft EA). If the notice of exemption becomes effective, MAN

¹ MAN, a subsidiary of Genesee Valley Transportation Company, Inc. (GVT), filed its notice of exemption on September 11, 2023.

² On September 12, 2023, the Lowville & Beaver River Railroad Company (LBRR), also a subsidiary of GVT, filed a verified notice of exemption in Docket No. AB 180X to abandon a 10.57-mile rail line running from milepost 0.0 in Lowville to milepost 10.57 in Croghan, N.Y. (Lowville-Croghan Line) and a branch line known as the Beaver Falls Secondary Track which extends approximately 0.4 miles. The Line at issue here connects with the Lowville-Croghan Line in Lowville. OEA is conducting a separate environmental review in Docket No. AB 180X.

would be able to salvage the track, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Lowville-Carthage Line connects with the Lowville-Croghan Line³ in Lowville and travels in a northwesterly direction, crossing the Black River and ending in the town of Carthage. The land use outside the town centers is predominantly rural and agricultural, and the terrain is flat to gently rolling. The Lyons Falls Track runs through a primarily commercial area. According to MAN, there are approximately 8 to 12 culverts and 3 livestock underpasses on the Lowville-Carthage Line. There are 4 bridges on the Lowville-Carthage Line which cross the Black River; Deer River; Snake Creek in Castorland, N.Y.; and Water Street and Mill Creek in Lowville.

MAN states that there has been no local or overhead traffic on the Line for at least 15 years, and there are no existing or prospective shippers. MAN believes that the Line would be suitable for public use and indicates that it has entered into an agreement with Lewis County for the County to purchase the Line following consummation of abandonment to convert the right-of-way to a multi-use recreational trail. MAN does not intend to invoke the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d) for the trail.

The width of the rights-of-way vary from 25 feet to 200 feet and traverses United States Zip Codes 13367, 13368 and 13619. Based on available information, MAN states that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

MAN submitted a combined E&H Report, which it later updated in response to the Board's January 22 Decision, that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including abandonment-related salvage activities.⁴ MAN provided the E&H Reports to several appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 to 4370m-11). The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the entire record in this proceeding.

³ See Docket No. AB 180X.

⁴ The E&H Reports are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "786" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on September 11, 2023, and a revised report was filed April 5, 2024. MAN also filed further revisions to the E&H Report on May 13, 2024, that among other things, confirmed submission of the requested valuation maps and provided information regarding structures on the Line.

Since MAN filed its notice of exemption, the Board has received numerous comments from local businesses, farmers, and private citizens within the area of the proposed abandonment. Specifically, commenters have expressed both support for and opposition to the proposed abandonment but many were also concerned about the potential effects, both positive and negative, of Lewis County's planned acquisition of the right-of-way and conversion to a multi-use trail following abandonment.

Specifically, commenters opposing the proposed abandonment and trail have stated: (1) that the Line should be retained as a transportation option to support the state's climate initiatives, which call for a 70 percent reduction in carbon emissions by 2030 and a 100 percent reduction by 2040, because shipping by rail is more efficient and less polluting than shipping by truck; (2) that demand will only increase in the area for trains equipped with electric powered locomotives over electric trucks to ship commodities because electric trucks may be unreliable in the cold weather and the number of charging stations might be limited; (3) that existing truck-served businesses may leave the area if demand for freight rail increases, and there is no rail option; (4) that the Line is located in an environmental justice area that currently lacks transportation options and will continue to decline economically, particularly if freight-dependent businesses outside the area are interested in relocating to Lewis County but are forced to locate to another rail-served area; (5) that there would be a loss of prime agricultural farmland as a result of the proposed abandonment; (6) that the proposed abandonment would lead to increased flooding; (7) that there would be impacts to wetlands and waterways; (8) that there would be a potential for residual chemicals, if present in the ballast and railbed, to be released into surrounding waterways, wetlands, and a sole source aquifer as a result of the proposed abandonment; (9) that there would be impacts to wildlife, farms, farm animals and farm production; (10) that the Line should be retained for existing and future generations as a teaching tool; (11) that a portion of Lowville-Carthage Line is currently used by the Railway Historical Society of Northern New York (RHSNNY) to access the engine house in the Lowville Depot; (12) that there could be impacts to Native American ancestral lands as a result of the proposed abandonment; and (13) that the future operations of all-terrain vehicles on the multi-use trail could negatively impact the health and safety of residents and the surrounding environment.

Commenters also filed petitions and letters of support for the proposed abandonment and future trail use, citing the numerous benefits of a multi-use trail – from the increased safety of a trail that is physically separated from area roadways to improvements in the quality of life, health, and fitness of trail users. Commenters also stated that the proposed abandonment and future trail use would bond communities, strengthen the economy, and promote tourism. Lewis County filed a letter that responded to many of the comments and provided some background about its prior community outreach and planning efforts for the multi-use trail.

The multi-use trail is not part of OEA's environmental and historic review in these proceedings. In this Draft EA, OEA's environmental and historic review appropriately evaluates only the potential impacts of the proposed abandonment.⁵ It is well settled that the Board's

⁵ Lewis County is required to obtain environmental clearance from the State of New

environmental and historic review in railroad abandonment proceedings is limited to the action before the Board, which is the proposed abandonment of a line of railroad – and specifically the potential impacts resulting from the diversion of rail traffic to other transportation modes as well as abandonment-related salvage activities. See Goos v. ICC, 911 F.2d 1283, 1297 (8th Cir. 1990) (the Board is not required to conduct an environmental analysis of impacts of trail use in an abandonment proceeding). If the Board authorizes the proposed abandonment and the abandonment is consummated, the Line would be removed from the Board’s jurisdiction and MAN’s common carrier obligation on the Line would be extinguished. As a result, the Board would no longer control or have jurisdiction over the rail property or any changes that occur following consummation. 49 C.F.R. § 1152.29(e)(2).

In addition to comments relating to Lewis County’s plans for a multi-use trail, commenters also raised a variety of other concerns about potential environmental and historic impacts, including impacts to environmental justice communities, prime agricultural farmland, water resources, and cultural resources. Potential impacts resulting from diversion of traffic and salvage activities on these resource areas are part of OEA’s environmental and historic analysis as discussed below.

Diversion of Traffic

According to MAN, neither local rail traffic nor overhead traffic has moved on the Line for at least 15 years, and there is no overhead traffic to be rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities, or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from abandonment-related salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. MAN stated that it would limit its salvage activities to removal of the crossing protection, switches, and signals for reuse elsewhere on active rail lines and otherwise intends to convey the track, ties, ballast, bridges, culverts, and other rail appurtenances to Lewis County.

MAN submitted its E&H Reports to the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) regarding the need for permitting under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344),

York through the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617), in order to execute the proposed purchase agreement to develop the multi-use trail. Therefore, an appropriate environmental review of the multi-use trail will be conducted by the State of New York pursuant to SEQRA.

respectively. To date, neither agency has responded. The Lowville-Carthage Line passes through the 100-year floodplain; crosses numerous waterways and wetlands; and could have residual soil and ballast contamination from prior rail operations. However, MAN's salvage of the Line would be limited to the removal of the crossing protection, switches, and signals, and would not disturb any roadbed or underlying soil. Furthermore, MAN does not intend to remove any bridges or culverts that might otherwise disturb waterways and wetlands or possibly release contaminants into surrounding waters. For these reasons, OEA believes that the proposed abandonment would not require any permits under the CWA. OEA is providing a copy of this Draft EA to USEPA Region 2 and USACE Buffalo District for review.

MAN notified the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact the proposed abandonment may have on protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. § 1531 et seq.). To date, USFWS has not provided comments. To identify protected species in the area of the proposed abandonment, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.⁶ The data base identified three species: two mammals (the endangered Northern Long-Eared bat and the proposed endangered Tricolored bat) and one insect (the Candidate Monarch butterfly). No critical habitat was identified for these species. The data base indicates that the two bat species only need to be considered in an environmental review if the project includes the operation of wind turbines. As there are no wind turbines contemplated as part of the proposed abandonment and MAN has no plans for removal of trees or disturbance to soil, wetlands, or waters of the U.S., OEA has determined that the proposed abandonment would not likely affect these listed species. OEA is providing USFWS' New York Ecological Field Office a copy of this Draft EA for review.

MAN provided the E&H Reports to the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) regarding potential impacts to prime agricultural soils under the Farmland Protection Policy Act (FPPA) (7 U.S.C. § 4201). To date, NRCS has not provided comments. OEA notes that the intent of FPPA is to minimize impacts that may unnecessarily and irreversibly convert farmland to non-agricultural uses. Although the Line is surrounded by prime agricultural land, it was constructed well before FPPA was enacted in 1984 and is currently in railroad use, not agricultural use. Accordingly, OEA believes that FPPA would not apply here.⁷ OEA is providing NRCS' Lowville Office a copy of this Draft EA for review.

MAN provided the E&H Reports to the New York State Department of Environmental Conservation (NYSDEC) regarding potential impacts the proposed abandonment may have on water resources that are regulated by NYDEC's various program offices. To date, NYSDEC has

⁶ U.S. Fish and Wildlife Service, IPaC Information for Planning and Consultation Tool, <https://ecos.fws.gov> (last accessed July 25, 2024).

⁷ NRCS's list of projects that are exempt from FPPA's requirements, <https://www.nrcs.usda.gov/conservation-basics/natural-resource-concerns/land/cropland/farmland-protection-policy-act> (last visited July 9, 2024).

not provided comments. However, MAN has indicated that salvage would be limited to removal of switches, crossing protection, and signals, and that there would be no removal of tracks, ties, or other rail appurtenances. Therefore, no grading or subsurface disturbance is contemplated. Accordingly, OEA believes that the proposed abandonment would not result in impacts to water resources that would warrant a general stormwater permit, a water quality certification, or a state coastal zone management consistency determination. OEA is providing a copy of this Draft EA to NYSDEC's Division of Fish and Wildlife and Division of Environmental Permits as well as the New York Department of State Coastal Zone Management Program (CMP) for review.

OEA believes that there would be no or minimal impact from any air emissions or noise on the area surrounding the proposed abandonment because salvage would be limited to removal of switches, signals, and crossing protection, and; no land disturbance would occur.

OEA assessed the potential impacts of the proposed abandonment to determine if there would be disproportionate adverse impacts to minority or low-income populations in environmental justice (EJ) communities. Here, OEA has not identified any adverse impacts resulting from the proposed abandonment, so there would be no impacts to EJ communities. MAN's proposal to abandon the Line and to limit salvage to the removal of switches, crossing protection, and signals would have little to no impact on any environmental resources. OEA is providing a copy of this Draft EA to USEPA, NYDEC, and Lewis and Jefferson counties for review.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the U.S. Army Corps of Engineers; the U.S. Fish and Wildlife Service; the U.S. Department of Agriculture Natural Resources Conservation Service; the U.S. Environmental Protection Agency; the New York State Department of Environmental Conservation; and Lewis and Jefferson counties for review.

HISTORIC REVIEW

MAN submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the New York Parks, Recreation and Historic Preservation Office, New York Division for Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁸ According to the E&H Report, the Line

⁸ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at <https://stb.gov/resources/environmental/historic-preservation-overview>.

was originally part of the Utica & Black River Railroad Company, and was built circa 1871. Subsequently, the Line was acquired by New York Central Railroad Company and, later, by Consolidated Rail Corporation (Conrail) in April 1976. In 1991, Conrail sold the Line to MAN.

An email from the SHPO dated August 24, 2023, requested additional documentation including photographs and a map of inventoried resources. MAN replied that they had no historical material or photos for the Line. OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register. Accordingly, OEA is recommending that the Board impose a condition under Section 106 of the NHPA. The condition would require MAN to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁹ The database indicates that there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The three tribes are: the Oneida Indian Nation; the Onondaga Nation; and the Seneca-Cayuga Nation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITION

OEA recommends that the following condition be imposed on any decision granting abandonment authority:¹⁰

Mohawk, Adirondack & Northern Railroad Corporation (MAN) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. MAN shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the the New York Parks, Recreation and Historic Preservation Office (State Historic Preservation Office or SHPO) and the

⁹ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 21, 2024).

¹⁰ While interim trail use under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is not contemplated here, if an interim trail use agreement were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

public. MAN may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹¹

TRAIL USE

While interim trail use under 16 U.S.C. § 1247(d) is not contemplated here, any request for a Notice of Interim Trail Use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹²

PUBLIC ASSISTANCE

¹¹ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "768" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

¹² Id.

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

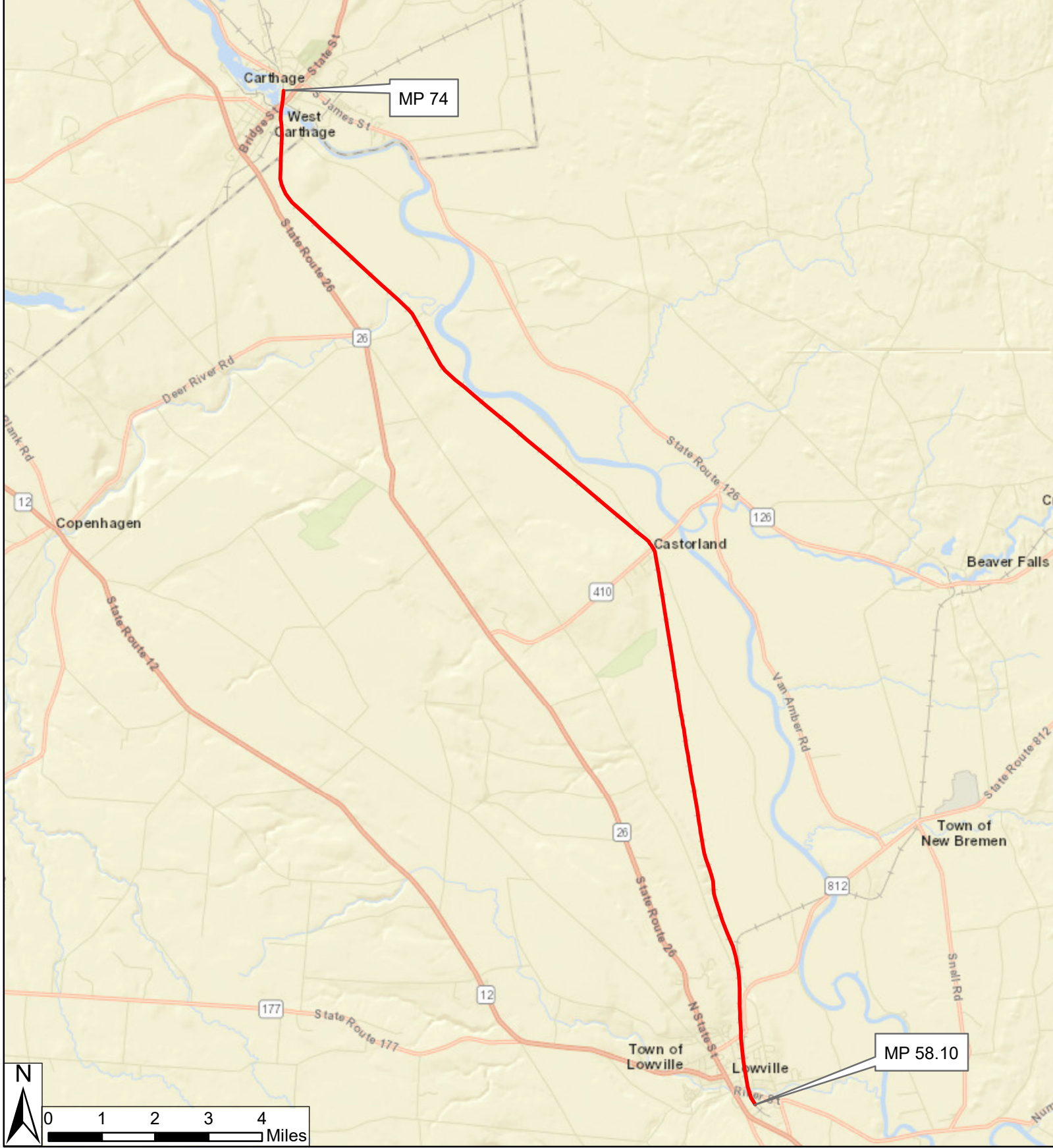
Alternatively, comments submitted by mail should be addressed to: Elizabeth Webster, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 768X. If you have any questions, please contact Elizabeth Webster by email at Elizabeth.Webster@stb.gov or by phone at 202-360-03742.

Date made available to the public: January 17, 2025.

Comment due date: February 3, 2025.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

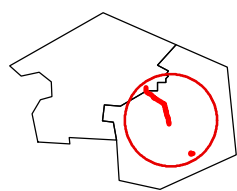


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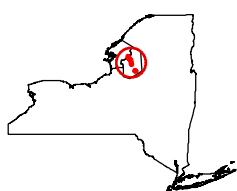
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 Lowville - Carthage Line

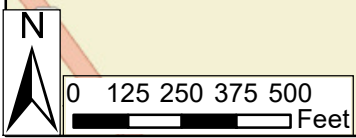
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Lewis and Jefferson Counties



New York



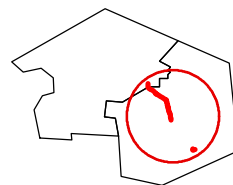
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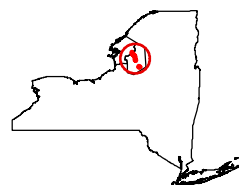
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— Lyons Falls Track

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