

# Transportation Project Report

## Initial Project Proposal/Final Design Report

January 2020

Ulster County Midtown Linear Park  
Project Identification Number (PIN): 8761.82  
City of Kingston  
Ulster County



Department of  
Transportation



U.S. Department of Transportation  
Federal Highway Administration



Project Approval Sheet

Milestones

Signatures

Dates

A. Recommendation for, Initiation, Scope and Design Approval:

The project cost and schedule are consistent with the Regional Capital Program.

IPP Signed by Doreen Holsopple

6/21/17

Regional Program Manager

Date

B. Recommendation for Scope and Design Approval:

All requirements requisite to these actions and approvals have been met, the required independent quality control reviews separate from the functional group reviews have been accomplished, and the work is consistent with established standards, policies, regulations and procedures, except as otherwise noted and explained.

No nonstandard features have been identified, created or retained.

Christopher White

1/27/2020

Christopher White, Responsible Local Official

Date

C. Public Hearing Certification (23 USC 128):

A public hearing was held on November 12, 2019 in accordance with 23 USC 128.

Christopher White

1/27/2020

Christopher White, Responsible Local Official

Date

D. Local Project Nonstandard Feature Approval

No nonstandard features are being retained or created on Non-NHS local roadways.

Christopher White

1/27/2020

Christopher White, Responsible Local Official

Date

E. Local Project Scope and Design Approval

The required environmental determinations have been made, and the preferred alternative for this project is ready for final design.

Christopher White

1/27/2020

Christopher White, Responsible Local Official

Date

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## List of Preparers

### Group Director Responsible for Production of this Initial Project Proposal/Final Design Report (IPP/FDR):

Ludwig M. Bach, PE, Project Manager, HVEA Engineers

Description of Work Performed: Directed the preparation of the IPP/FDR in accordance with established standards, policies, regulations, and procedures, except as otherwise explained in this document.



**Note:** *It is a violation of law for any person, unless they are acting under the direction of a licensed professional engineer, architect, landscape architect, or land surveyor, to alter an item in any way. If an item bearing the stamp of a licensed professional is altered, the altering engineer, architect, landscape architect, or land surveyor shall stamp the document and include the notation "altered by" followed by their signature, the date of such alteration, and a specific description of the alteration.*



# Table of Contents

- 1.1. PUBLIC FRIENDLY DESCRIPTION OF PROJECT ..... 2
- 1.2. PROJECT LOCATION ..... 2
- 1.3. PROJECT NEED ..... 2
- 1.4. PURPOSE/OBJECTIVES..... 3
- 1.5. DESCRIPTION OF PROPOSED WORK ..... 3
  - NULL ALTERNATIVE .....3
  - ALTERNATIVE A.....3
  - ALTERNATIVE B .....4
- 2.1 DESIGN STANDARDS ..... 6
- 2.2 OTHER DESIGN PARAMETERS..... 7
- 2.3 NON-STANDARD/NON-CONFORMING FEATURES ..... 7
- 2.4 SPECIAL TECHNICAL ACTIVITES REQUIRED..... 7
- 2.5 WORKZONE SAFETY & MOBILITY ..... 7
- 2.7 POTENTIAL UTILITY INVOLVEMENT ..... 8
- 2.8 RIGHT OF WAY ..... 8
- 2.9 MAINTENANCE JURISDICTION ..... 8
- 3.1 ENVIRONMENTAL CLASSIFICATION ..... 9
- 3.2 ENVIRONMENTAL DOCUMENTATION ..... 9
  - SOCIAL CONSEQUENCES .....9
  - ECONOMIC CONSEQUENCES .....10
  - ENVIRONMENTAL CONSEQUENCES .....10
- 3.3 ANTICIPATED PERMITS/CERTIFICATIONS/COORDINATION ..... 13
- 3.4 NYS SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT (SGPIPA) ..... 14
- 4.1 FUNDING..... 14
- 4.2 COST AND SCHEDULE ..... 14
- 5.1 PUBLIC INVOLVEMENT ..... 16
- 6.1 LIST OF ATTACHMENTS / APPENDICIES ..... 16

**1.1. PUBLIC FRIENDLY DESCRIPTION OF PROJECT**

The project will convert a 0.8-mile section of former Ulster and Delaware railroad, from the Kingston Plaza at Westbrook Lane to the east side of Cornell Street in midtown Kingston, into an urban linear park and a paved shared-use path for non-motorized transportation. The scope includes the removal of existing tracks and ties, grading and paving an asphalt shared-use path, establishing trailheads, drainage improvements and adding safety features such as lighting and open sight lines.

**1.2. PROJECT LOCATION**



- A. Route name: Ulster County Midtown Linear Park
- B. City/Village/Township: City of Kingston
- C. County: Ulster County
- D. Length: 0.8 miles
- E. Funding: Locally administered Federal aid
- F. Federal Aid System: Transportation Alternatives Program (TAP).

**1.3. PROJECT NEED**

Existing Characteristics of Concern	
Element	Measure/Indicator
Accidents	N/A (off road)
Bridge/Highway Deficiencies	N/A (abandoned railbed)
Curb Ramp/Pedestrian Facility Deficiencies	N/A (abandoned railbed)
Railroads	CSX is located within 1/4 of a mile of the project limits and will not be impacted
Other Pertinent Measure(s)	None

**Project Element(S) To Be Addressed:**

- Highway Element-Specific
- Bridge Element-Specific
- Other: Shared-use path
- Operational Maintenance
- Where & When



**Priority Results:**

- Mobility & Reliability
- Economic Competitiveness
- Safety
- Environmental Stewardship
- Security

**1.4. PURPOSE/OBJECTIVES**

1. Provide and expand non-motorized transportation opportunities for pedestrians and bicyclists in the City of Kingston.
2. Expand recreational opportunities for local residents and visitors, including for persons with disabilities and for those of all skill levels and age groups.
3. Transform the midtown Kingston neighborhood by connecting pedestrian access to the only supermarket and major bus hub in the area, while also revitalizing a blighted corridor by creating a safe recreation space.

**1.5. DESCRIPTION OF PROPOSED WORK**

This project will construct an asphalt-paved shared-use trail in the City of Kingston between Westbrook Lane and Cornell Street along the former U&D Railroad corridor. The majority of the trail will follow the centerline of the former railbed, however, the alignment near the two termini warrant further analysis.

Currently, an intermittent tourism railroad operator occupies the rail tracks between Westbrook Lane and the vicinity of the I-587 overpass. The Railroad has a revocable agreement with the County to use 800 feet of track east of Westbrook Lane. Two alternatives for the trail were developed for this segment.

***Null Alternative***

The null alternative is presented as a description of the existing conditions and will serve as a basis for comparison with the proposed alternative. The current transportation system does not provide a dedicated route for pedestrian and bicycle traffic to the Kingston plaza which contains a major bus hub and the only supermarket in the area. This alternative does not satisfy the project objectives and is dismissed from further consideration.

***Alternative A***

The trail only alternative removes the tracks east of Westbrook Lane and follows the centerline of the tracks. This alternative simplifies the Westbrook Lane intersection and allows for a trailhead, trail amenities and "green space" but, it does require the removal of 800 feet of the railroad tracks. This alternative meets the projects objectives and enhances the quality of the trail and increases user safety.



**Alternative B**

The trail with track alternative leaves the tracks in place and the trail diverts around to parallel the tracks. This alternative fits within the County owned right-of-way, however, will require fencing between the trail and tracks and a pedestrian crossing of the railroad at Westbrook Lane. The trail with track alternative does not allow adequate space for a trailhead or other amenities near the Westbrook Lane terminus, however, otherwise meets the project objectives.

Alternative B is being progressed as the preferred alternative.



The portion of trail between O'Neil Street and Cornell Street will traverse a former rail yard. Remediation of the topsoil in this area will be required which will be further evaluated during detailed design. The yard has potential to be developed into a recreational space adjacent to the trail. The trail is recommended to follow the southern portion of the parcel to allow for maximum usage of the available space. Potential uses for the rail yard will be considered during detailed design.

This project proposes to install stairs as supplemental access points to the Midtown Linear Park at the Albany Avenue and Elmendorf Street overpasses. The project will construct four ADA compliant access points, one at each trail terminus and two intermediate access points. The nearest ADA compliant access to Albany Avenue will be the at-grade crossing at Downs Street, which is approximately 1,000 feet from the proposed Albany Avenue staircase. The nearest ADA compliant access to Elmendorf Street will also be at Downs Street, which is approximately 500 feet from the proposed Elmendorf Street staircase.

During the public informational meeting there was strong support from members of the community to provide supplementary access at Albany Avenue and Elmendorf Street. While the stairs will not provide access to those with mobility disabilities, all other persons with disabilities, such as sight, hearing, or mental impairments will benefit from the additional access. The stairs will be designed and constructed to meet the requirements in ADAAG and the NYSDOT Highway Design Manual Chapter 18.

28 CFR 35.151(a)(1) states, "Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992". Furthermore, 28 CFR 35.151. (a)(iii) states, "If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section."

The trail at the locations of the stairs is approximately 15 feet below the roadways above with adjacent slopes of 67% to 100%. Providing ADA compliant access at these locations would require the construction of approximately 300-foot-long ramps to maintain the maximum 5% running slope. Given the available right-of-way, terrain, and physical space, building a ramp

system this large is structurally impracticable.

According to ADAAG Section 4.1.2(2)(a), "At least one accessible route complying with 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site." Per this requirement in ADAAG, this site is considered accessible because there are four ADA/PROWAG compliant access points proposed and the trail itself will be designed and constructed to meet ADA/PROWAG standards. The proposed stairs are considered supplementary access points and not a part of the accessible route.

The project corridor has had security concerns in recent history. Aspects from the Crime Prevention Through Environmental Design Guidebook (CPTED) will be incorporated into the design of the area. Security measures such as opening sight lines and installing lighting and cameras will be discussed with the public, City Police, and focus groups and implemented as deemed necessary. Other amenities including benches, kiosks, plazas, and landscaping will be evaluated for inclusion during detailed design.

The County evaluated leaving the rail tracks and ties in-place under the proposed surface. However, leaving the tracks in would be detrimental to the longevity of the future paved surface, since the wood rail ties may decompose and undermine the subbase and top course. Therefore, leaving the tracks and ties in place is deemed infeasible; the removal of the tracks and ties is recommended in order to meet the project goals.

An invasive plant species, Japanese Knotweed, exists along a portion of the corridor. The plants will be sprayed with herbicide, as directed in the Environmental Procedures Manual Chapter 4, Section 4.8.3, during construction and a weed barrier will be installed beneath the trail section to prevent stalks from growing through the pavement in the future. The County will maintain treatment to control the spread of the invasive species.

Multiple options for trail enhancements are also being considered:

**Option 1:** Replacing lighting along the entire trail corridor to improve safety of the linear park.

**Option 2:** Installing lighting conduit and pull boxes for future lighting installation

**Option 3:** Installation of stairs at the Elmendorf Street overpass

**Option 4:** Installation of stairs at the Albany Avenue overpass

For a more in-depth discussion of the design criteria see Section 2.1 of this report.

**2.1 DESIGN STANDARDS**

Design Standards	
<b>Project Type</b>	<b>NYSDOT Design Guidance</b>
Bicycle and Pedestrian Facilities	NYSDOT Highway Design Manual Chapters 17 & 18, 2012 AASHTO Guide for the Development of Bicycle Facilities, 4 <sup>th</sup> Edition

Primary Design Values for Paved Shared-Use Path			
Element	Standard Value	Source <sup>1</sup>	Proposed Value
Design Speed	18 mph	AASHTO 5.2.4	18 mph
Shared Use Width	8 ft min.at physical constraint 12 ft desirable	AASHTO 5.2.1	8 ft under bridges 12 ft elsewhere
Adjacent Graded Width	2 ft min. width	AASHTO 5.2.1	2 ft
	1:6 max. cross slope		1:6
Maximum Grade	5% max. or match grade of adjacent roadway	AASHTO 5.2.7	3%
Cross Slope	2% max, 1% recommended.	HDM Chapter 18, AASHTO 5.2.6	2%
Horizontal Curvature	60 ft min.	AASHTO 5.2.5	60 ft
Stopping Sight Distance	165 ft min.	AASHTO Table 5-6	176 ft
Horizontal Sight Distance	Varies based on curve radius	AASHTO 5.2.8	Varies
Crest Vertical Curve	Varies based on grade	AASHTO 5.2.8	Varies
Horizontal Clearance	2 ft min., may taper to pathway width under constrained conditions	AASHTO 5.2.10	2 ft
Vertical Clearance	10 ft min. 8ft min in constrained areas	AASHTO 5.2.1	12 ft

1 2012 AASHTO Guide for the Development of Bicycle Facilities 4<sup>th</sup> Edition.

2 NYSDOT Highway Design Manual, Chapter 18

**2.2 OTHER DESIGN PARAMETERS**

Other Design Parameters			
Element	Standard	Existing Conditions	Proposed Condition <sup>1</sup>
Level of Service	N/A		
Drainage Design Storm	N/A		
Freeboard	N/A		
Design Vehicle	Upright bicycle		

**2.3 NON-STANDARD/NON-CONFORMING FEATURES -**

There are no nonstandard or nonconforming features within the project limits. The shared-use path width is restricted by existing bridge abutments that the path passes through. However, the restricted width meets standards and is for a very short distance. Advance warning signage indicating that the path narrows will be installed prior to the bridges.

Existing pedestrian facilities within the scope of this project will be evaluated in final design for conformance with the applicable standards in the NYSDOT Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities found on the NYSDOT Highway Design Manual Chapter 18 webpage. If the work at any facility will not meet the applicable standards, then the procedural requirements identified in ED 15-004 - Design, Construction and Inspection of Pedestrian Facilities in the Public Right of Way will be followed and the facility will be rehabilitated, replaced, or justified as nonstandard.

**2.4 SPECIAL TECHNICAL ACTIVITES REQUIRED**

None Required

**2.5 WORKZONE SAFETY & MOBILITY**

The County has determined that this project is not significant per 23 CFR 630.1010.

A Transportation Management Plan (TMP) will be prepared for the project consistent with 23 CFR 630.1012. The TMP will consist of a Temporary Traffic Control (TTC) plan. Transportation Operations (TO) and Public Information (PI) components of a TMP will be considered during final design.

2.6 ASSET MANAGEMENT (OPTIONAL)

Applies  Not Applicable

Asset Management			
Asset Management Team	IPP Initiator (Yes/No)	Asset Specific Cost Share (\$M)	Asset Management Team Specific Cost/Scope/Schedule/Concurrence (Team Chair Signature)
Pavement			
Structures			
Culverts			
Operations			
Environment			

2.7 POTENTIAL UTILITY INVOLVEMENT

Yes  No

Potential Utility Impacts					
Owner	Type	Location	Side	Length (ft)	Impact
CHGE	OH Electric Lines	Westbrook lane to Cornell St	Varies	5200	None anticipated
CHGE	Gas Line UG	Westbrook lane to Downs St	Varies	4000	None anticipated
Verizon	OH Communications lines	Westbrook to I-587	Left	950	None anticipated

2.8 RIGHT OF WAY

Acquisitions are required to build the project. The County owns the majority of the former railroad corridor in FEE; however, there are 11 small parcels which are easements for railroad purposes only that will need to be acquired in FEE. One (1) Temporary Easement (TE) will be required from Kingston Plaza to construct a terminus to the project. Appendix E contains a Table of ROW acquisitions and a ROW cost estimate.

Ulster County held an EDPL Public Hearing on November 12, 2019. The County will be progressing the EDPL process.

Where the shared-use path crosses City of Kingston roadways, the County and City are developing and Intermunicipal Agreement as a means of constructing and maintaining the trail crossings.

2.9 MAINTENANCE JURISDICTION

Upon completion of the project, The County will own and maintain the linear park and shared use path. The State will remain responsible for the bridge maintenance of the I-587 and Albany Avenue bridges that pass over the project. The City of Kingston will remain responsible for the Elmendorf Street Bridge.

### 3.1 ENVIRONMENTAL CLASSIFICATION

NEPA (National Environmental Policy Act):

This project is being progressed as a NEPA Class II action (Categorical Exclusion).

In accordance with the Federal Highway Administration's regulations in 23 CFR 771.117(c) this is an action which will not have significant environmental effects and does not normally require additional federal approval regarding NEPA. Specifically, this action meets the description in 23 CFR 771.117(c)(3) described as "Construction of bicycle and pedestrian lanes, paths, and facilities". This is further detailed in the Federal Environmental Approvals Worksheet (FEAW) included in Appendix B.

SEQRA (State Environmental Quality Review Act):

In accordance with 6 NYCRR, 617 State Environmental Quality Review Act, the County is progressing this project as a SEQR Type I Action. On September 17, 2019 the County made a Negative Declaration Notice of Determination of Non-Significance.

The following Checklist(s) are attached:

- Federal Environmental Approvals Worksheet (FEAW)
- Social, Economic and Environmental Resources Checklist
- Capital Projects Complete Streets Checklist

### 3.2 ENVIRONMENTAL DOCUMENTATION

For topics checked yes on the Social, Economic, and Environmental Resources Checklist or applicable on the FEAW in the appendix, resolution is as follows:

#### ***Social Consequences***

##### **Is there potential for changes to neighborhood character?**

The project will transform a previously overgrown railbed into a formal, non-motorized, transportation network for residents and tourists. Some of this corridor has been improved slightly and open for temporary public use. There is potential to improve the neighborhood's character by providing a direct route to a supermarket and other retail centers and revitalize a blighted corridor by creating a safe recreation space.

##### **Is there a potential to impact transportation options (e.g., transit, walking, bicycling)?**

There will be an increase in transportation options. The shared-use path will provide the most direct route across the City for pedestrians and non-motorized vehicles.

##### **Are there potential changes to travel patterns that could affect neighborhood quality of life?**

The shared-use path will allow for direct access to a major transit hub and the only supermarket and shopping center within the City. There will be an increase in pedestrian

and bicycle traffic along this route. The project also intends to create new recreational space provide access to green space. An emphasis will be placed on improving safety throughout the corridor.

**Is there potential to affect emergency service response?**

Police will have access to patrol an area that was previously inaccessible by vehicle and had a history of criminal activity and nuisance. The physical structure of the tracks has made it difficult to respond to emergencies; the removal of tracks will help response time and capability.

***Economic Consequences***

**Is there potential to affect local economic viability (e.g., development potential, tax revenues, employment opportunities, retail sales or public expenditures)?**

There are numerous shopping and retail opportunities within and around the project area that may ultimately benefit from the project.

**Are there potential effects on the viability or character of Business Districts?**

The project will transform existing overgrown railbed into a transportation link for residents and tourists to access businesses.

**Will the project affect transportation options available for patrons getting into or out of the District?**

There will be an increase in transportation options. The shared-use path will provide the most direct route across the City for pedestrians and non-motorized vehicles. The trail will also connect Midtown Kingston with the Kingston Plaza, which serves as the hub for the County's bus system (UCAT).

**Will sidewalks, bicycling opportunities, or transit opportunities to or within the district be affected?**

Additional bicycling and pedestrian opportunities will be created.

**Are effects to specific businesses anticipated? (e.g., sidewalks, bicycling opportunities, or handicapped access to and from businesses)?**

The Kingston Plaza will gain direct pedestrian access to midtown Kingston. The path will also pass by other businesses between Downs Street and Cornell Street

**Will the project affect available transportation options for patrons to businesses?**

Additional pedestrian and non-motorized transportation options will be created allowing easier access to businesses.

***Environmental Consequences***

**Are there wetlands within or immediately adjacent to the project limits? See Environmental Procedures Manual (EPM) 4.A.R, Executive Order (EO) 11990 may**



**apply.**

Federal wetlands are in the vicinity of the project near the I-587 underpass. The project does not propose to impact the wetlands.

**Is the project in a mapped Flood Zone? TEM section 4.?, EO 11988**

Review of the National Flood Insurance Program's (NFIP's) Flood Insurance Rate Map (FIRM) (Community Number 36111C0470F, dated November 18, 2016) reveals that a section of the project is located within a regulated flood zone between Westbrook Lane to Albany Ave. The project will have minimal impact to the flood zone.

**Will the project involve one (1) acre of ground disturbance (or 5,000 sf in the East of Hudson watershed)?**

The project will disturb more than one acre and is subject to the NYSDEC SPEDES permit. A storm water pollution prevention plan (SWPPP) will be developed and filed. However, no post construction storm water treatment is necessary for pedestrian pathways. The shared-use path is exempt from post construction storm water management requirements as stated in Appendix B of the SPDES General Permit for Stormwater Discharges from Construction Activities Permit No. GP-0-15-001.

**Are federally/state listed endangered species or designated critical habitat indicated for the project County?**

A State Endangered Species Screening was completed by the NYSDEC Division of Fish, Wildlife and Marine Resources. There is a documented winter hibernaculum of Northern long-eared bat within 1.5 miles of the project site. Per the New York Natural Heritage Program July 2018 data, the Shortnose and Atlantic Sturgeons are shown to be documented within 2.0 miles of the project site. However, there is no in-water work proposed for the project, resulting in a "no effect, no suitable habitat" determination for these species.

A Federal Endangered Species Screening was performed on the U.S. Fish and Wildlife Services website. An official Species List Request was received for the Project areas in which there are 2 (Indiana Bat and Northern Long-eared Bat) threatened or endangered on the Endangered Species Act Species List provided by the website. The response from the request stated that there is no critical habitat within the project area. All correspondence with the NYSDEC and USFWS is included in Appendix B.

**Indiana Bat (*Myotis sodalis*)** - Indiana bat hibernacula and hibernacula characteristics have been well documented by numerous observational studies reported in the literature. Indiana bats spend the winter months in secluded caves or mines. As of this writing, there are nine hibernacula currently known in Albany, Essex, Warren, Jefferson, Onondaga, Orange, and Ulster Counties. To date there are three known hibernacula located in the immediate vicinity of Kingston, New York. The hibernacula are critical to the survival of this species because, so few are known to exist. The USFWS and NYSDEC are continually documenting habitat utilization by this species once emergence occurs.

Outside the hibernation period, Indiana bats are very mobile and use either live trees greater than 5 inches dbh especially containing dead wood and snags or dead trees in a variety of habitats for roosts during the summer months. Although roosts have been documented in a wide array of hardwood and pine species, trees and snags that have exfoliating bark or

crevices, such as Shagbark Hickory and Black Locust, appear to be most important to this species because females and their young rest under the bark. Trees, equal to or greater than 9 inches dbh with exfoliating bark, crevices, southern or western exposure, and solar exposure appear to be the most important habitat for maternal colonies during the summer months.

According to the literature, roost-tree density necessary to support Indiana bats is not understood and negative or positive biological thresholds linked to roost abundance are unknown. Similarly, there are no quantitative studies that adequately describe species composition of forest stands or stand structure surrounding occupied roosts. There is evidence, however, that Indiana bats return to the same summer foraging and roosting areas and sometimes individual tree each year.

Based on the above habitat criteria, limited suitable habitat is present within the project action area. Approximately 89 trees greater than or equal to 3 inches dbh will be cut as a result of this project. Trees will only be cleared during the November 1st to March 31st time frame resulting in a determination of **“May Affect, Not Likely to Adversely Affect”**.

**Northern Long-Eared Bat (*Myotis septentrionalis*)** - The Northern Long-Eared Bat is a listed threatened species found in the majority of the Northeast and throughout New York State.

According to the US Fish & Wildlife Service, “During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.”

Based on the above habitat criteria, limited suitable habitat is present within the Project action area. Approximately 89 trees greater than or equal to 3 inches dbh will be cut as a result of this project. Trees will only be cleared during the November 1st to March 31st time frame resulting in a determination of **“May Affect, Not Likely to Adversely Affect”**.

**Are there any resources protected by Section 106 (or Section 1409) within the project limits or immediate area?**

There are potential historic resources in the immediate adjacent area of the project limits; the State and National Register listed Sharpe Burial Ground, the Ten Broeck House, and the State and National Register eligible house at 24 O’Neil Street. A section 106 package was prepared and submitted to the New York State Historic Preservation Office (SHPO). SHPO determined that the project will have no adverse effect on historic or cultural resources.

**Does the project area contain Contaminated and Hazardous Materials? EPA National Priority List**

The County has conducted a phase 1 and phase 2 environmental site assessment which documented low levels of contamination between O'Neil Street and Cornell Street. Any and all materials will be handled in accordance with applicable guidelines. No EPA national priority list sites are within the project limits. The County will be coordinating with the NYSDEC to determine the appropriate level of soil remediation between O'Neil Street and Cornell Street.

A drycleaner also existed adjacent to project limits and contaminated and hazardous soils are known to exist.

All on-site soil located between Westbrook Lane and O'Neil Street will remain within the project right-of-way.

<b>COMPARISON OF ALTERNATIVES</b>			
Category	Alternatives Evaluated		
	Null	Alternative A – Removal of Track	Alternative B – Tracks in Place
Property impacts	None	11 parcels require acquisition 1 Temporary Easement	11 parcels require acquisition 1 Temporary Easement
Operation at ETC + 20	N/A	N/A	N/A
20-year Crash Costs	N/A	N/A	N/A
Construction Cost	None	\$1.125 M	\$1.135 M
Option 1 (Lighting)	None	\$0.475 M	\$0.475 M
Option 2 (Lighting conduit only)	None	\$0.100 M	\$0.100 M
Option 3 (Elmendorf stairs)	None	\$0.070 M	\$0.070 M
Option 4 (Albany Ave stairs)	None	\$0.070 M	\$0.070 M
All Options (Options 1 + 3 + 4)	None	\$1.740 M	\$1.750 M

### 3.3 ANTICIPATED PERMITS/CERTIFICATIONS/COORDINATION

#### Permits

New York State Department of Environmental Conservation (NYSDEC):

- State Pollutant Discharge Elimination System (SPDES) General Permit
- City of Kingston – Highway Work Permit

#### Coordination

- Federal Highway Administration

- New York State Historic Preservation Officer (SHPO)
- US Fish and Wildlife Service
- New York Natural Heritage Program
- City of Kingston
- USACOE

**3.4 NYS SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT (SGPIPA)**

To the extent practicable this project has met the relevant criteria as described in ECL § 6-0107. The Smart Growth Screening Tool was used to assess the project’s consistency and alignment with relevant Smart Growth criteria; the tool was completed by the County on and reflects the current project scope.

**4.1 FUNDING**

**FUNDING SOURCE:**  100% State  Federal

**MPO INVOLVEMENT:**  No  Yes  
 TIP Name: TIP No.: 8761.82

**TIP AMENDMENT REQUIRED:**  No  Yes; Needed by:

**STIP STATUS:**  On STIP  Not on STIP

**4.2 COST AND SCHEDULE**

- Public Meeting  4(f)/106 FHWA sign-off
- Permits  Consultant(s) for:
- Other – Identify e.g., utilities, endangered species (ESA)

Schedule and Cost				
Project Phase	Activity Duration	Estimated Cost	Fund Source	Obligation Date
Prelim. Design (I-IV)	Sept 2018 – Dec 2019	0.070	TAP	<b>Sep 2018</b>
Design V-VI	Jan 2020 – Apr 2020	0.070	TAP	<b>Jan 2020</b>
ROW incidentals	Sept 2018 – Dec 2019	0.040	TAP	<b>Sep 2018</b>
ROW Acquisition	Feb 2020 – Mar 2020	0.010	TAP	<b>Jan 2020</b>
Construction	Jun 2020 – Nov 2020	2.265	TAP	<b>May 2020</b>
Construction Inspection	Jun 2020 – Nov 2020	0.173	TAP	<b>May 2020</b>
<b>TOTAL ESTIMATED COST</b>		<b>2.628</b>		

**BASIS OF ESTIMATE:** NYSDOT historical bid prices

**PROGRAM DISPOSITION/LETTING:** Scheduled for letting in May 2020

**STATEWIDE SIGNIFICANCE:**  No Remarks:

Design approval is scheduled for August of 2019 with construction scheduled to begin in March of 2020 and last 5 months.

Project Schedule	
Activity	Date Occurred/Tentative
Scope Approval	June 2017
Design Approval	January 2020
ROW Acquisition	March 2020
Construction Start	June 2020
Construction Complete	November 2020

Project Cost (in millions)		
Activities		Reasonable/Preferred Alternative Alternative B
Construction Costs	Bridge	0.000
	Highway	1.750
Wetland Mitigation		0.000
SPDES Permit Compliance		0.000
Incidentals (0%)*		0.000
<b>Subtotal 1</b>		1.750
Contingency 15%		0.263
<b>Subtotal 2</b>		2.013
Field Change Order (5%)		0.101
<b>Subtotal 3</b>		2.114
Mobilization (4%)		0.085
<b>Subtotal 4</b>		2.199
Expected Award Amount (Inflate current costs/prices at 3%/yr. to midpoint of construction to arrive at \$ amount to be entered here) See HDM 21.6.3.2 B		2.265
Construction Inspection		0.173
ROW Costs		0.050
<b>Total Alternative Costs</b>		2.488

Costs that exceed the designated funding amount will be paid for by The County.

\*Incidentals not included because this estimate, along with the contingency, represents an appropriate cost for this work.

**5.1 PUBLIC INVOLVEMENT**

Notifications to public officials, potential stakeholders and emergency responders and schools have been completed.

<b>Public Involvement Plan Schedule of Milestone Dates</b>	
<b>Activity</b>	<b>Date Occurred/Tentative</b>
Stakeholder Meeting	Late January 2019
Focus Group Meeting	Late January 2019
Meeting with City Reps.	Late January 2019
Meeting with NYSDEC	February 2019
Public Informational Meeting	March 2019

Refer to Appendix F for project correspondence.

**6.1 LIST OF ATTACHMENTS / APPENDICIES**

- Appendix A- Maps, Plans, Profiles & Typical Sections
- Appendix B- Environmental Information
- Appendix C- Structures Information
- Appendix D- Stakeholders and Public Input
- Appendix E- Right-of-way information
- Appendix F- Miscellaneous

# **Appendix A**

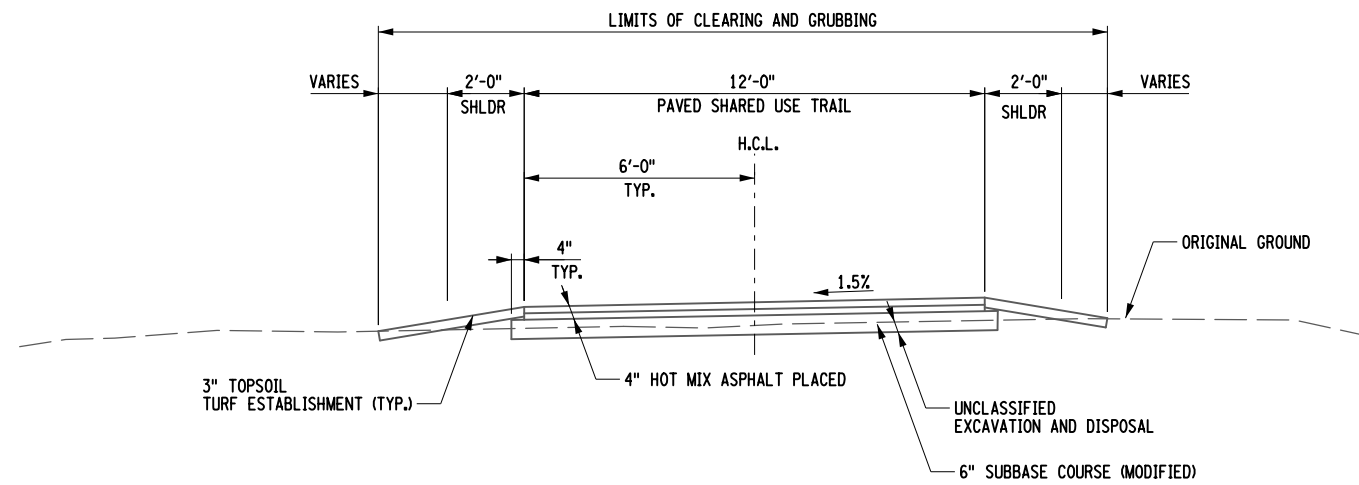
## **Maps, Plans, Profiles & Typical Sections**



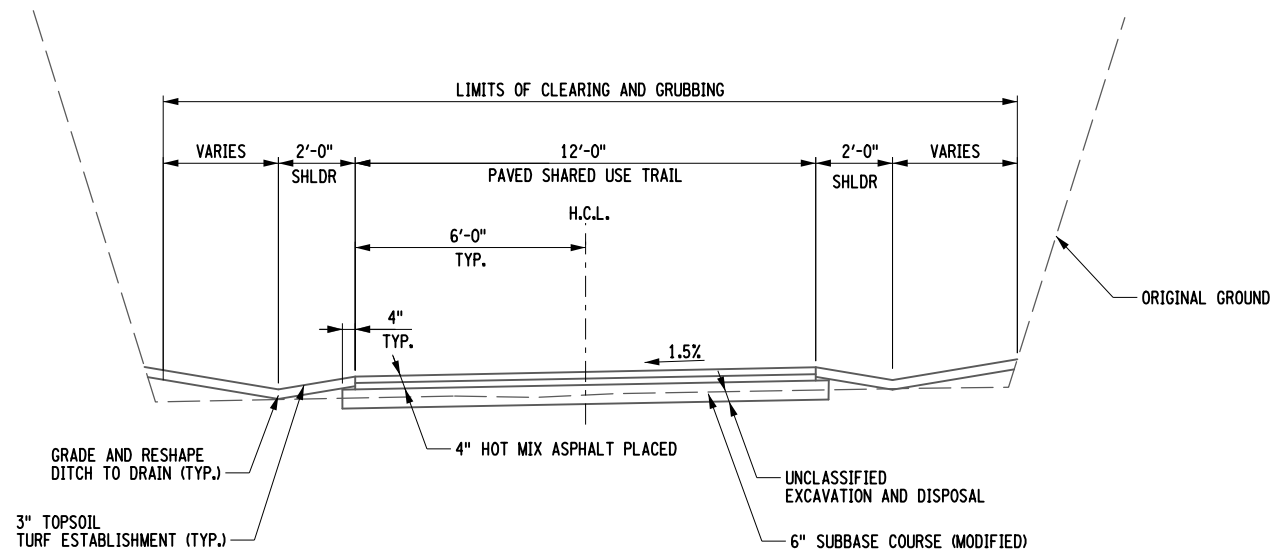


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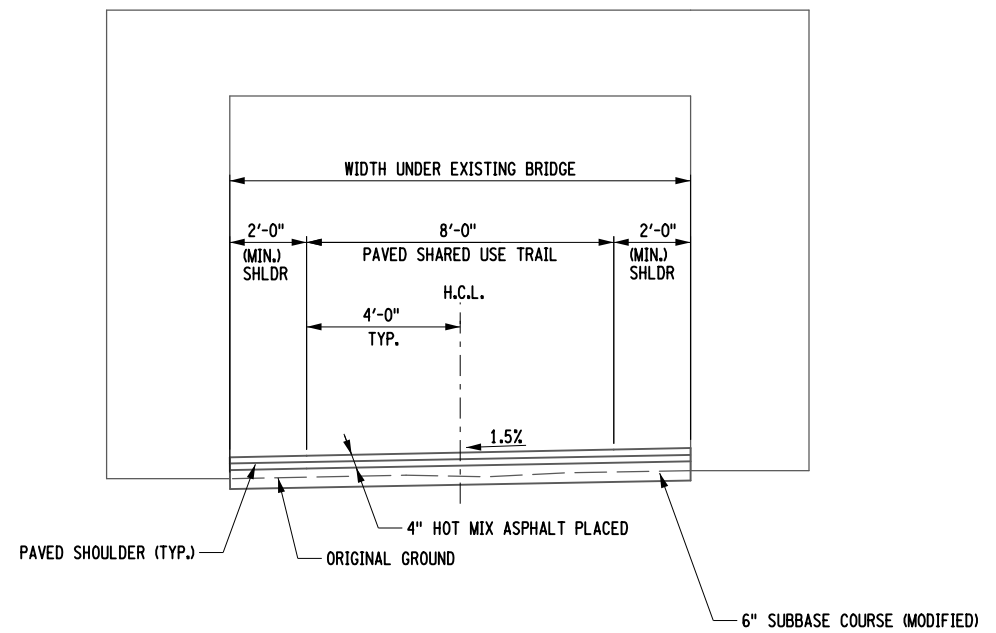
JOB MANAGER J. GORTON  
 DESIGN SUPERVISOR J. GORTON  
 DESIGN R. IUELE  
 CHECK L. BACH  
 DRAFTING K. FISCHER  
 CHECK L. BACH  
 PROJECT MANAGER J. GORTON



**TYPICAL SHARED-USE TRAIL**  
 BEGIN PROJECT TO STA. 28+00 ±  
 STA. 41+00 ± TO END PROJECT



**TYPICAL SHARED-USE TRAIL**  
 STA. 28+00 ± TO STA. 41+00 ±



**TYPICAL SHARED-USE TRAIL**  
 N.T.S.  
 UNDER ALBANY AVE BRIDGE  
 UNDER ELMENDORF ST BRIDGE

AFFIX SEAL: ON: \_\_\_\_\_  
 ALTERED BY: ON: \_\_\_\_\_

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						TYPICAL SECTION
		COUNTY: ULSTER	REGION: 8			

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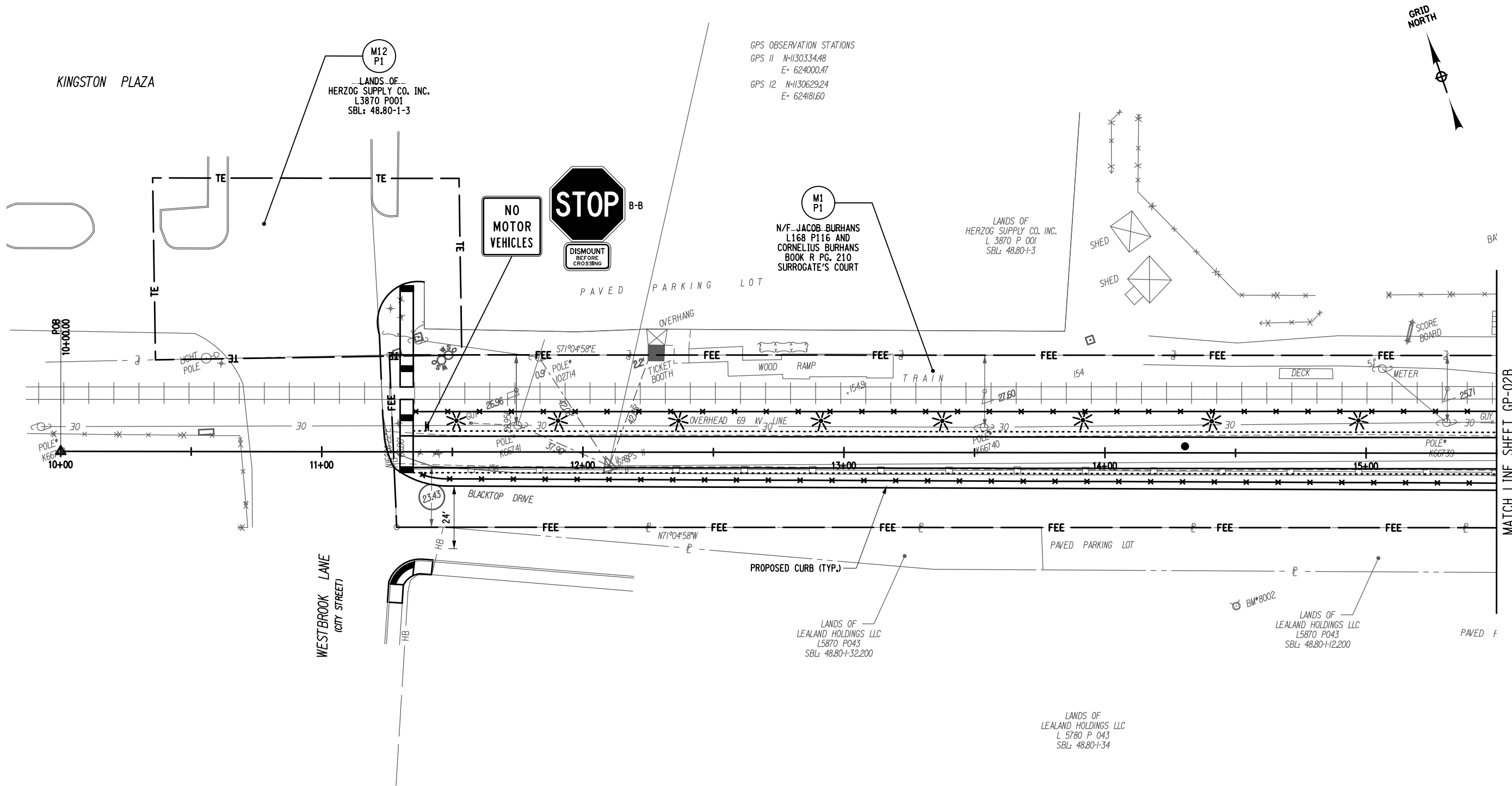


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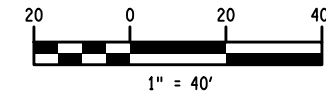


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 CHECK L. BACH  
 PROJECT MANAGER J. GORTON



GPS OBSERVATION STATIONS  
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 E= 624000.47  
 GPS 12 N=1130629.24  
 E= 624181.60



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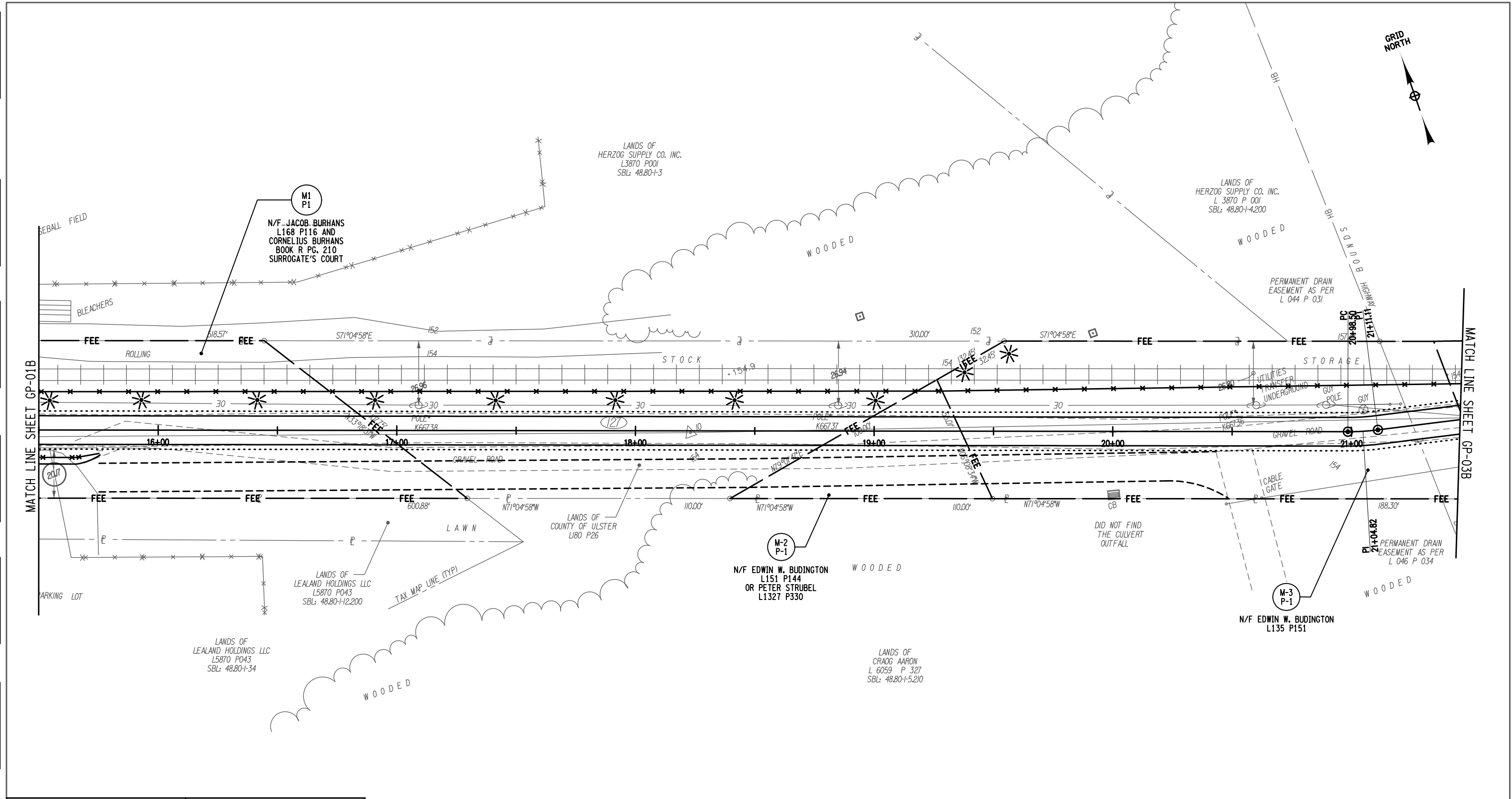


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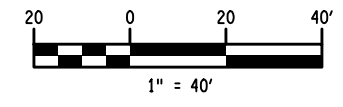


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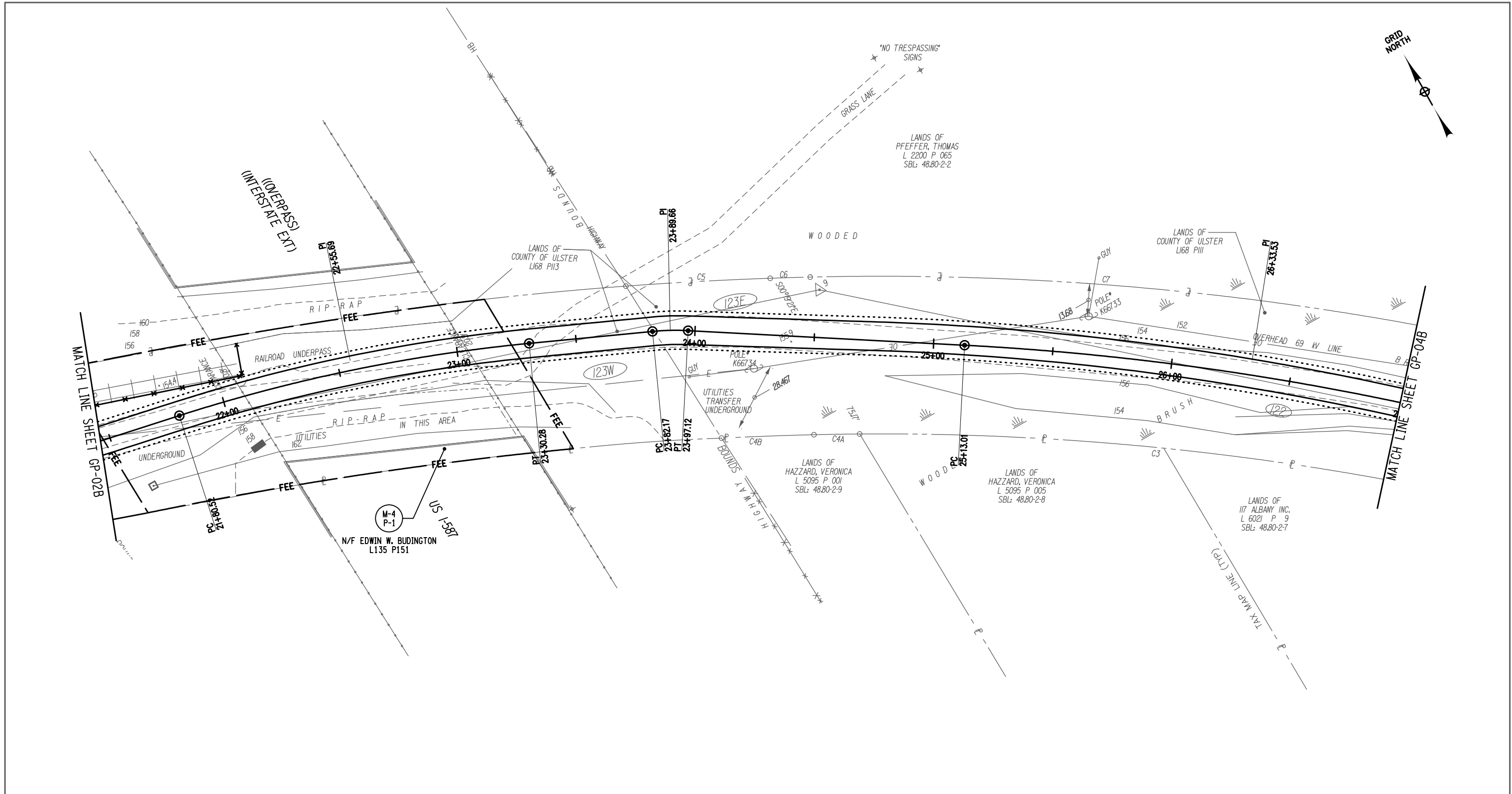


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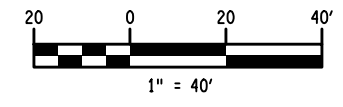
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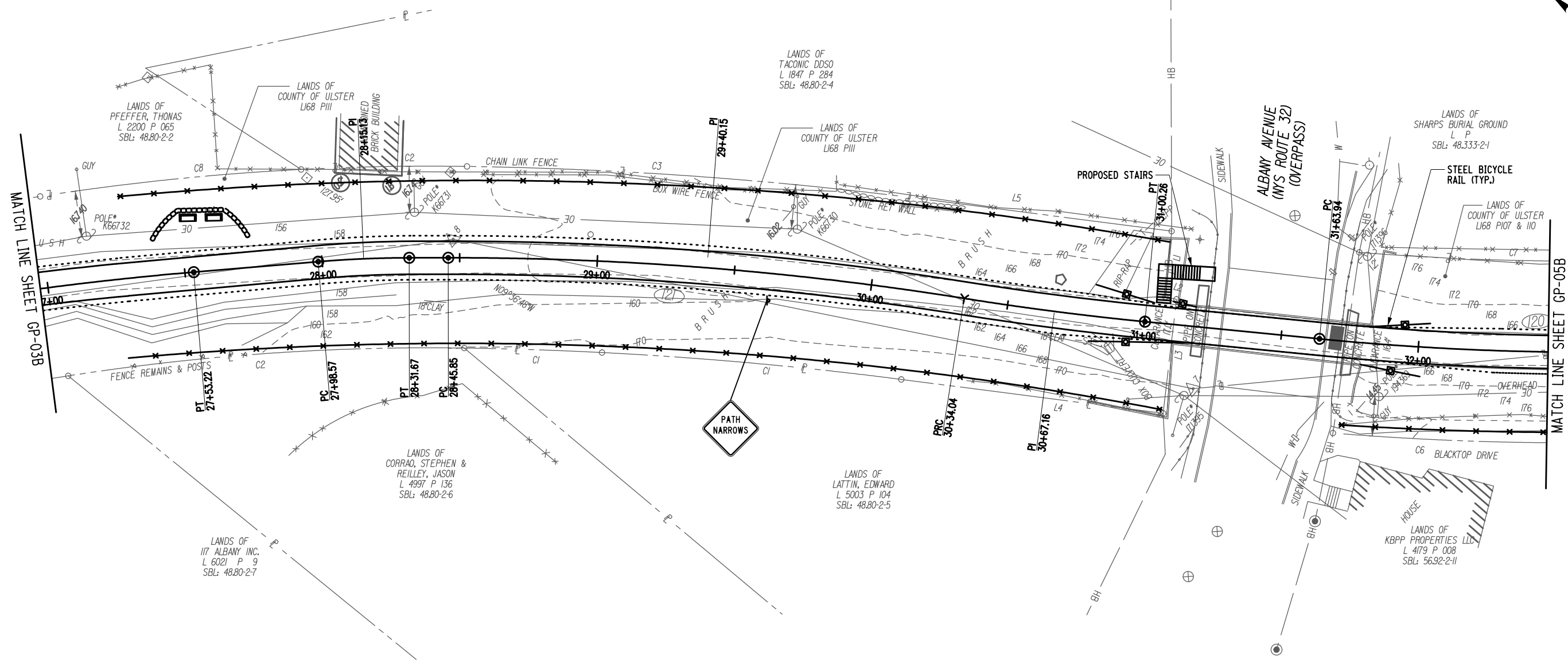
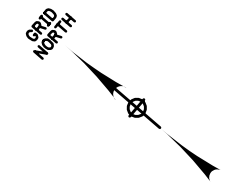
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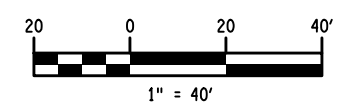
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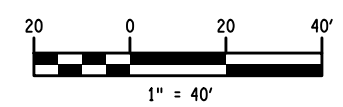
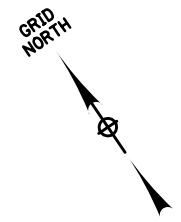
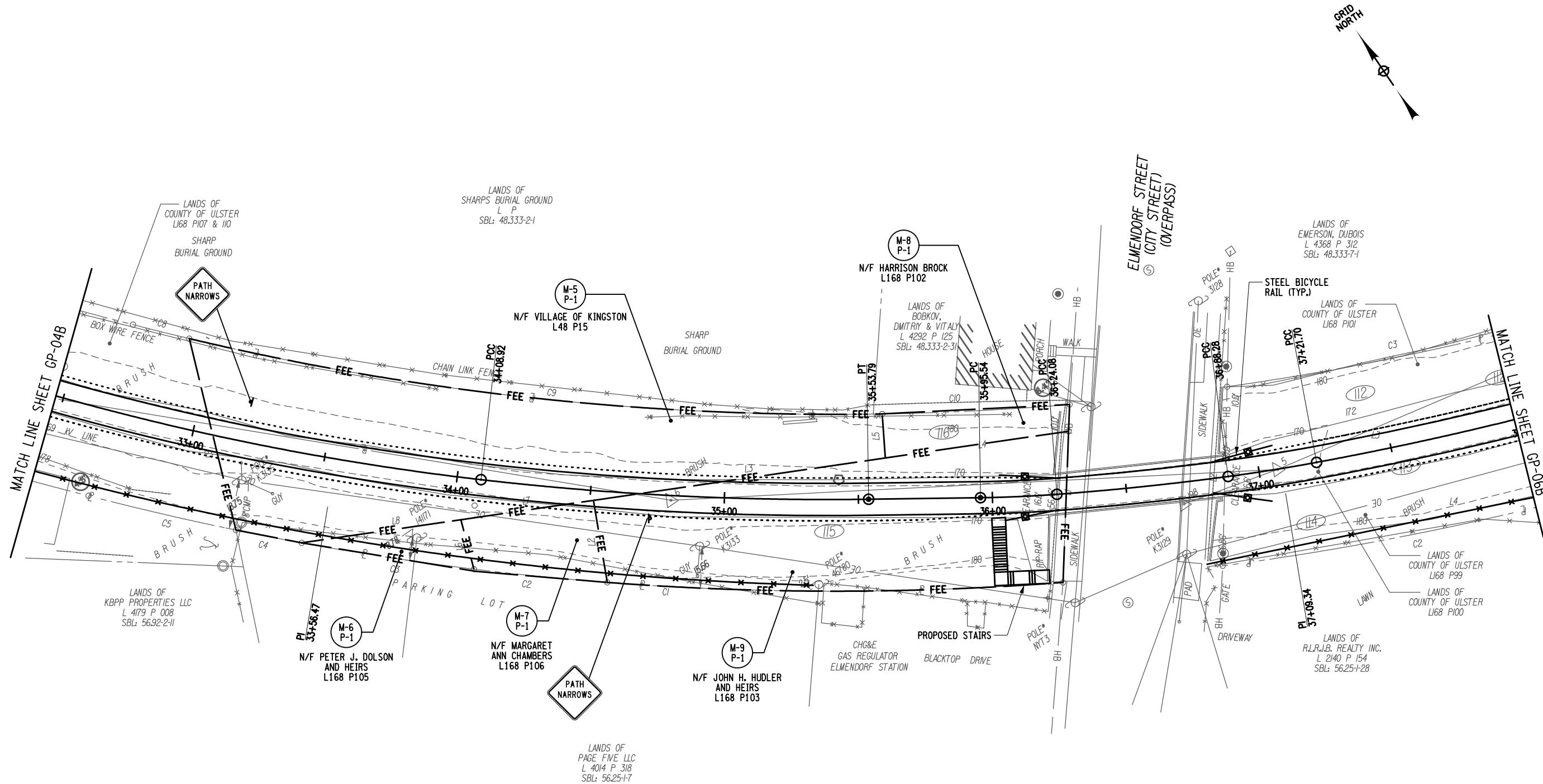
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COUNTY: ULSTER		REGION: 8		BEACON, NEW YORK 12508 (845) 838-3600 www.hveapc.com		
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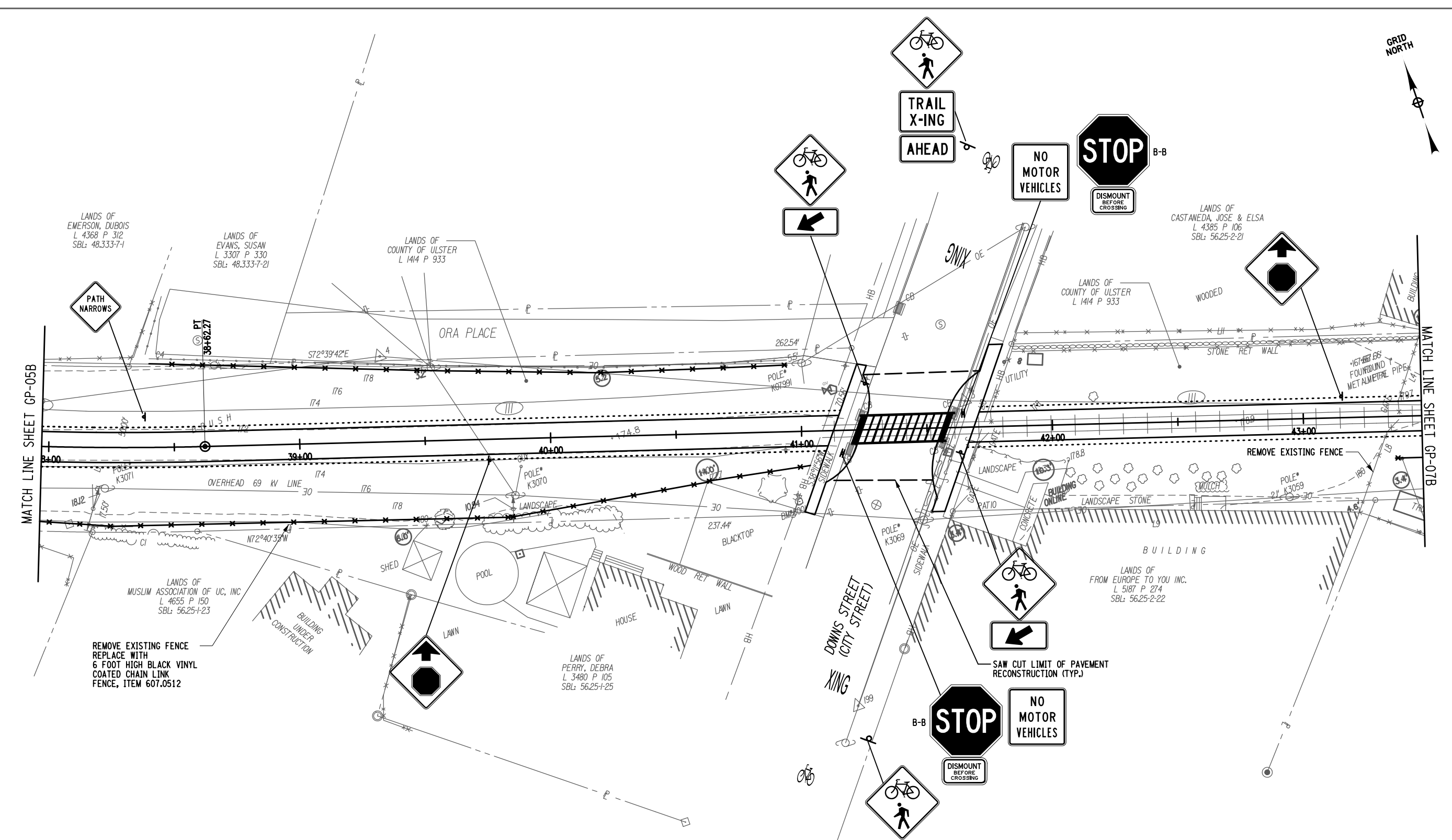


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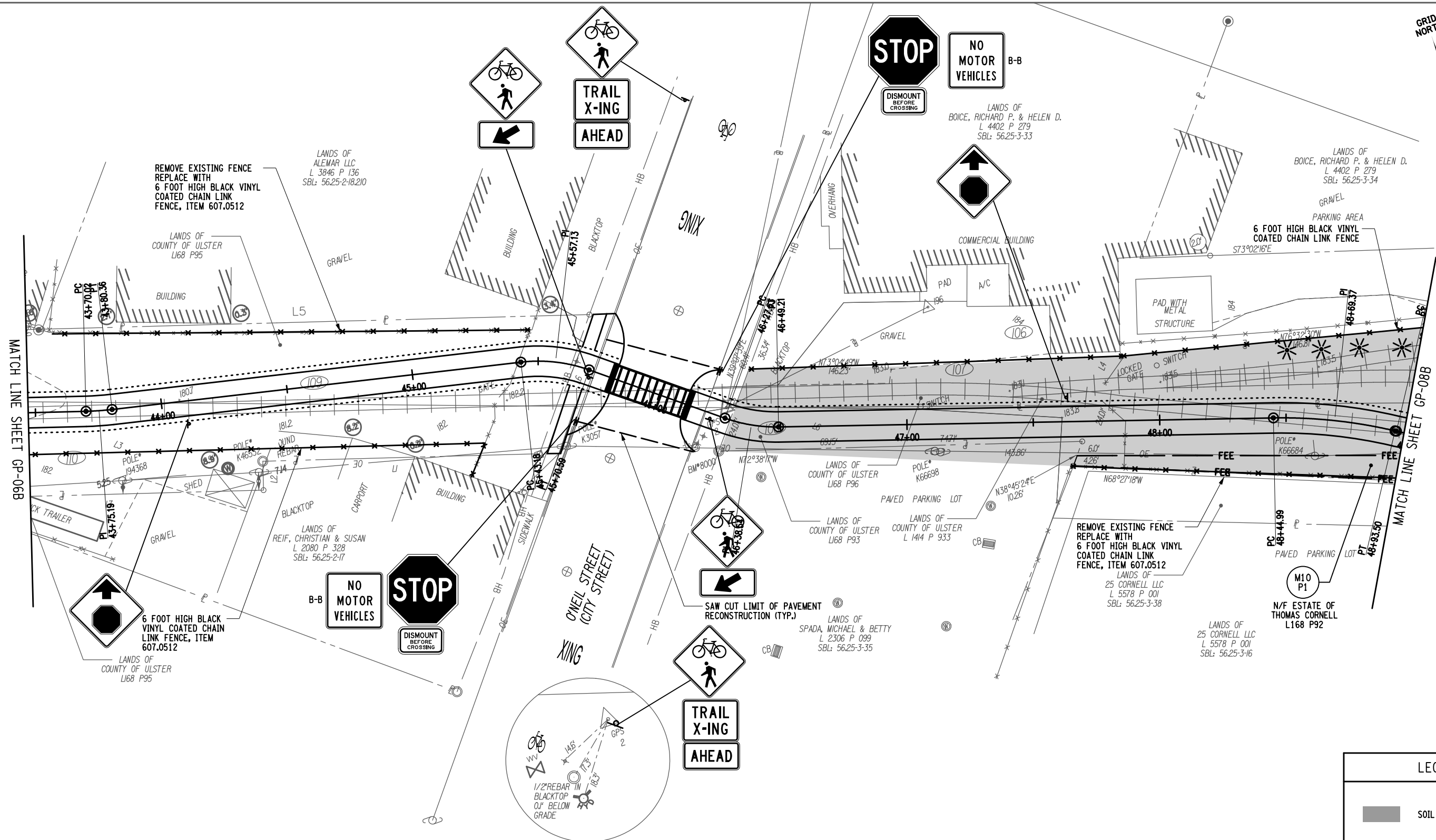
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FILE NAME = 8761.82\_cph\_gpp\_07B.dgn  
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 DESIGN SUPERVISOR J. GORTON

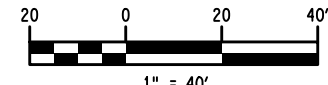


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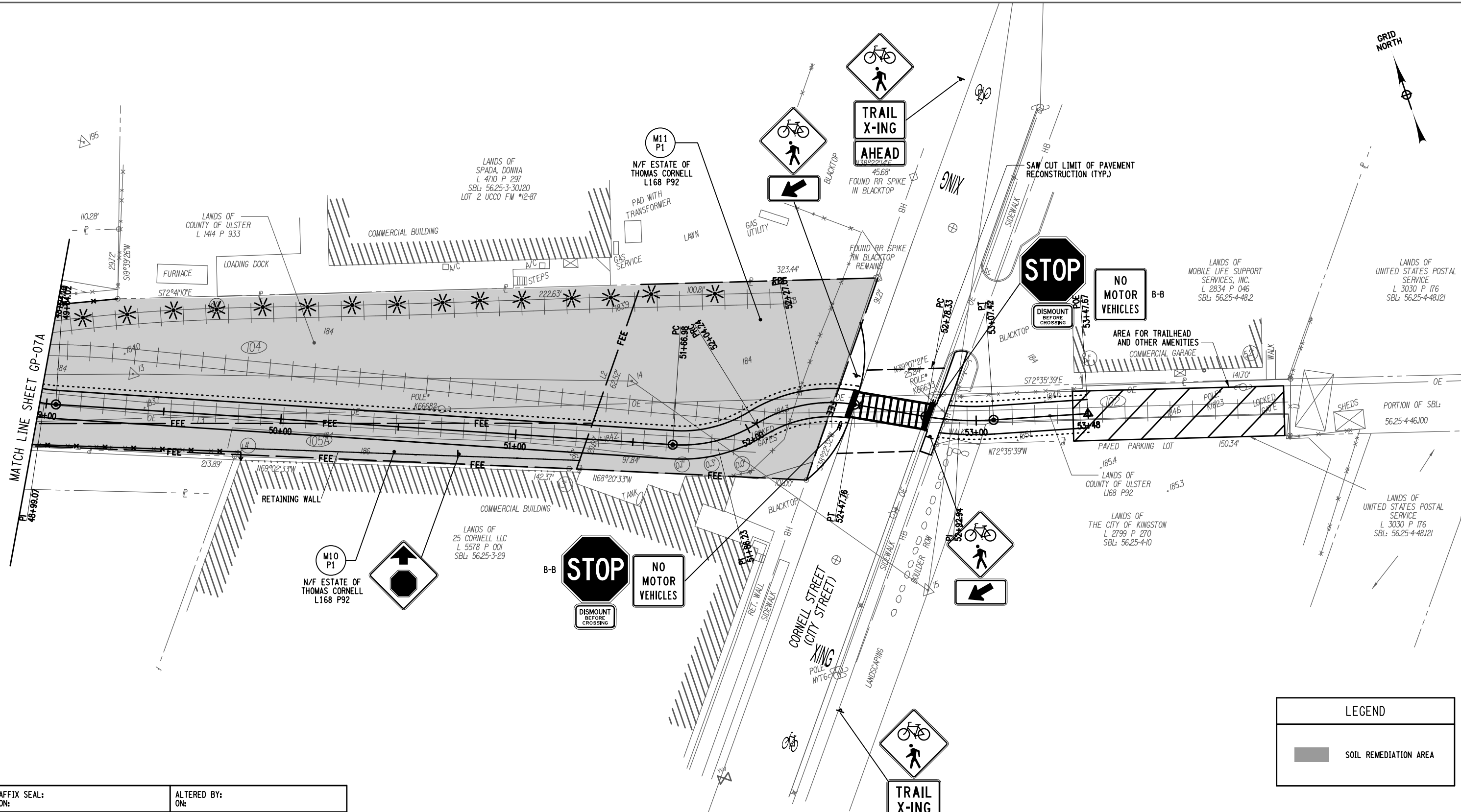
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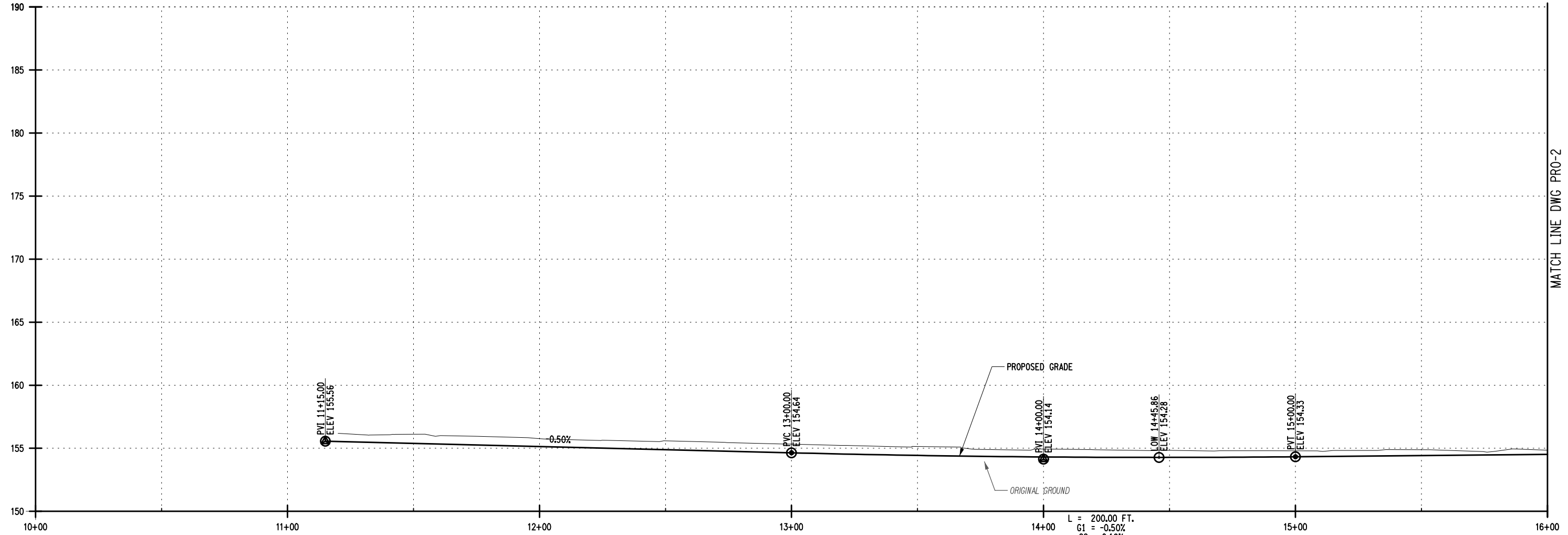
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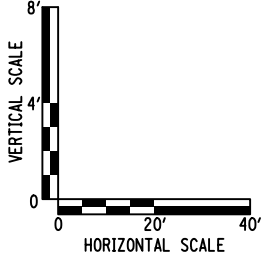
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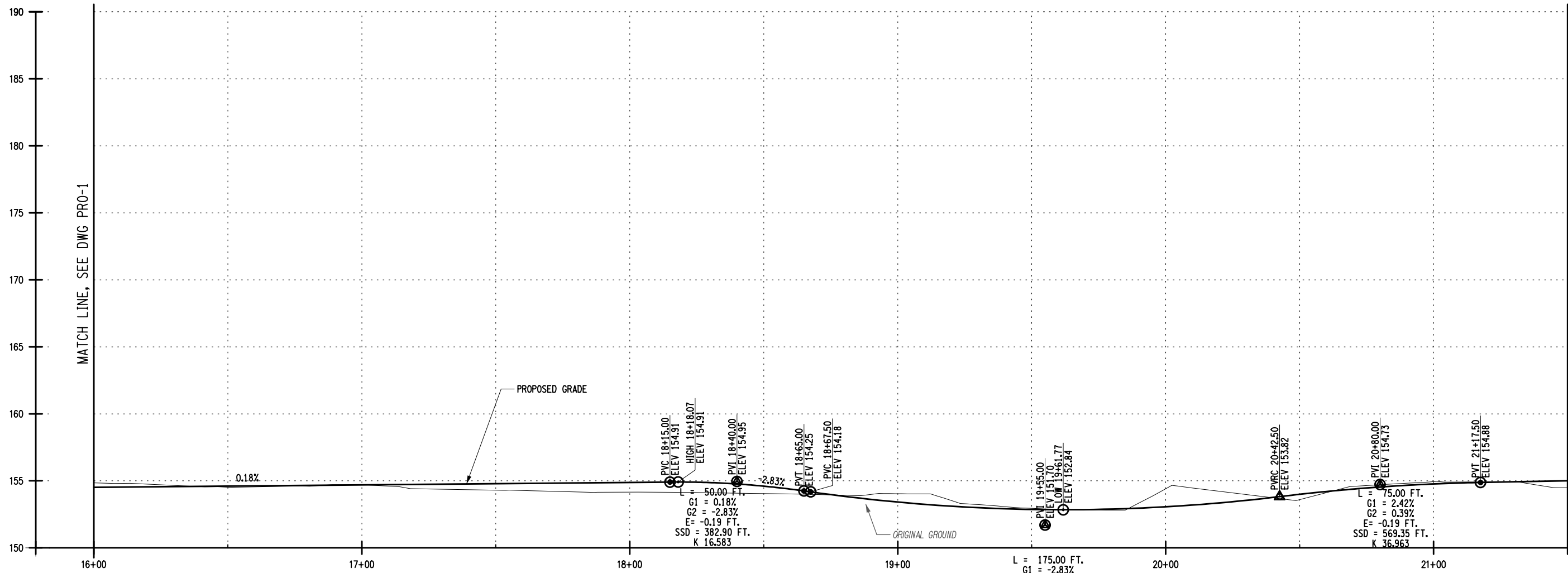


MATCH LINE DWG PRO-2

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MATCH LINE, SEE DWG PRO-1

MATCH LINE, SEE DWG PRO-3

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 ALTERED BY: ON: \_\_\_\_\_

AS-BUILT REVISIONS  
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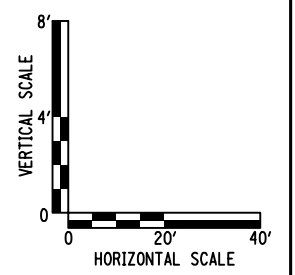
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 COUNTY: ULSTER REGION: 8

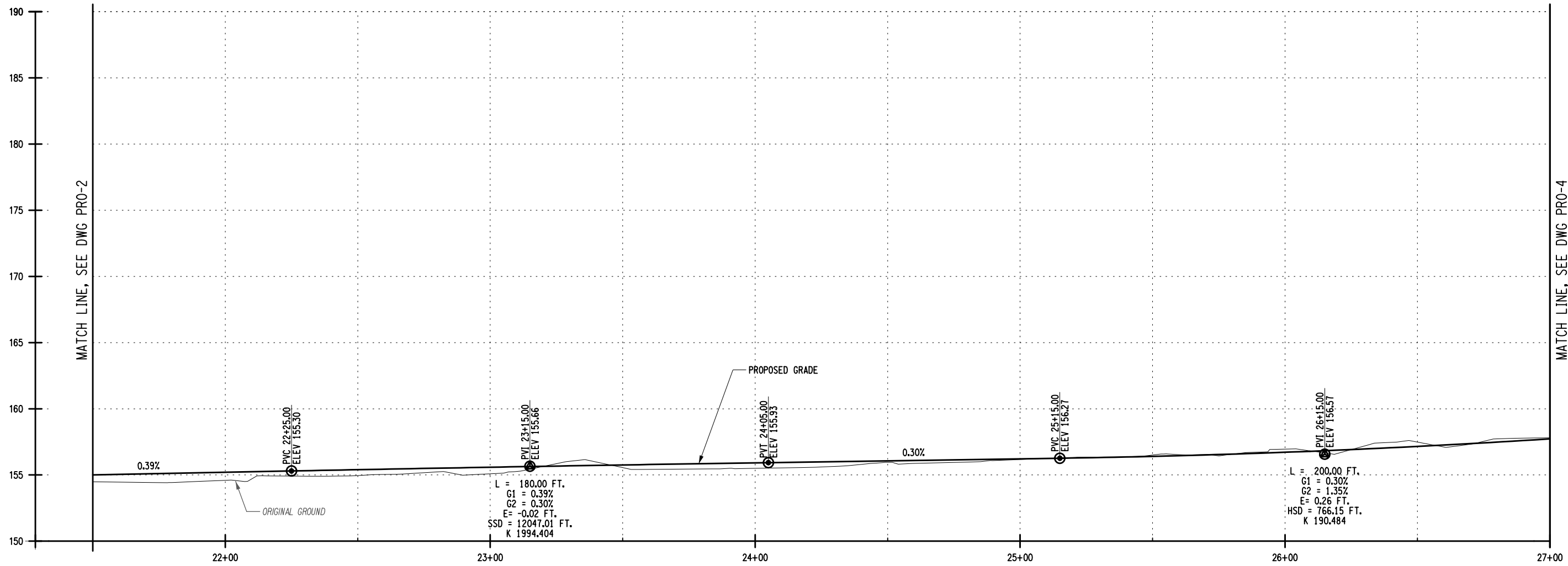
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ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED  
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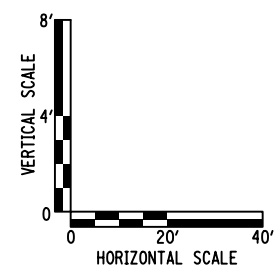
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MATCH LINE, SEE DWG PRO-2

MATCH LINE, SEE DWG PRO-4



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AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER
	COUNTY: ULSTER	REGION: 8				PROFILE

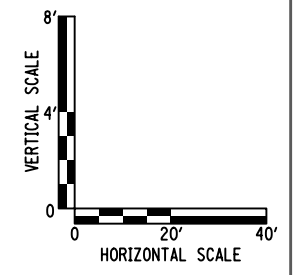
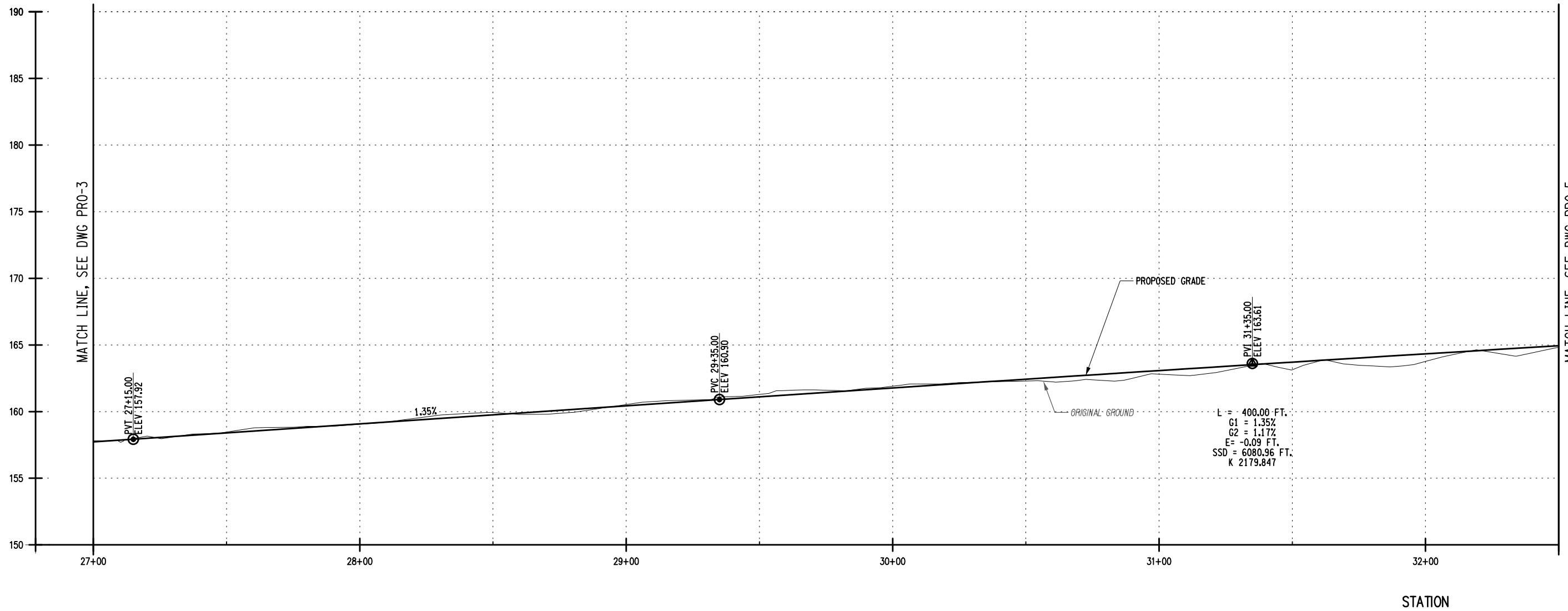
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 DRAFTING K. FISCHER  
 CHECK L. BACH  
 PROJECT MANAGER J. GORTON

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AFFIX SEAL: ON: \_\_\_\_\_  
 ALTERED BY: ON: \_\_\_\_\_

AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER
	COUNTY: ULSTER	REGION: 8				PROFILE

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

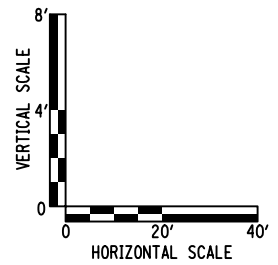
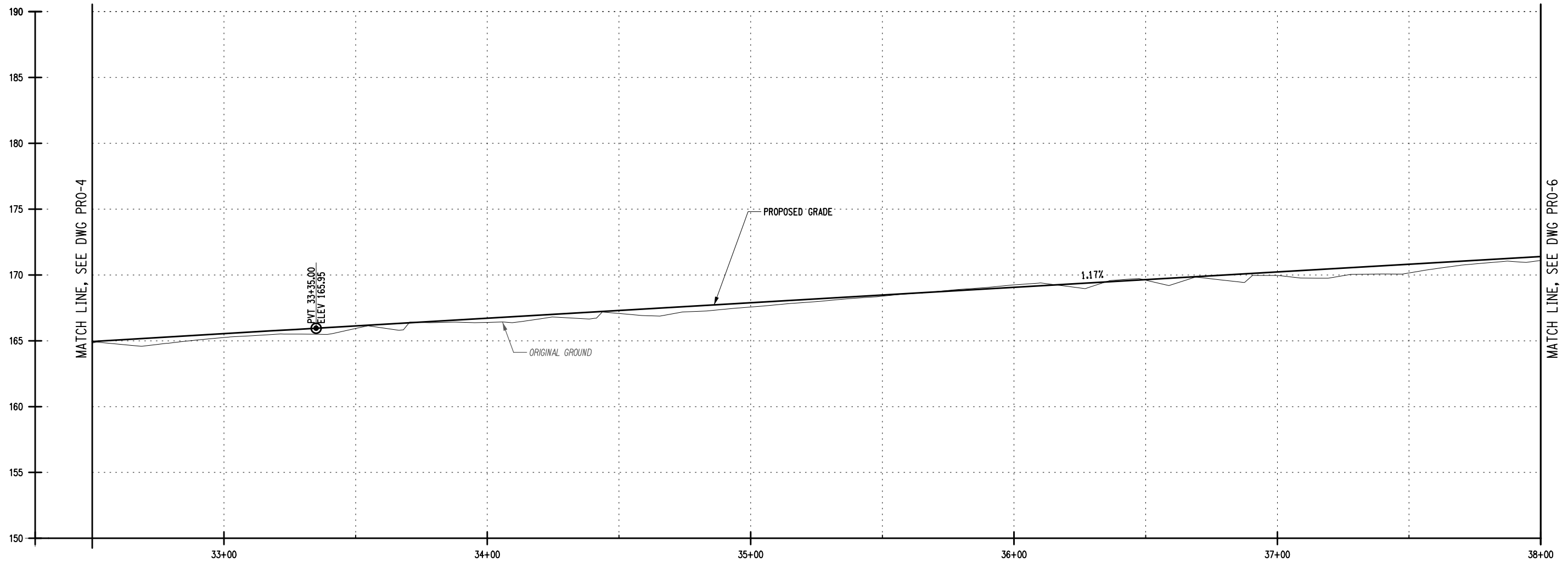


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 USER = HVEA

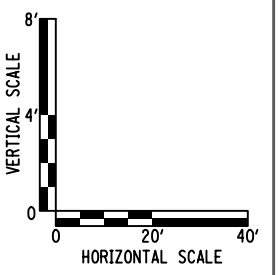
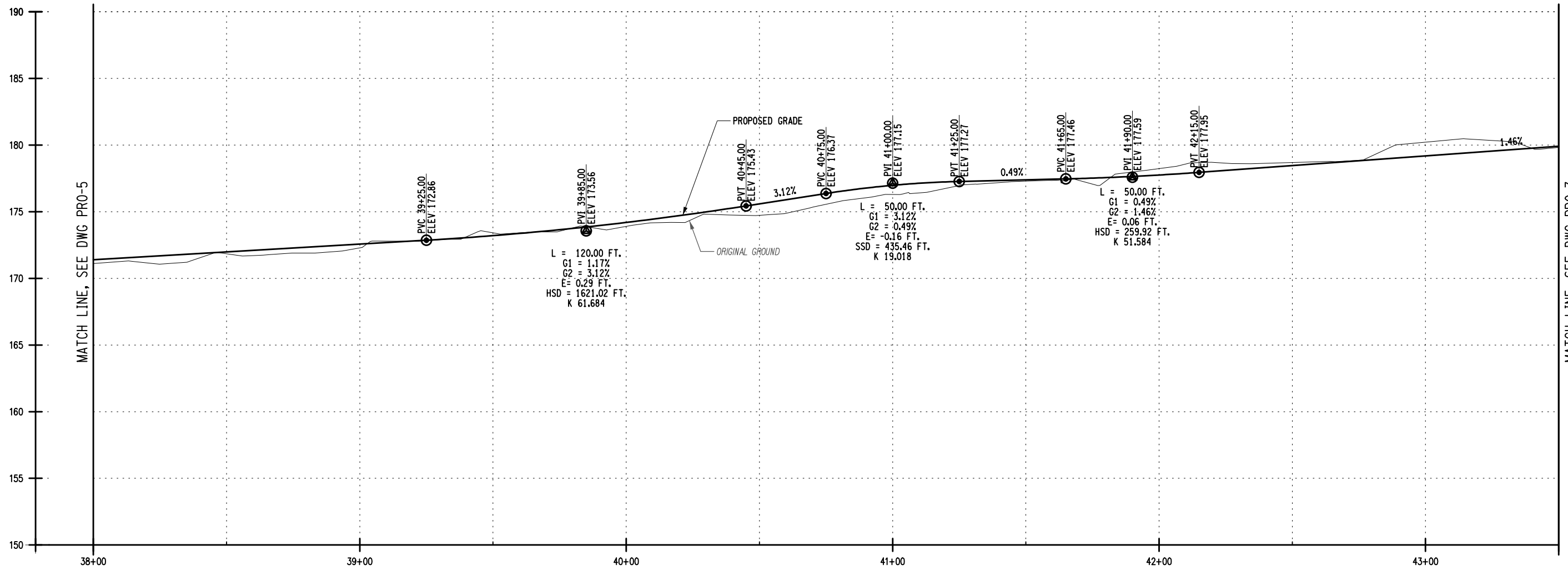
DESIGN SUPERVISOR J. GORTON  
 JOB MANAGER J. GORTON  
 DESIGN R. IUELE  
 CHECK L. BACH  
 DRAFTING K. FISCHER  
 CHECK L. BACH  
 PROJECT MANAGER J. GORTON



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AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER	
					PROFILE	DRAWING NO. PRO-5	
						SHEET NO.	
COUNTY: ULSTER		REGION: 8		BEACON, NEW YORK 12508 (845) 838-3600 www.hveapc.com			Ulster County ulstercountyny.gov

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 ALTERED BY: ON: \_\_\_\_\_

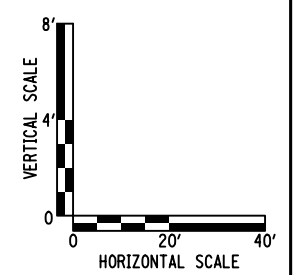
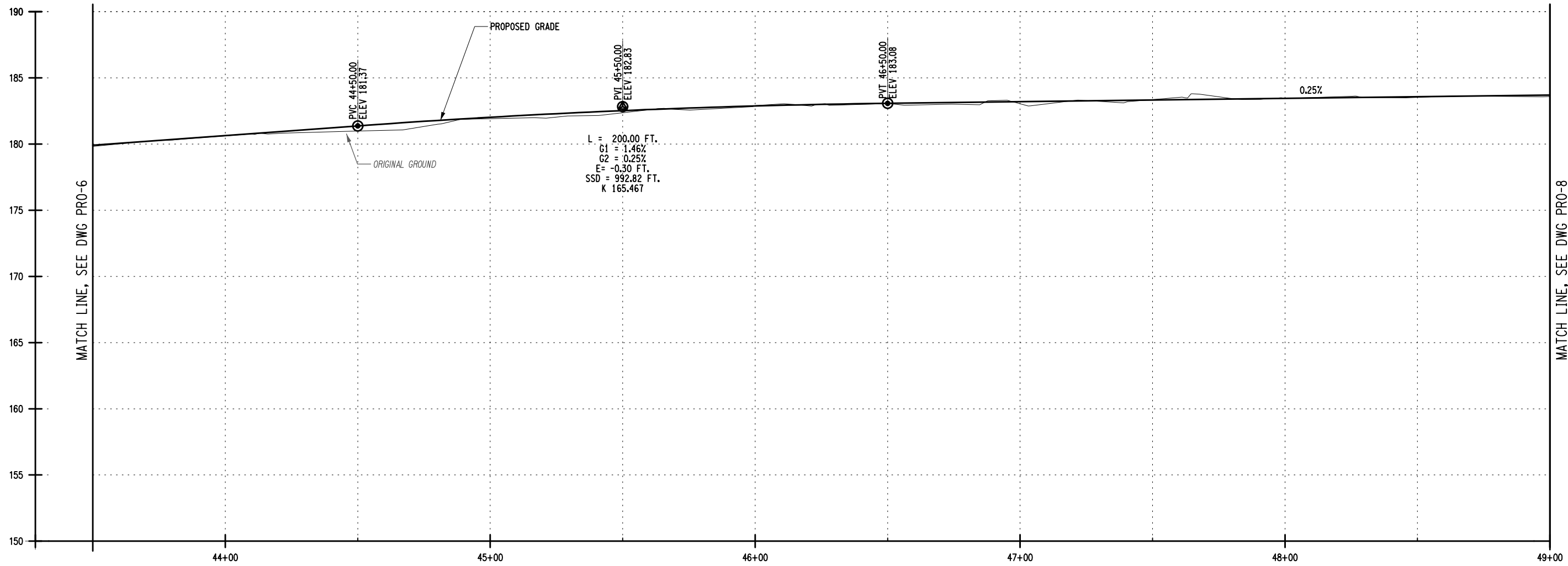
AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER
	COUNTY: ULSTER	REGION: 8				PROFILE

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FILE NAME = 8761.82\_cph\_pro\_07.dgn  
 DATE/TIME = 03-JUN-2019 14:16  
 USER = HVEA

DESIGN SUPERVISOR J. GORTON  
 JOB MANAGER J. GORTON  
 DESIGN R. IUELE  
 CHECK L. BACH  
 DRAFTING K. FISCHER  
 CHECK L. BACH  
 PROJECT MANAGER J. GORTON



AFFIX SEAL:  
ON:

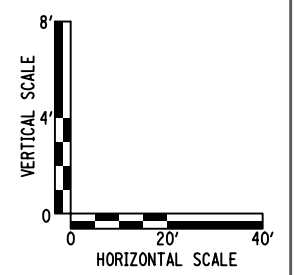
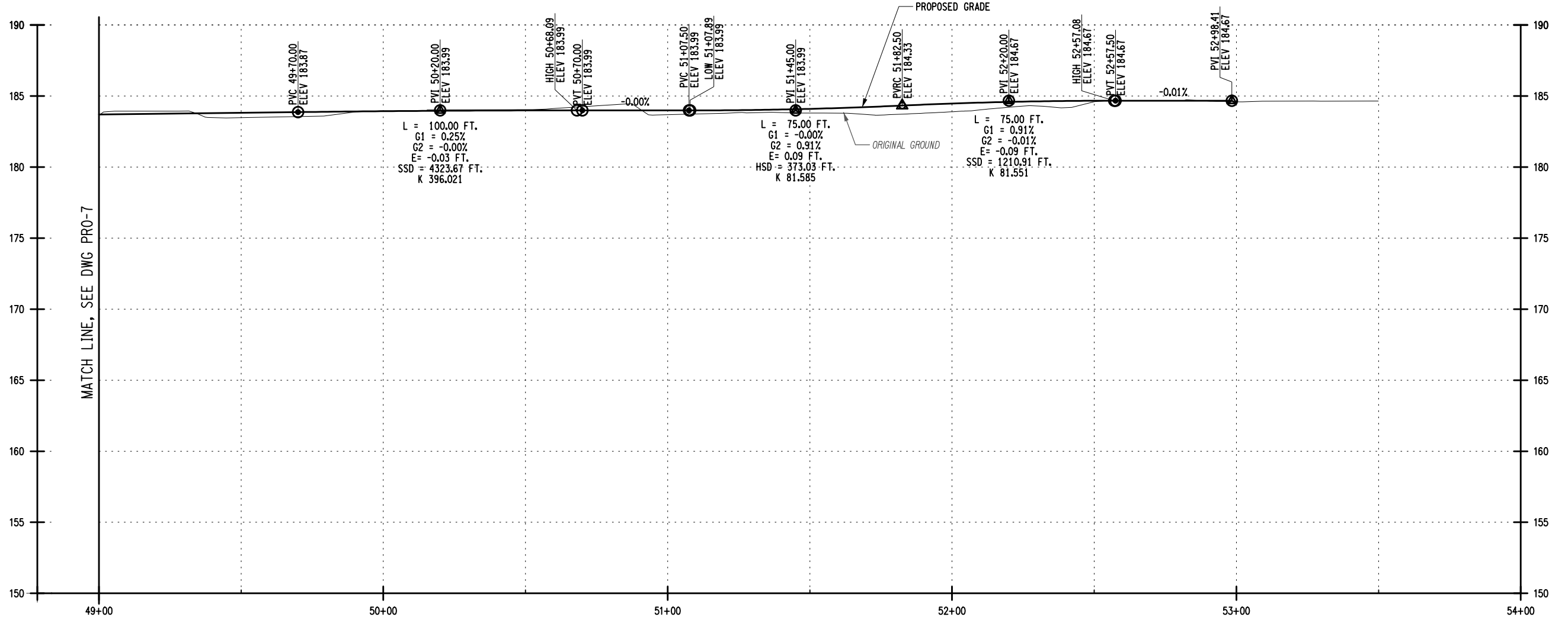
ALTERED BY:  
ON:

AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER
						PROFILE
		COUNTY: ULSTER	REGION: 8			

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AFFIX SEAL: ON:	ALTERED BY: ON:
AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	

MIDTOWN LINEAR PARK	PIN 8761.82	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER
COUNTY: ULSTER	REGION: 8			PROFILE	DRAWING NO. PRO-8 SHEET NO.
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.					
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# **Appendix B**

## **Environmental Information**

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## Federal Environmental Approval Worksheet

PIN: 8761.82	Completed by: Rich Iuele	Date Completed: 6/3/19	FUNDING TYPE: Federal
DESCRIPTION: The project will convert a 0.8-mile section of former Ulster and Delaware railroad, from the east side of Cornell Street in midtown Kingston to the Kingston Plaza at Westbrook Lane in the City of Kingston, into an urban linear park and a paved shared use path for non-motorized transportation. The scope includes the removal of existing tracks and ties, grading and paving a 12-foot-wide asphalt shared-use path, establishing a trailhead, drainage improvements and adding safety features			NEPA CLASS: Class II: CE
			SEQR TYPE: Type I
LOCALITY (Village, Town, City): City of Kingston			COUNTY: Ulster

**Purpose of this Worksheet:**

- Implement the Programmatic Agreement Between the Federal Highway Administration, New York Division (FHWA), and the New York State Department of Transportation (NYSDOT) Regarding the Processing of Actions Classified as Categorical Exclusions (CEs) for Federal-Aid Highway Projects (PARCE), executed September 2017.
- Communicate the project National Environmental Policy Act (NEPA) classification and identify whether the FHWA or the NYSDOT (titles identified per Project Development Manual (PDM) Chapter 4, Exhibit 4-2) is making the CE determination.
- Identify any FHWA independent determinations, approvals and/or concurrences required before the CE determination can be made.
- To be included within the Design Approval Document (DAD) in accordance with the documentation requirements in the PARCE.

**Categorical Exclusion (CE)** - a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency (40 CFR 1508.4). Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) (23 CFR 771.115(b)).

**Instructions:**

Initial review of the Federal Environmental Approval Worksheet (FEAW) should occur in scoping or early in Design Phase I to identify potential risks. Complete new review of the FEAW periodically, particularly if project parameters or site condition changes result in potential resource impacts. Completion of the FEAW with signature in Step 4 is required prior to Design Approval. See PDM Chapter 4 for additional details.

**Step 1A: Unusual Circumstances Threshold Determination – 23 CFR 771.117(b)**

Do any, or the potential for any, unusual circumstances exist<sup>1</sup>?

- |   |   |
|---|---|
| • Significant environmental impacts   | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Substantial controversy on environmental grounds  | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act                      | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the project | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

If yes to any of the above, contact the Main Office Project Liaison (MOPL) (see PDM Exhibit 4-1). Any project which would normally be classified as a CE but could involve unusual circumstances (or even uncertainty) will require consultation with the Office of Environment (OOE) and subsequently with the FHWA to determine if CE classification is still warranted. If, after consultation with the FHWA, it is determined that the project cannot be progressed as a CE, skip to step 4 and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing. If, after consultation with the FHWA, it is determined that the project can be progressed as a CE, proceed to step 1B.

If no to all the above, then this project qualifies as a CE; proceed to step 1B.

**Step 1B: Identification of CE action**

Is the project an action listed in 23 CFR 771.117 (c) - (d) (or as identified in FHWA's additional flexibilities memo)?

YES  NO

If Yes, proceed to step 2.

<sup>1</sup> See definitions and examples of unusual circumstances in FEAW\_Instructions.doc

## **Federal Environmental Approval Worksheet**

**If No, contact the MOPL (see PDM Exhibit 4-1). If, after consultation with the OOE and the FHWA, it is determined that the project cannot be progressed as a CE, skip to step 4 and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing. If, after consultation with the FHWA, it is determined that the project can continue as a CE, proceed to step 2.**

## Federal Environmental Approval Worksheet

Project ID Number: 8761.82					
<b>Step 2: FHWA environmental actions required prior to CE determination<sup>2</sup></b>					
The Step 2 table identifies certain issues that require: the FHWA to make the CE determination (Column A and 2.4); independent FHWA determinations (2.1); FHWA approvals, compliance or concurrence (2.2); or notification to the FHWA (2.3). Review <i>the FEAW Thresholds document</i> to determine how to fill out each column of Step 2.					
2.1	Required FHWA Independent environmental determinations	PARCE threshold exceeded <sup>3</sup>	FHWA independent determination/ concurrence required	Date determination/ concurrence issued	Resource not present, or present but threshold not exceeded
		A	B	B1	C
	Executive Order (EO) 11990 Protection of Wetlands Individual Finding		<input type="checkbox"/>	Date Issued	<input checked="" type="checkbox"/>
	ESA Section 7 Threatened and Endangered Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1/10/2020	<input type="checkbox"/>
	Section 106 of National Historic Preservation Act	<input type="checkbox"/>	<input checked="" type="checkbox"/> 9/17	9/17/2018	<input type="checkbox"/>
	Section 4(f) (Park, Wildlife Refuge, Historic Sites, and National Wild and Scenic Rivers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9/17/2018	<input type="checkbox"/>
2.2	Other FHWA environmental approvals, compliance and/or concurrence required	PARCE threshold exceeded <sup>3</sup>	Threshold exceeded; FHWA approval, compliance or concurrence required		Resource not present, or present but threshold not exceeded
	EO 11988 Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	EO 13112 Invasive Species		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	EO 12898 Environmental Justice		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Safe Drinking Water Act Section 1424(e)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	US Army Corps of Engineers, Section 404/10 NWP #23		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Section 6(f) Land and Water Conservation Funds		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Migratory Bird Treaty Act		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	23CFR772 Type I Noise abatement		<input type="checkbox"/>		<input checked="" type="checkbox"/>
2.3	Other Environmental Issues requiring FHWA notification	PARCE threshold exceeded <sup>3</sup>	FHWA notification threshold exceeded		Resource not present, or present but threshold not exceeded
	US Army Corps of Engineers, Section 404/10 Individual Permit	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	National Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	US Coast Guard Bridge Permit	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Known hazardous waste site (only EPA National Priority list)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Project on or affecting Native American Lands		<input type="checkbox"/>		<input checked="" type="checkbox"/>
2.4	Other Issues Triggering FHWA Approval of Categorical Exclusion	PARCE threshold exceeded <sup>3</sup>			Resource not present, or present but threshold not exceeded
	Property Acquisition	<input checked="" type="checkbox"/>			<input type="checkbox"/>
	Major Traffic Disruptions	<input type="checkbox"/>			<input checked="" type="checkbox"/>
	Changes in Access Control	<input type="checkbox"/>			<input checked="" type="checkbox"/>

<sup>2</sup> This table does not represent all environmental issues and actions that a project is subject to. Classification as a CE does not exempt the project from further environmental review. Refer to the PDM and The Environmental Manual (TEM) to determine review requirements.

<sup>3</sup> When PARCE threshold is exceeded, the NYSDOT recommends that the project qualifies as a CE and requests the FHWA make the CE determination. Information on PARCE specific thresholds are contained within *the FEAW Thresholds document*.

## Federal Environmental Approval Worksheet

**Project ID Number:** 8761.82

### Step 3: Who makes the NEPA CE Determination?

To identify which party, either the FHWA or the NYSDOT, makes the CE determination in accordance with the PARCE, follow the instructions found in the table below, beginning in Step 3A. This step also identifies which correspondence shell to use to distribute the FEAW and other environmental notifications or approvals.

<b>3</b>	<b>Determine whether the FHWA or the NYSDOT makes the CE determination and whether additional notifications or approvals are required.</b>
<b>3A</b>	<p><b>Is the project an action listed in 23 CFR 771.117 (c) - (d) (Answered yes in Step 1B)?</b></p> <p><b>YES <input checked="" type="checkbox"/></b> If Yes, proceed to 3B.</p> <p><b>NO <input type="checkbox"/></b> If No, the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> <li>• For <b>Locally Administered Federal Aid Projects only</b>, the DAD, the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the Regional Planning and Program Manager (RPPM) to the FHWA directly using <b>Shell 4</b>.</li> <li>• For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using <b>Shell 3</b>. Proceed to <b>Step 4</b>.</li> </ul>
<b>3B</b>	<p><b>Are any of the CE Thresholds from the PARCE not met (Are there any checks in Column A of Step 2)?</b></p> <p><b>YES <input checked="" type="checkbox"/></b> If Yes, the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> <li>• For <b>Locally Administered Federal Aid Projects only</b>, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the RPPM to the FHWA directly using <b>Shell 4</b>.</li> <li>• For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using <b>Shell 3</b>. Proceed to <b>Step 4</b>.</li> </ul> <p><b>NO <input type="checkbox"/></b> If No, proceed to 3C.</p>
<b>3C</b>	<p><b>Are there outstanding independent environmental approvals or concurrences? (Are there checks in column B of Step 2.1 without dates in column B1)?</b></p> <p><b>YES <input type="checkbox"/></b> If Yes, then the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> <li>• For <b>Locally Administered Federal Aid Projects only</b>, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the RPPM to the FHWA directly using <b>Shell 4</b>.</li> <li>• For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using <b>Shell 3</b>. Proceed to <b>Step 4</b>.</li> </ul> <p><b>NO <input type="checkbox"/></b> If No, the NYSDOT makes the NEPA CE determination. Proceed to 3D.</p>
<b>3D</b>	<p><b>Are there</b></p> <p><input type="checkbox"/> any circumstances requiring demonstration of applicable EO compliance (any checks in column B of Table 2.2); or</p> <p><input type="checkbox"/> any issues requiring the FHWA environmental notification (any checks in column B of Table 2.3)?</p> <p><b>YES <input type="checkbox"/></b> If either box is checked, once all required approvals and concurrences have been secured, the NYSDOT makes the CE determination but the information must be forwarded to FHWA for notification or action prior to Design Approval using <b>Shell 1</b>. Proceed to step 5.</p> <p><b>NO <input type="checkbox"/></b> If neither box is checked, once all required approvals and concurrences have been secured the NYSDOT makes the CE determination without notification to the FHWA. The project will use <b>Shell 2</b>. Proceed to step 4.</p>



# Federal Environmental Approval Worksheet

Project ID Number: 8761.82

## Step 4: Summary and Recommendation

- The project is not located within an area subject to transportation air quality conformity.
  - If the project is within such areas, the NEPA process may not be completed until all transportation conformity requirements are met<sup>4</sup>. Transportation conformity requirements ~~have~~ been met at the time of this signature.
- This project does qualify to be progressed as a Categorical Exclusion.
- The NEPA Determination will be made by FHWA
- Project is c(3) "Construction of bicycle and pedestrian lanes, paths, and facilities."<sup>4</sup>
- All outstanding FHWA environmental approvals will be obtained and are listed here:
  
- All the conditions of the PARCE are addressed herein (or within the DAD or attachments).

VB 1/29/2020

I certify that the information provided above is true and accurate and recommend the project be processed as described above.

Project Manager/Designer  
(or Responsible Local Official)

x Christopher White

Date 1/16/2020

Print Name and Title:

Christopher White, Deputy Director of Planning

Regional Environmental Unit  
Supervisor

x K Wolfanger

Date 1/29/2020

Print Name and Title:

Kathleen Wolfanger, REUS

Regional Local Project Liaison  
(Locally Administered Projects Only)

x Orietta Trocard

Date 1/29/2020

Print Name and Title:

Orietta Trocard, RLPL

Changes that may have occurred since the preparation of the FEAW which would create the need to go through the FEAW again include, but are not limited to: a change in the scope of the proposed project; a change in the social, economic or environmental circumstances or the setting of the project study area (i.e. the affected environment); a change in the federal statutory environmental standards; discovering new information not considered in the original process; and a significant amount of time has passed (equal or greater than three years).

<sup>4</sup> See additional information on identifying (c)26, (c)27 & (c)28 versus d (13) in FEAW\_Instructions.doc

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## Social, Economic and Environmental Resources Checklist (SEERC)

### Introduction

For projects that use the IPP/FDR, PSR/FDR, and Bridge Rehabilitation Report design approval document formats, the SEERC is used to determine the topics and resources that will need to be analyzed to determine extent of adverse and beneficial impacts. The SEERC should not be used as the location to document the results of impact analysis. The results of these analyses should only be documented in the body of the design approval document. The SEERC must be attached or appended to the DAD as appropriate.

### Instructions:

1. Answer the questions posed under the Social, Economic and Environmental headings to determine whether there is a potential for a project to affect the topics/resources.
2. Beginning with the first question under the Social heading, if the answer to a question is No, check off No in the first checkbox column and proceed to the next question.
3. If the answer to a question is Yes:
  - a. Create a heading or section in the appropriate location in the IPP/FDR or PSR/FDR to document the particular resource or topic in question.
  - b. Proceed to the Impact or Issue column. Once enough information is available, check off Yes or No in the Impact or Issue column, as applicable
4. Document all Yes *and* No answers in the Impact or Issue columns in the DAD under the section or heading created for the topic. This documentation must indicate the location, extent and/or a full description of the topic/resource. The documentation must appropriately illustrate the impact determination and measures to mitigate impacts. For No answers, ensure the documentation is complete as to the explanation of why the resource/topic will not be impacted.
5. For Yes answers, be sure to document adverse as well as beneficial impacts in the resource/topic sections of the DAD. For example, a project that is adding a project that impacts wetland for a SPDES practice will benefit the remaining wetland by treating stormwater. This documentation must include the nature and size or extent of an impact; measures taken to avoid or minimize impacts; and any mitigation being provided. Documentation for each issue should clearly note any necessary approvals and/or expected permits.
6. Prior to completing the Certification at the end of the checklist, review the checklist and appropriate sections of the DAD to ensure checkmarks and statements are valid (particularly review against changes in project scope) and for consistency between the checklist and DAD sections.
7. Complete the Certification.
8. Attach or append the checklist to the Design Approval document.

<b>Social, Economic and Environmental Resources Checklist</b>			
PIN:8761.82	FUNDING TYPE: TAP		
DESCRIPTION: Ulster County Midtown Linear Park: Construction of a 0.8-mile paved pedestrian/bike facility from Cornell St to Kingston Plaza along the County owned U&D Railroad corridor	DATE: 12/27/18		
	REVISION DATE:		
MUNICIPALITY: County	NEPA CLASS: Class II		
COUNTY: Ulster	SEQRA TYPE: Type 1		
SCOPE: Pedestrian/Bike Facility			
SOCIAL, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS	IF YES, GO TO IMPACT OR ISSUE: IF NO CHECK BOX BELOW	IMPACT OR ISSUE?	
	NO	YES	NO
<b>Social</b>			
<b>A. Land Use</b>			
1. Is there potential to affect current land use/zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there a lack of consistency with community's comprehensive plan and/or other local or regional planning goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the project affect any planned or future development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. Neighborhoods and Community Cohesion</b>			
1. Are relocations of homes or businesses proposed or acquisition of community resources anticipated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there potential for changes to neighborhood character?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is there a potential to impact transportation options (e.g., transit, walking, bicycling)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there potential changes to travel patterns that could affect neighborhood quality of life?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the project divide or isolate portions of the community or generate new development that could affect the current community structure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. General Social Groups</b>			
1. Are there potential effects to the ability of transit dependent, elderly, or disabled populations to access destinations (particularly local businesses and health care facilities)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the project have the potential to disproportionately impact low income or minority populations (Environmental Justice)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Are there alterations to pedestrian facilities that would affect the elderly or disabled such as lengthening pedestrian crossings or providing median refuge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. Community Services</b>			
1. Is there potential to affect access to or use of Schools, Recreation Areas or Places of Worship (e.g., detours, sidewalk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SOCIAL, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS	IF YES, GO TO IMPACT OR ISSUE; IF NO CHECK BOX BELOW	IMPACT OR ISSUE?	
	NO	YES	NO
removal, addition of curb ramps, crosswalks, pedestrian signals, etc.)?			
2. Is there potential to affect emergency service response?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Economic</b>			
<b>A. Regional and Local Economies</b>			
1. Is there potential to affect local economic viability (e.g., development potential, tax revenues, employment opportunities, retail sales or public expenditures)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is there a potential to divert traffic away from businesses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. Business Districts</b>			
1. Are there potential effects on the viability or character of Business Districts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the project affect transportation options available for patrons getting into or out of the District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will sidewalks, bicycling opportunities or transit opportunities to or within the district be affected?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will parking within the district be affected?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. Specific Business Impacts</b>			
1. Are effects to specific businesses anticipated? (e.g., sidewalks, bicycling opportunities, or handicapped access to and from businesses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the project affect available transportation options for patrons to businesses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the project affect the ability of businesses to receive deliveries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will parking for businesses be affected?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental</b>			
1. Are there wetlands within or immediately adjacent to the project limits? <i>See Environmental Procedures Manual (EPM) 4.A.R, Executive Order (EO) 11990 may apply.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there Surface Waters (other than wetlands) within or immediately adjacent to the project limits? <i>lakes, ponds streams or wetlands of any jurisdiction</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is there a designated Wild or Scenic River within or immediately adjacent to the project limits? (See <a href="#">The Environmental Manual (TEM) 4.4.3</a> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the project require a U.S. Coast Guard Bridge Permit? <i>Project area includes a bridge over navigable waters of U.S.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the project area contain waters regulated as Navigable by U. S. Army Corps of Engineers? <i>Section 404/10 Individual Permit or NWP 23 may be required</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the project in a mapped Flood Zone? <i>TEM section 4.?, EO 11988</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the project in or could it affect a designated coastal area? <i>FAN and/or Consistency determination may be required. See <a href="#">TEM 4.6</a></i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SOCIAL, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS	IF YES, GO TO IMPACT OR ISSUE; IF NO CHECK BOX BELOW	IMPACT <sup>1</sup> OR ISSUE?	
	NO	YES	NO
8. Is the project area above a Sole Source Aquifer? <a href="#">See TEM 4.4 Coordination with FHWA and/or EPA may be required.</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the project involve one (1) acre of ground disturbance (or 5,000 sf in the East of Hudson watershed)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are federally/state listed endangered species or designated critical habitat indicated for the project county? <i>Coordination with DEC and/or a FHWA determination may be required. See <a href="#">TEM 4.4.9.3</a></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Is the project in a designated Critical Environmental Area? <a href="#">TEM 4.4.11(SEQR issue)</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Are there any resources protected by Section 106 (or Section 1409) within the project limits or immediate area? <a href="#">See TEM 4.4.12 Appendix G</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Is Native American coordination required outside of Section 106 consultation? <i>The project on or affecting Native American Lands or other areas of interest</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Is there a use, constructive use or temporary occupancy of a 4(f) resource? <a href="#">See SECTION 4(f) POLICY PAPER and contact Area Engineer.</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Will the project involve conversion of a 6(f) resource? <i>listed as having Land and Water Conservation funds spent on the resource</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is there any potential to affect the character of important and possibly significant the visual resources of the project area and its environs? (See <a href="#">PDM Chapter 3.2.2.2</a> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the project convert land protected by the Federal Farmland Protection Act? <a href="#">See TEM 4.4.15</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Will the project acquire active farmland from an Agricultural District? (SEQR issue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Is the project in a non-attainment area and exceed the CO screening criteria? <a href="#">see EPM Chapter 1 1.1-19 an Air Quality Analysis required</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Is the project in a non-attainment area and exceed the PM screening criteria? <a href="#">see EPM Chapter 1 1.1-19? A hot spot analysis is required</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Is the project a Type I Noise project as per 23 CFR 772? <a href="#">See TEM 4.4.18</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Will the project require the removal of Asbestos Containing Materials? <a href="#">See TEM 4.4.19</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Does the project area contain Contaminated and Hazardous Materials? <a href="#">EPA National Priority List</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24. Will the project increase the height of towers, construct new towers or other obstructions in a known migratory bird flyway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## NOTES:

<sup>1</sup> The term "impacts" means both positive and negative effects. Both types of effects should be discussed in the body of the report as appropriate.

**PREPARED BY** (Print Name and Title):

**CERTIFICATION:**

**I certify that the information provided above is true and accurate.**

Regional/Main Office Environmental Unit Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

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July 16, 2018

Mr. Lance Gorney,  
NYSDOT Region 8, Local Projects Unit  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

**Re: PIN 8761.82  
Ulster County Midtown Linear Park  
Kingston, New York**

Dear Mr. Gorney,

Ulster County is planning to convert an approximately 0.8-mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating.

We request your review of this project to evaluate whether our action would result in a finding of adverse effect and to determine if there are any other potential historic resources within the project vicinity. We have enclosed the Section 106 Cultural Resources Submittal Package, which includes a project description, location map, and photos.

Thank you for your assistance. If you have any questions or need additional information, please contact our office.

Sincerely,

**HVEA Engineers**  
by Lora Rinaldi

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NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROJECT SUBMITTAL PACKAGE  
**Section 106 of the National Historic Preservation Act**  
**For Locally-Administered Federal-Aid Projects**

A Project Submittal Package is prepared by the Local Project Sponsor (Sponsor) or their consultants for federal aid transportation projects to provide sufficient information for NYSDOT assessment of Section 106 obligations. The Sponsor sends the package to the Regional Local Project Liaison (RLPL) for RCRC review. The RCRC will make recommendations to identify what is needed for Section 106 compliance for the project.

**DATE: JULY 2018 PIN: 8761.82 BIN: N/A**

**IDENTIFICATION**

Project Name (if any) Ulster County Midtown Linear Park

Project Area Boundaries See attached project description and location map

(Indicate State or County Route # and/or local street name, and clearly defined endpoints)

County: Ulster

Town/City: Kingston

Village/Hamlet: N/A

Have you consulted the NYSHPO web site at [\\*http://nysparks.state.ny.us](http://nysparks.state.ny.us) to determine the preliminary presence or absence of previously identified cultural resources within or adjacent to the project area? If yes:

Yes  No

- Was the project site wholly or partially included within an identified archaeologically sensitive area?
- Does the project site involve or is it substantially contiguous to a previously evaluated National Register of Historic Places listed property?

Yes  No

Yes  No

[\\*http://nysparks.state.ny.us](http://nysparks.state.ny.us) then select **HISTORIC PRESERVATION** then **Historic Preservation Field Services Bureau** then **On Line Tools**

**ALL PROJECTS SUBMITTED FOR REVIEW SHOULD INCLUDE THE FOLLOWING INFORMATION**

**G Project Description** – Attach a full description of the nature and extent of the work to be undertaken as part of this project. This should include, but not limited to, potential activities that might involve drainage, cutting, excavation, grading, filling, on-site detours, new sidewalks, right-of-way acquisition. Relevant portions of the project applications or environmental statements may be submitted. This could be from sections of the Draft Design Report/ Draft Scoping Document.

**G Location Maps** - Provide USGS Quad or DOT Planimetric map showing project area location. The map must clearly show street and road names surrounding the project area as well as all portions of the project.

**G Photos** - Provide clear, original color photographs of the entire project area keyed to a site plan. These photos should indicate:

- Buildings/structures more than 50 years old that are located along the property or on adjoining property
- Areas of prior ground disturbance (removal of original topsoil; filling and plowing are not considered disturbance)

**LOCAL SPONSOR CONTACT**

Name:	Jack Gorton, P.E.	
Title:	Project Manager	
Firm/Agency:	HVEA Engineers	
Address:	560 Route 52 Suite 201	City: Beacon
State:	NY	Zip: 12508
Phone: 845-838-3600	E-Mail: <a href="mailto:jgorton@hveapc.com">jgorton@hveapc.com</a>	

### **Project Funding**

The project is federally funded through the Transportation Alternatives Program (TAP) and is being completed under the oversight review of the NYSDOT Region 8 Local Projects Units.

### **Project Description**

Ulster County is planning to convert an approximately 0.8-mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O’Neil Street. Most of the land within the project limits is considered residential or abandoned rail bed.

The County plans to remove the existing railroad tracks and ties from Downs Street to the I-587 overpass prior to construction of the project to allow access to this area for police and emergency vehicles. The track and tie removal will be limited to the width of the railbed.

### **Steps Taken to Identify Historic Properties**

The project site is located within an area classified as “Archeo Sensitive Area State/National Register” by the NYS Historic Preservation Office. A preliminary screening utilizing the NYSSHPO online tools was completed and found 4 listed historical or cultural resources within the project limits. We have identified any potential historic resources on the project including the Sharpe Burial Ground, Ten Broeck Stone House, 103 Albany Ave, 109 Albany Ave, 24 O’Neil Street all adjacent to the project. The following table is a summary of the properties within the Ulster County Midtown Linear Park that are eligible for the National Historic Register as identified by the online tools.

USN	Type	Name	Details	Status
11140.001138	Building		24 O’Neil Street	Eligible
11140.001214	Building	Sharpe Burial Ground	Albany Ave	Listed
11140.000018	Building	Ten Broeck House	169 Albany Ave	Listed

### **Evaluation of Project Impact on Identified Historic Properties**

There will be no adverse effect on National Register listed or eligible buildings, structures, district, objects or archaeological sites that have been identified within the area of potential effect (APE).

### **Basis for Recommended Project Finding**

Based on the preliminary screening and field review, Ulster County has determined that the project will have **No Adverse Effect** on historic properties.

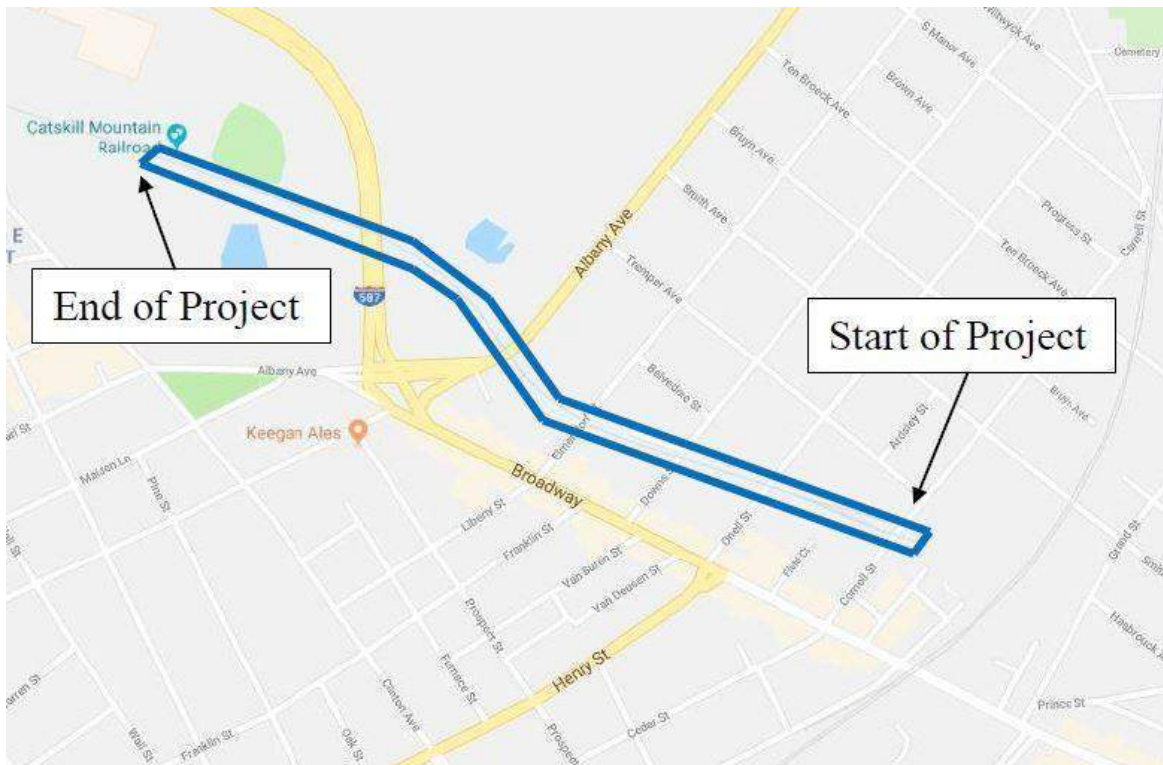
**Public Involvement**

No National Register listed or eligible buildings, structures, district, objects or archaeological sites have been identified within the area of potential effect (APE) that will require public input.

**Attachments**

- 1. Project Location and Photo Key Map
- 2. Photos

**PROJECT LOCATION MAP**



**LEGEND**

 Project Location

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## PHOTOGRAPHS



**Photo 1-** This photo was taken at the start of the project, where the abandoned rail bed intersects with Cornell Street.



**Photo 2-** This photo was taken west of Cornell Street on the trail, of a building adjacent to the project location.



**Photo 3-** This photo was taken on the abandoned rail bed between Cornell Street and Oneil Street.



**Photo 4-** This photo was also taken on the abandoned rail bed between Cornell Street and Oneil Street.





**Photo 5-** This photo was taken at the intersection of the abandoned rail bed and Oneil Street.



**Photo 6-** This photo was taken on the abandoned rail bed under Elmendorf Street.



**Photo 7-** This photo was also taken on the abandoned rail bed under Elmendorf Street.



**Photo 8-** This photo was taken on the abandoned rail bed under Albany Avenue.



**Photo 9-** This photo was taken on the abandoned rail bed under Albany Avenue of a potential Historic Property.



**Photo 10-** This photo was taken on the abandoned rail bed under Route 28/I-587.



**Photo 11-** This photo was taken at the end of the project, where the rail bed intersects with Westbrook Lane.



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

September 07, 2018

Ms. Kathleen Wolfanger  
NYS Department of Transportation  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

Re: DOT  
PIN 8761.82 Ulster County Midtown Linear Park/Trail  
City of Kingston, Ulster County, NY  
18PR04294

Dear Ms. Wolfanger:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential impacts that must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

We have reviewed your submissions for the PIN 8761.82 Ulster County Midtown Linear Park/Trail project. We note that the proposed project is located adjacent to the State and National Register listed Sharpe Burial Ground and the Ten Broeck House, as well as the State and National Register eligible house at 24 O'Neil Street. We understand that the proposed project will include conversion of an approximately 0.8-mile segment of the Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane.

Based on this review, it is the opinion of the SHPO that the proposed project will have No Adverse Impact to historic and cultural resources.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Weston Davey  
Historic Site Restoration Coordinator  
weston.davey@parks.ny.gov

via e-mail only

---

## Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**New York Division**

September 17, 2018

Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207  
518-431-4127  
Fax: 518-431-4121  
New York.FHWA@dot.gov

In Reply Refer To:  
HED-NY

Ms. Kathleen Wolfanger  
Regional Cultural Resource Coordinator  
New York State Department of Transportation, Region 8  
4 Burnett Boulevard  
Poughkeepsie, NY 12063

Subject: PIN 8761.82 – Section 106 & Section 4(f) Consultation  
Ulster County Midtown Linear Park  
City of Kingston, Ulster County

Dear Ms. Wolfanger:

Please reference your letter dated September 13, 2018 requesting our review and concurrence that the requirements of 36 CFR Part 800 have been met for the subject project.

The New York State Department of Transportation (NYSDOT) applied the criteria of effect in accordance with Section 800.5(b) of 36 CFR Part 800 and concluded that the undertaking will have *No Adverse Effect* on cultural resources on or eligible for inclusion on the National Register of Historic Places.

On September 7, 2018, the New York State Historic Preservation Office (SHPO) provided an opinion that based on their review of the submitted information the project will have *No Adverse Impacts* to historic and cultural resources.

We have reviewed the information provided and have determined that this project will have *No Adverse Effect* on any properties on or eligible for inclusion on the National Register of Historic Places. The requirements of 36 CFR Part 800 have been met for this project.

Your September 13 letter also requested concurrence with a Section 4(f) de minimis use determination. The proposed rail trail/urban linear park will not require land to be acquired from any properties listed on or eligible for inclusion on the National Register of Historic Places. As such, there is no direct use (permanent incorporation) of historic properties for purposes of Section 4(f) and in accordance with 23 CFR 774.15(f)(1) a constructive use does not occur when the requirements of 36 CFR 800.5 results in an agreement of *No Adverse Effect*. Therefore, there is no 4(f) use associated with this project.

If you have any questions, please feel free to contact me at (518) 431-8892.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sara J. Gross". The signature is fluid and cursive, with the first name "Sara" and last name "Gross" clearly distinguishable.

Sara J. Gross, P.E.  
Area Engineer

cc: M. Lynch, Division Director, NYSHPO (18PR04294)  
S. Lewison, Environmental Unit, NYSDOT, Region 8  
D. Holsopple, Local Projects Unit, NYSDOT, Region 8  
L. Gorney, Local Projects Unit, NYSDOT, Region 8





**To:** DEC Region 3 **From:** Lora Rinaldi

---

**Fax:** **Pages:** 3 w/ cover

---

**Phone:** **Date:** 10/17/2018

---

**Re:** State-Listed Species, Stream **CC:**  
Classification/ Wetland Locations/  
Endangered Species

---

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

---

Please find attached a map showing the location of the Midtown Linear Park Bike Path Project. We are currently working on the preliminary design of this project.

In determining the regulatory requirements of this project we need to ascertain the potential for State-Listed Species in the vicinity of the project. Please provide a review of the State's Master habitat Databank (MHDB) at your earliest convenience.

A NYSDEC Stream Classification for any waterways within the project limits, as well as any wetlands in the vicinity of the project is also necessary.

Thank you for your time on this matter.

**Project Information:**

Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

The coordinates of the start of the project are N41°56'7.5516":W74°0'56.43", and the coordinates of the end of the project are N41°55'49.5552":W74°0'8.5782". See figure 1 for a location map.

**Project Map:**

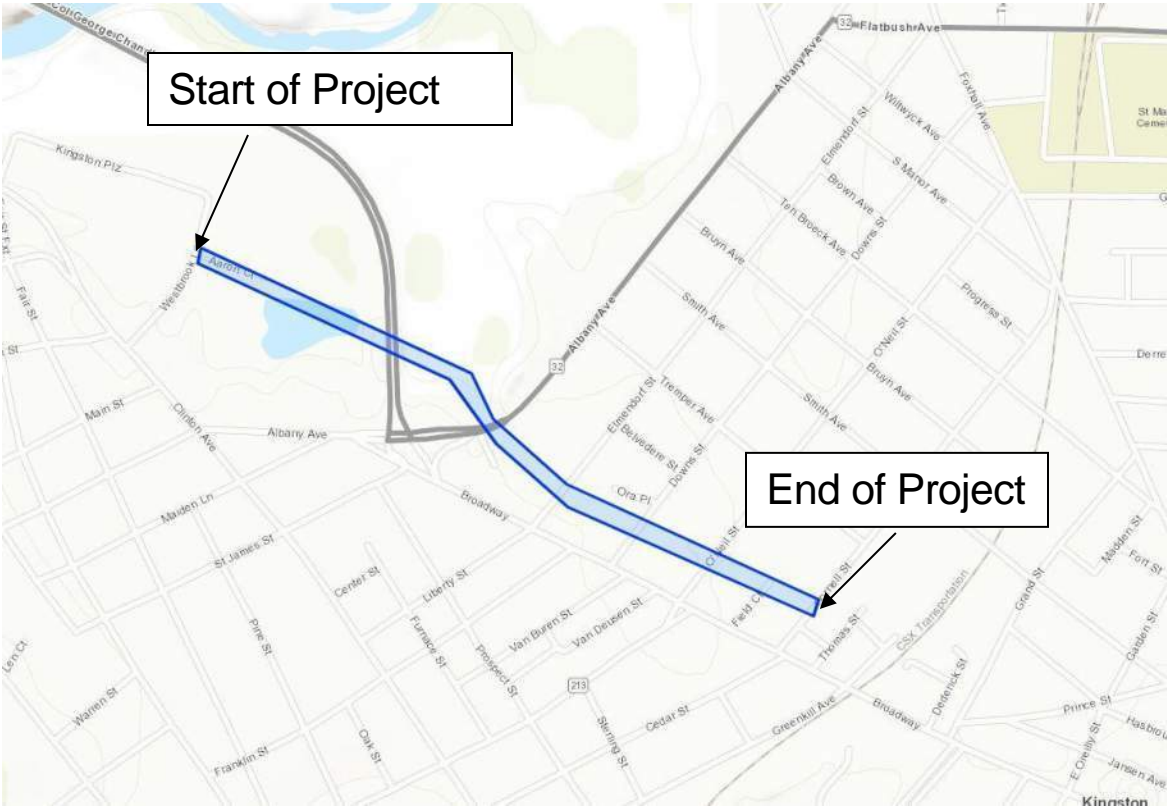


Figure 1: Location Map of Midtown Linear Park; Kingston, Ulster County

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3  
21 South Putt Corners Road, New Paltz, NY 12561-1620  
P: (845) 256-3054 | F: (845) 255-4659  
www.dec.ny.gov



Department of  
Environmental  
Conservation

October 31, 2018

Lora Rinaldi  
HVEA Engineers  
560 Route 52, Suite 201  
Beacon, NY 12508

Re: Kingston Midtown Linear Park  
City of Kingston, Ulster County  
CH# 7901  
**Comments on Jurisdiction**

Dear Ms. Rinaldi,

The Department of Environmental Conservation (DEC or Department) received your inquiry regarding the above-referenced project, which would involve construction of an existing railway are to a bike path, on October 25, 2018. No plans or project specifics besides a location map were provided. Based upon our review of your inquiry we offer the following comments:

**STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	Status
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	Threatened

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.

Any tree removal associated with this project should occur within the appropriate time of the year work window, November 1 through March 31, to avoid direct adverse impacts to Northern-long eared bats. If tree clearing cannot be completed within the acceptable time of year restriction, further review will be required. For further information, please contact the DEC Region 3 Bureau of Wildlife at (845) 256-3098.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and



the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

### **CULTURAL RESOURCES**

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources.

Furthermore, the project area is located adjacent to the following sites listed on the State or National Register of Historic Places:

- Albany Avenue, Building at 109
- Forsyth, James and Mary, House
- Smith, John, House
- Sharp Burial Ground
- Albany Avenue, House at 184
- Ten Broeck, Jacob, Stone House
- Palen, Frank A, House

If any DEC permits are required, a determination of impact from the State Historic Preservation Office (SHPO) will be required. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

### **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)**

If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

### **PROTECTION OF WATERS – STREAM DISTURBANCE**

There were no protected streams or waterbodies identified within the specified project area.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

**FRESHWATER WETLANDS**

The project area is not within a New York State-protected Freshwater Wetland. However, please contact city officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8411, for any permitting they might require.

**WATER QUALITY CERTIFICATION**

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/wqcnwp2017.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf).

**FEMA FLOODPLAIN**

Portions of the project site are located within a Federal Emergency Management Agency (FEMA) floodplain. The project sponsor should contact the City of Kingston to determine if any additional jurisdictions are applicable to the proposal.

**OTHER**

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, [www.dec.ny.gov](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Chris Lang  
Division of Environmental Permits  
Region 3, Telephone No. (845) 256-3096

ecc: City of Kingston  
DEC R3 Bureau of Wildlife

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

November 25, 2019

Consultation Code: 05E1NY00-2019-SLI-0094

Event Code: 05E1NY00-2020-E-02387

Project Name: Ulster County Midtown Linear Park

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle\\_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2019-SLI-0094

Event Code: 05E1NY00-2020-E-02387

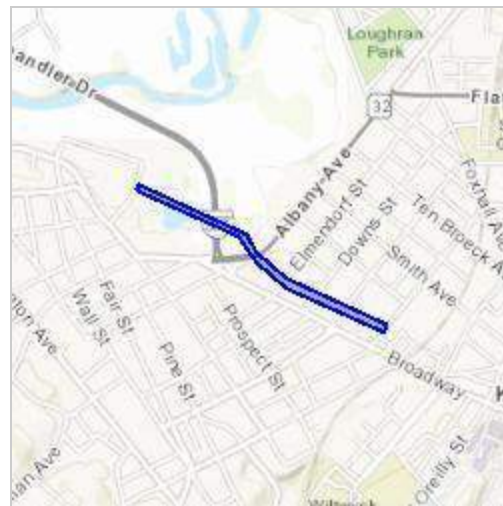
Project Name: Ulster County Midtown Linear Park

Project Type: TRANSPORTATION

**Project Description:** Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.93260597089079N74.00941284988892W>



Counties: Ulster, NY

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road

Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

IPaC Record Locator: 103-19487692

December 16, 2019

Subject: Consistency letter for the 'Ulster County Midtown Linear Park' project (TAILS 05E1NY00-2019-R-0094) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **Ulster County Midtown Linear Park** (Proposed Action) may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

This "may affect - not likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead Federal action agency or designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator". They will need to enter the record locator **103-19487692**.

**For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities:** If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

---



## Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

### Name

Ulster County Midtown Linear Park

### Description

Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

---

## Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

## Qualification Interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

[1] See [Indiana bat species profile](#)

**Automatically answered**

Yes

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[1] See [Northern long-eared bat species profile](#)

**Automatically answered**

Yes

3. Which Federal Agency is the lead for the action?

A) *Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction<sup>[1]</sup> activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces<sup>[1]</sup>?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

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6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum<sup>[1]</sup>?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

*No*

7. Is the project located **within** a karst area?

*No*

8. Is there *any* suitable<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

*Yes*

9. Will the project remove *any* suitable summer habitat<sup>[1]</sup> and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

*Yes*

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

*No*

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11. Have presence/probable absence (P/A) summer surveys<sup>[1][2]</sup> been conducted<sup>[3][4]</sup> **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

*No*

12. Does the project include activities **within documented Indiana bat habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

*Yes*

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14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur<sup>[1]</sup>?

[1] Coordinate with the local Service Field Office for appropriate dates.

*B) During the inactive season*

15. Does the project include activities **within documented NLEB habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

*Yes*

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

*B) During the inactive season*

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

*Yes*

19. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

*No*

20. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

*No*

21. Are *all* trees that are being removed clearly demarcated?

*Yes*

---

22. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

*No*

23. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

*No*

24. Does the project include slash pile burning?

*No*

25. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

*No*

26. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

*No*

27. Will the project involve the use of **temporary** lighting *during* the active season?

*No*

28. Will the project install new or replace existing **permanent** lighting?

*Yes*

29. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting will be installed or replaced?

*Yes*

30. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

*No*

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31. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

32. Will the project raise the road profile **above the tree canopy**?

No

33. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

**Automatically answered**

*Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO*

34. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

---

**36. General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

**37. Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal<sup>[1]</sup> in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

**38. Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

**39. Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**<sup>[1]</sup> Indiana bat or NLEB roosts<sup>[2]</sup> (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

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**40. Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society<sup>[1][2]</sup> to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

No

**41. Lighting AMM 2**

Will *all* **permanent** lighting use downward-facing, full cut-off<sup>[1]</sup> lens lights (with same intensity or less for replacement lighting)?

[1] Refer to [Luminaire classification for controlling stray light](#)

Yes

**42. Lighting AMM 2**

Will *all* **permanent** lighting be directed away from *all* areas with suitable habitat?

Yes

## Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres<sup>[1]</sup> of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

.5

## Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

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#### GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

#### LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

#### TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

#### TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

#### TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

#### TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

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## **Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat**

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

December 27, 2019

Consultation Code: 05E1NY00-2019-I-0094

Event Code: 05E1NY00-2020-E-03398

Project Name: PIN 8761.82 Ulster County Midtown Linear Park

Subject: Concurrence verification letter for the 'PIN 8761.82 Ulster County Midtown Linear Park' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **PIN 8761.82 Ulster County Midtown Linear Park** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

**For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities:** If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

---

## Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

### Name

PIN 8761.82 Ulster County Midtown Linear Park

### Description

Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

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## Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

## Qualification Interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

[1] See [Indiana bat species profile](#)

**Automatically answered**

Yes

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[1] See [Northern long-eared bat species profile](#)

**Automatically answered**

Yes

3. Which Federal Agency is the lead for the action?

*A) Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction<sup>[1]</sup> activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces<sup>[1]</sup>?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

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6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum<sup>[1]</sup>?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

*No*

7. Is the project located **within** a karst area?

*No*

8. Is there *any* suitable<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

*Yes*

9. Will the project remove *any* suitable summer habitat<sup>[1]</sup> and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

*Yes*

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

*No*

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11. Have presence/probable absence (P/A) summer surveys<sup>[1][2]</sup> been conducted<sup>[3][4]</sup> **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

*No*

12. Does the project include activities **within documented Indiana bat habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

*Yes*

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14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur<sup>[1]</sup>?

[1] Coordinate with the local Service Field Office for appropriate dates.

*B) During the inactive season*

15. Does the project include activities **within documented NLEB habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

*Yes*

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

*B) During the inactive season*

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

*Yes*

19. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

*No*

20. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

*No*

21. Are *all* trees that are being removed clearly demarcated?

*Yes*

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22. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

23. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

24. Does the project include slash pile burning?

No

25. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

26. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

27. Will the project involve the use of **temporary** lighting *during* the active season?

No

28. Will the project install new or replace existing **permanent** lighting?

Yes

29. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting will be installed or replaced?

Yes

30. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

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31. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

32. Will the project raise the road profile **above the tree canopy**?

No

33. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

**Automatically answered**

*Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO*

34. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

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**36. General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

**37. Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal<sup>[1]</sup> in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

**38. Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

**39. Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**<sup>[1]</sup> Indiana bat or NLEB roosts<sup>[2]</sup> (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

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**40. Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society<sup>[1][2]</sup> to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

No

**41. Lighting AMM 2**

Will *all* **permanent** lighting use downward-facing, full cut-off<sup>[1]</sup> lens lights (with same intensity or less for replacement lighting)?

[1] Refer to [Luminaire classification for controlling stray light](#)

Yes

**42. Lighting AMM 2**

Will *all* **permanent** lighting be directed away from *all* areas with suitable habitat?

Yes

## Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres<sup>[1]</sup> of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

.5

## Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

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**GENERAL AMM 1**

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

**LIGHTING AMM 2**

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

**TREE REMOVAL AMM 1**

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

**TREE REMOVAL AMM 2**

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

**TREE REMOVAL AMM 3**

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

**TREE REMOVAL AMM 4**

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

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## **Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat**

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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**Section 7 ESA Process: ESA/EFH Transmittal Sheet**

Step 3: Documentation. Please complete the appropriate boxes below and complete the documentation as described.

	ESA/EFH Does Not Apply	No Effect, Activity-Based	No Effect, No Suitable Habitat or No Effect	BATS: MA, NLAA, 14-Day Form, or IPaC Submittal	NLEB: MA, LAA 30 Day Form, or IPaC Submittal	MA, NLAA, Traditional 7-step Process	MA, LAA, Formal Consultation
Northern Long-eared Bat				IPaC Submittal			
Indiana Bat				IPaC Submittal	NA		
Bog Turtle	x			NA	NA		
Mollusks (Dwarf Wedge Mussel, Rayed Bean, Clubshell, Chittenango Ovale Amber Snail)	x			NA	NA		
Karner Blue Butterfly	x			NA	NA		
Sturgeon (Shortnose, Atlantic)			x	NA	NA		
Sea Turtles	x			NA	NA		
Atlantic Large Whales	x		NA	NA	NA		
EFH Resources (circle one)	EFH Does Not Apply	No Effect, Activity-Based	NA	NA	EFH Programmatic Agreement Applies	EFH Programmatic Agreement MAY Apply	Individual EFH Consultation is Required
<b>Documentation Required</b>	The IPaC/NMFS ESA/EFH Mapper report is included in the Design Report.	Record the corresponding number of the activity in the box above. This sheet and the IPaC/NMFS ESA/EFH printout are included in the Design Report.	NYSDOT submits "No Effect, No Suitable Habitat Determination" to FHWA. Concurrence has been obtained if 15 days passes without correspondence from FHWA.	NYSDOT submits 14-day Form to USFWS-cc: Area Engineer, OR submits through IPaC w/Area Engineer included.	NYSDOT submits 30-day Form to FHWA-then to USFWS, OR NYSDOT submits through IPaC w/ Area Engineer included.	NYSDOT submits either BE or BA to FHWA, who submits to USFWS for concurrence.	NYSDOT submits BA to FHWA for Initiation of Formal Consultation with USFWS or NMFS.

**Instructions for Use:** This Summary Sheet is sent to FHWA for concurrence for all submissions, except "ESA Does Not Apply" and "No Effect, Activity-Based". A submittal package includes all documentation for all species requiring concurrence, with a cover letter requesting concurrence, so that FHWA can make one ESA determination. SEE EACH SPECIES-SPECIFIC PACKAGE FOR SPECIFIC DOCUMENTATION REQUIREMENTS FOR SUBMITTALS. Also, FHWA requires documentation of compliance with ESA in the Design Report.





## MEMORANDUM

**TO:** O. Trocard/V. Banfield, Local Projects Unit, Region 8 (VIA EMAIL)

**FROM:** K. Wolfanger, Regional Environmental Contact, Region 8 *KW*

**SUBJECT:** NATIONAL ENDANGERED SPECIES ACT (ESA) – SECTION 7  
PIN 8761.82  
ULSTER COUNTY MIDTOWN LINEAR PARK  
CITY OF KINGSTON  
ULSTER COUNTY

**DATE:** January 10, 2020

On December 27, 2019, a *May Affect, not likely to Adversely Affect* determination for Indiana bat and northern long-eared bat for the subject project was submitted through the United States Fish and Wildlife Service's (USFWS) Information for Planning and Conservation on-line system. No other federally-protected species are on the USFWS Official Species List. The 14-day waiting period required in the attached Concurrence Verification Letter has elapsed.

Due to the lack of in-water work, no formal queries for marine species or essential fish habitat were generated.

ESA Section 7 consultation is complete as of January 10, 2020. A copy of the Concurrence Verification Letter shall be included in the Design Report for the project.

If you have any questions, please contact Kaitlin A. Larson at 845-431-5852.

KW:KAL

Attachment



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road

Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

December 27, 2019

Consultation Code: 05E1NY00-2019-I-0094

Event Code: 05E1NY00-2020-E-03398

Project Name: PIN 8761.82 Ulster County Midtown Linear Park

Subject: Concurrence verification letter for the 'PIN 8761.82 Ulster County Midtown Linear Park' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **PIN 8761.82 Ulster County Midtown Linear Park** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

**For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities:** If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

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## Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

### Name

PIN 8761.82 Ulster County Midtown Linear Park

### Description

Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

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## Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

## Qualification Interview

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

[1] See [Indiana bat species profile](#)

**Automatically answered**

Yes

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[1] See [Northern long-eared bat species profile](#)

**Automatically answered**

Yes

3. Which Federal Agency is the lead for the action?

*A) Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction<sup>[1]</sup> activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces<sup>[1]</sup>?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

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6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum<sup>[1]</sup>?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

*No*

7. Is the project located **within** a karst area?

*No*

8. Is there *any* suitable<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

*Yes*

9. Will the project remove *any* suitable summer habitat<sup>[1]</sup> and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

*Yes*

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

*No*

---

11. Have presence/probable absence (P/A) summer surveys<sup>[1][2]</sup> been conducted<sup>[3][4]</sup> **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

*No*

12. Does the project include activities **within documented Indiana bat habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

*Yes*

---

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur<sup>[1]</sup>?

[1] Coordinate with the local Service Field Office for appropriate dates.

*B) During the inactive season*

15. Does the project include activities **within documented NLEB habitat**<sup>[1][2]</sup>?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

*No*

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

*Yes*

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

*B) During the inactive season*

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

*Yes*

19. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

*No*

20. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

*No*

21. Are *all* trees that are being removed clearly demarcated?

*Yes*

---

22. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

23. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

24. Does the project include slash pile burning?

No

25. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

26. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

27. Will the project involve the use of **temporary** lighting *during* the active season?

No

28. Will the project install new or replace existing **permanent** lighting?

Yes

29. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting will be installed or replaced?

Yes

30. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

---

31. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

32. Will the project raise the road profile **above the tree canopy**?

No

33. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

**Automatically answered**

*Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO*

34. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

**Automatically answered**

*Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.*

---

**36. General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

**37. Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal<sup>[1]</sup> in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

**38. Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

**39. Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**<sup>[1]</sup> Indiana bat or NLEB roosts<sup>[2]</sup> (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

---

**40. Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society<sup>[1][2]</sup> to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

No

**41. Lighting AMM 2**

Will *all* **permanent** lighting use downward-facing, full cut-off<sup>[1]</sup> lens lights (with same intensity or less for replacement lighting)?

[1] Refer to [Luminaire classification for controlling stray light](#)

Yes

**42. Lighting AMM 2**

Will *all* **permanent** lighting be directed away from *all* areas with suitable habitat?

Yes

## Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres<sup>[1]</sup> of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

.5

## Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

---



**GENERAL AMM 1**

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

**LIGHTING AMM 2**

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

**TREE REMOVAL AMM 1**

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

**TREE REMOVAL AMM 2**

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

**TREE REMOVAL AMM 3**

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

**TREE REMOVAL AMM 4**

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

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## **Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat**

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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## Species Conclusions Table

Project Name: PIN 8761.82 – Midtown Linear Park

Date: 6/3/2019

Species Name/Critical Habitat	Potential Habitat Present?	Species Present?	Critical Habitat Present?	ESA / Eagle Act Determination	Notes / Documentation Summary (include full rationale in your report)
Indiana Bat ( <i>Myotis sodalis</i> )	Yes	Yes	No	May Affect, Not Likely to Adversely Effect	Based on the above habitat criteria, limited suitable habitat is present within the project action area. Approximately 89 trees greater than or equal to 3 inches dbh will be cut as a result of this project. Trees will only be cleared during the November 1 <sup>st</sup> to March 31 <sup>st</sup> time frame.
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Yes	Yes	No	May Affect, Not Likely to Adversely Effect	Based on the above habitat criteria, limited suitable habitat is present within the project action area. Approximately 89 trees greater than or equal to 3 inches dbh will be cut as a result of this project. Trees will only be cleared during the November 1 <sup>st</sup> to March 31 <sup>st</sup> time frame.
Bald Eagle				Unlikely to disturb nesting bald eagles	





July 3, 2018

NY Natural Heritage Program - Information Services  
NYSDEC  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

Attn: Ms. Andrea Chaloux

Re: *PIN 8761.82 Ulster County Midtown Linear Park  
Kingston, New York*

---

Dear Ms. Chaloux:

Ulster County is planning to convert an approximately 0.8 mile segment of the County-owned Ulster & Delaware Railroad Right of Way into a rail trail/urban linear park from Cornell Street to Westbrook Lane in the City of Kingston. The Project will serve non-motorized transportation and recreational uses, including walking, running, bicycling, and inline skating. The County plans to convert the existing U&D railroad corridor into a trail. The Project includes establishing a trailhead/ pocket-park at the most eastern segment of the ROW between Cornell Street and O'Neil Street. The majority of the land within the project limits is considered residential or abandoned rail bed.

The coordinates of the start of the project are N41°56'7.5516":W74°0'56.43", and the coordinates of the end of the project are N41°55'49.5552":W74°0'8.5782". See figure 1 for a location map.

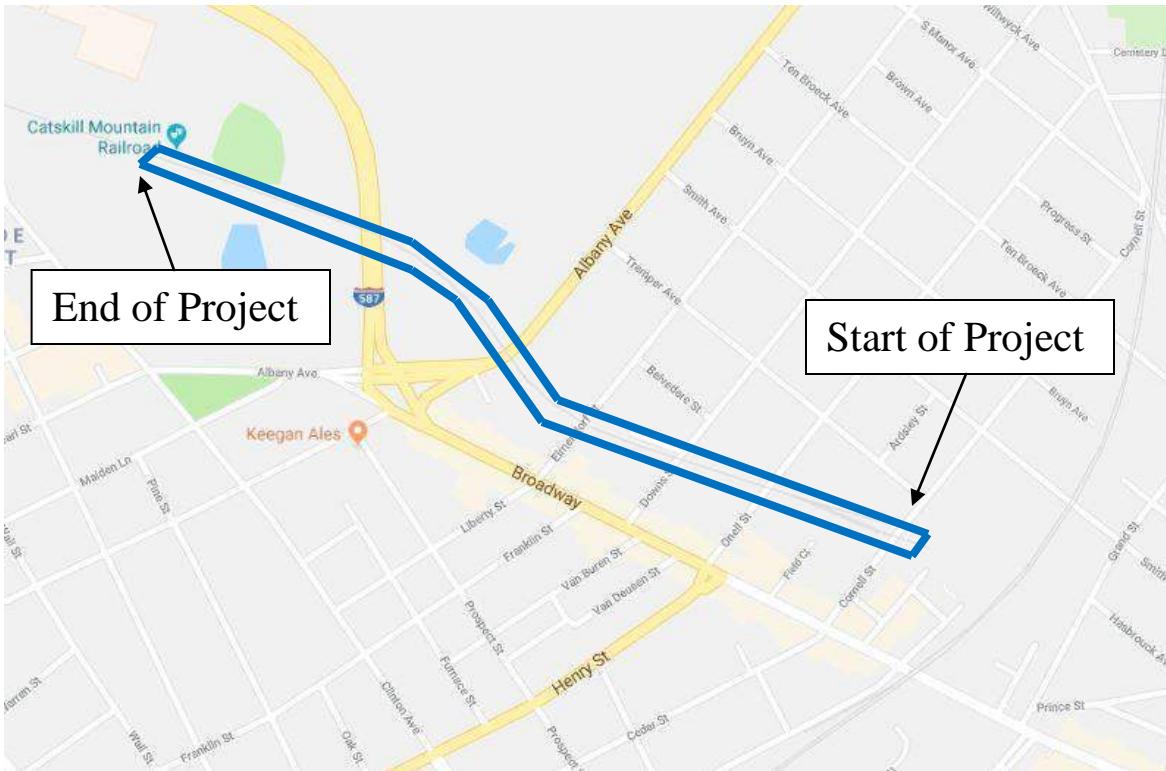


Figure 1: Location Map of Midtown Linear Park; Kingston, Ulster County



The U.S. Fish & Wildlife Service's Information, Planning and Consultation (IPaC) system was used to determine if any federally-listed, proposed, or candidate species may be present in the Ulster County Midtown Linear Park project area. The results showed that the following species may be affected by the project:

1. Indiana Bat (*Myotis sodalis*; Endangered)
2. Northern Long-eared Bat (*Myotis septentrionalis*; Threatened)

Please advise if any federally-listed, proposed, or candidate species are known to exist in the action area of the project and if any critical habitat areas have been designated that overlap the project area.

Thank you for your assistance. If you have any questions or concerns, please call me at (845) 838- 3600.

Sincerely,  
**HVEA Engineers**

by \_\_\_\_\_  
Lora Rinaldi  
Staff Engineer

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# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
www.dec.ny.gov

August 3, 2018

Lora Rinaldi  
HVEA Engineers  
560 Route 52 - Suite 201  
Beacon, NY 12508

Re: Ulster County Midtown Linear Park (PIN 8761.82)  
County: Ulster Town/City: City Of Kingston

Dear Ms. Rinaldi:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

Within 1.5 miles from the project site is a documented winter hibernaculum of **Northern long-eared bat** (*Myotis septentrionalis*, state and federally listed as Threatened); two more are within five miles. These bats may travel five miles or more from documented locations. The main impact of concern for bats is the cutting or removal of potential roost trees. For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 3 Office at [dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov), (845) 256-3054. For information about potential impacts of your project on this species and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at [Wildlife.R3@dec.ny.gov](mailto:Wildlife.R3@dec.ny.gov), (845) 256-3098.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 3 Office, Division of Environmental Permits, as described above.

Sincerely,



Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program

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**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? **NOT APPLICABLE**  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

• Total number of phases anticipated \_\_\_\_\_

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
  
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
  
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="text-align: center;"><b>To Be Determined</b></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

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iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. Nature of historic/archaeological resource: <input checked="" type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: Eligible property: 3-story 4x12 bay brick commercial bldg w/storefront, Eligible property: First Baptist Church, Smith, ... iii. Brief description of attributes on which listing is based: _____ Listing is based on data from NYS Cultural Resource Information System (CRIS).	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. Identify resource: Esopus/Lloyd Scenic Area of Statewide Significance ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic Area of Statewide Significance iii. Distance between project and resource: _____ 2.0 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

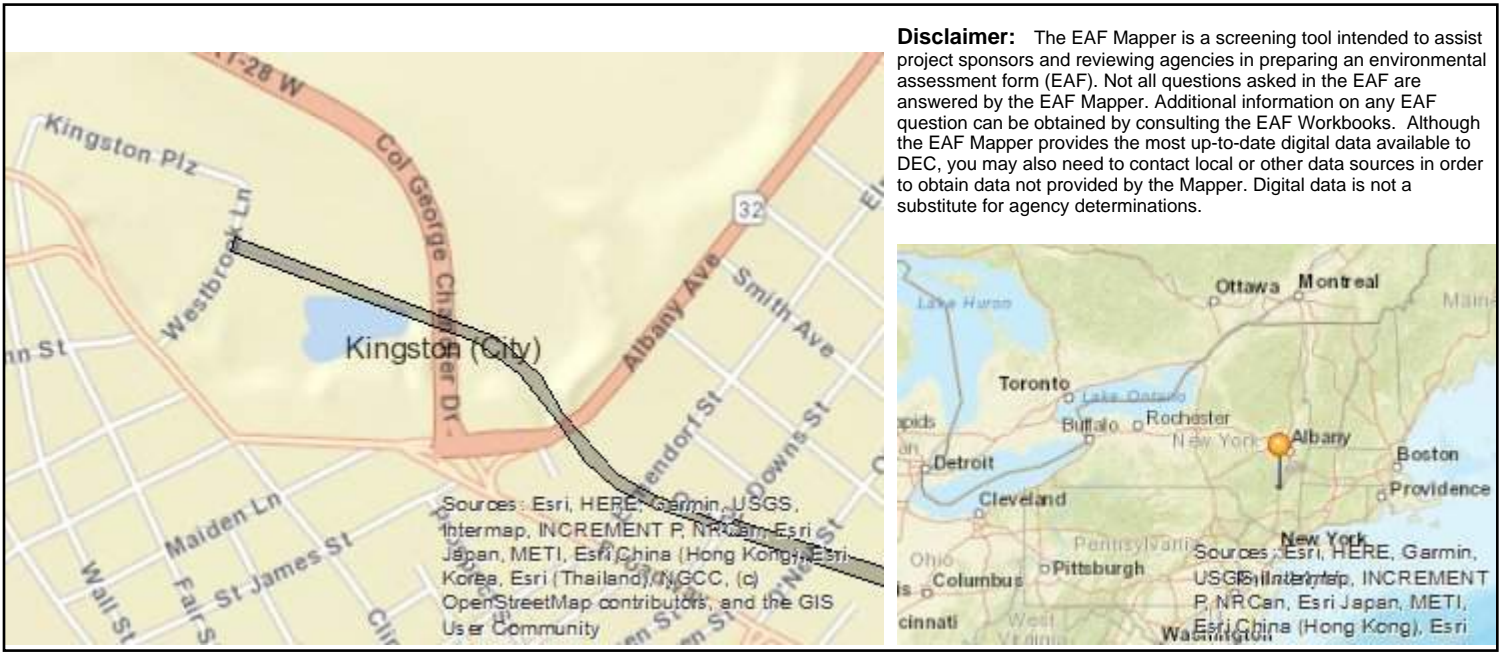
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Christopher White Date July 9, 2019

Signature  Title Deputy Director of Planning



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Kingston
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00171, V00617, C356054
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes



E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:3-story 4x12 bay brick commercial bldg w/storefront, Eligible property:First Baptist Church, Smith, John, House, Albany Avenue, Building at 109, Sharp Burial Ground, Ten Broeck, Jacob, Stone House, House at 184, Forsyth, James and Mary
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Project :

Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b>			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		



d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b>			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b>			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b>			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

***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.

**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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ 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:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**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>

**Ulster County Midtown Linear Park – PIN 8761.82  
City of Kingston, New York**

**NYCRR PART 617.17  
STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

This Notice and Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law (“SEQRA”).

Pursuant to Resolution No. 391 of September 17, 2019, the Ulster County Legislature, as Lead Agency and Project Sponsor, has determine that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**SEQRA:** Type I Action: 06/18/2019

**STATUS:** Full EAF

**PROJECT SPONSOR:** County of Ulster

**NAME OF ACTION:** In the Matter of the Ulster County Legislature approval of the construction of the Ulster County Midtown Linear Park- PIN 8761.82 along the former Ulster and Delaware Railroad corridor from Cornell Street to Westbrook Lane in the City of Kingston, Ulster County, New York (hereinafter, the “Project”)

**CONDITIONED NEGATIVE DECLARATION:** No

**PROJECT SUMMARY:**

The Ulster County Legislature (hereinafter, the “County”) is proposing to construct a 0.8-mile paved shared-use path for recreation and non-motorized transportation along the section of abandoned Ulster and Delaware Railroad, starting on the east side of Cornell Street and ending at Westbrook Lane in the City of Kingston, known as the Ulster County Midtown Linear Park- PIN 8761.82 (hereinafter, the “Project”). The Project includes the removal of remaining tracks and ties between Downs and Cornell Street, grading and paving a 12-foot wide shared-use path, implementing drainage improvements, installation safety improvements such as improved lighting and fencing, remediating contaminated soil at the former railroad yard between O’Neil and Cornell Streets, and making safety improvements to existing street grade crossings.

The Project will have a significant positive impact on midtown Kingston and the surrounding neighborhoods. Project benefits include creating a safe and enjoyable non-motorized

transportation route from midtown Kingston to the Kingston Plaza, establishing an urban “linear park” in an area of the City of Kingston with little access to recreational facilities and parks, boosting economic revitalization efforts for midtown Kingston by upgrading a formerly blighted and overgrown corridor into a recreational amenity, and improve safety and emergency response access to this corridor.

The Project has been designed to mitigate any potential environmental impacts and will also provide directly environmental and community benefits. These benefits include the removal and proper disposal of approximately 1,300 creosote-treated railroad ties, clearing of debris and hazard trees, cleaning and rehabilitation of existing culverts and drainage ditches, and environmental remediation of the former rail yard located between O’Neil Street and Cornell Street.

## **HISTORY OF THE PROJECT:**

**April 19, 2017:** The State of New York announced a \$1.5 million grant award to Ulster County for the Midtown Linear Park Project under the Transportation Alternatives Program (“TAP”), which funds eighty (80) percent of the estimated project cost.

**December 19, 2017:** The Ulster County Legislature (“Legislature”), pursuant to Resolution No. 503, created Capital Project No. 479- Ulster County Midtown Linear Park and authorized and funded engineering and right-of-way incidental work. The Legislature also declared its intent to act as Lead Agency in the matter of constructing the Midtown Linear Park, determining the action to be Unlisted under SEQRA which will undergo a Coordinated Review.

**April 17, 2018:** The Ulster County Legislature, pursuant to Resolution No. 128, authorized engineering and right-of-way incidental work by HVEA Engineers, which was selected for the services based on responses to Request for Statements of Qualifications UC-17-053.

**June 2018:** The County and HVEA Engineers being the engineering design process for the Project that includes outreach to the following:

- City of Kingston, including Kingston City Police
- New York State Department of Transportation (“NYSDOT”)
- New York State Department of Environmental Conservation (“NYSDEC”)
- New York State Office of Parks, Recreation and Historic Preservation (“NYS OPRHP”)
- United States Army Corps of Engineers (“ACOE”)
- United States Fish and Wildlife Service (“USFW”)
- Adjoining property owners

**September 20, 2018:** The Legislature authorizes the removal of track and ties on approximately one-half of the Project site extending from I-587 to Downs Street. This action, known as the Interim Public Safety Improvement Project, was to address public safety issues and allow easier police and emergency response in this Project segment. The Legislature issued and adopted a Negative Declaration on this Unlisted Action, which was lawfully segmented from the larger Project review.



**October-December 2018:** Tracks and ties are removed between I-587 and Downs Street. County Department of Public Works does grading and surfacing work following the track and tie removal to allow for improved pedestrian and bicycle access and emergency response.

**February 4, 2019:** Ulster County submitted to the New York State Department of Transportation the Draft Design Report for the Project soliciting comments from the agency's review.

**March 20, 2019:** Ulster County holds Public Information Meeting in Kingston to discuss Project background, design alternatives, opportunities and challenges, and timeline. County accepts comment and feedback from the more than fifty (50) individuals in attendance.

**July 26, 2019:** In response to comments from NYSDOT and the Federal Highway Administration ("FHWA"), the County submits a Final Design Report addressing issues and questions submitted to the County by the agencies.

## **REASONS SUPPORTING THE DETERMINATION:**

### **Methodology:**

In making this Determination of Non-Significance, the Ulster County Legislature and its advisors first examined Parts 1 and 2 of the Full Environmental Assessment Form ("FEAF" and the supplemental data and documentation as contained in the Final Design Report and other reports as prepared by the County's engineering consultants and staff. This work was undertaken from May 1, 2018 until the submittal of the Final Design Report and FEAF Parts 1 and 2 in July of 2019. These materials have been reviewed by the Legislature are annexed hereto and made a part hereof.

The annexed documentation and additional analyses include the following:

- Final Phase II Environmental Site Assessment for the Kingston Rail Yard Site (prepared by CDM Smith and conducted on behalf of the U.S. Environmental Protection Agency under the Targeted Brownfield Assessment Program). Final report dated July 19, 2017.
- Transportation Project Report: Initial Project Proposal/ Final Design Report for Ulster County Midtown Linear Park (PIN 8761.82), dated July 2019, including the following:
  - Maps, Plans, Profiles and Typical Sections
  - Federal Environmental Approval Worksheet
  - Social, Economic and Environmental Resources Checklist
  - Opinion from NYS OPRHP finding No Adverse Impact from the Project on historic resources
  - Review of Endangered and Threatened Species with comments from NYSDEC and USFWS
  - Full Environmental Assessment Form- Parts 1 and 2
  - Project Site Map

## **Alternatives Analysis:**

During the design process, the County considered and evaluated several alternative design scenarios. The County considered a Null Alternative (No Build), Alternative A: Trail construction with removal of all track between I-587 and Westbrook Lane; and Alternative B: Trail construction retaining track between I-587 and Westbrook Lane that is subject to the Tourist Railroad Permit-Eastern Segment issued by Ulster County to the Catskill Mountain Railroad” (the Permittee”). Alternative B, which leaves in place 800 feet of track and ties east of Westbrook Lane relocating the trail to the southern portion of the right-of-way, was selected as the Preferred Alternative that can achieve the County’s objectives while minimizing disruption to the Permittee, which has a Permit for use of the Property until December 31, 2020.

It should be noted that County had previously evaluated an alternative that would leave the tracks and ties in place below a paved surface. This alternative was rejected as being infeasible due to the impact on the longevity and future maintenance of the trail as well as the ability to safely accommodate rail and trail within the narrow corridor.

The County has also evaluated several trail enhancements which would improve the safety and usability of the Project, including installation of improved pedestrian lighting and construction of new stair access facilities at the Elmendorf Street and Albany Avenue overpasses. The County is proposing to include these enhancements, but is awaiting a final determination on the inclusion of the new stair facilities by FHWA.

## **Evaluation of Impacts of the Proposed:**

Based on the extensive environmental analysis for the Project, the County finds that the facts and information available to it support a determination that all probable and relevant adverse environmental effects have been identified and none have been found to be significant. Therefore, an Environmental Impact Statement is deemed not necessary for this action and will not be prepared.

The environmental analysis of the reasonably related long-term, short-term, direct, indirect and cumulative impacts of this Project started with an analysis of the existing conditions of the Project site. The review then analyzed the environmental impacts of the proposed changes and actions for the Project construction, while comparing those impacts with the impacts on existing land use to determine if the proposed action may have a significant adverse environmental impact.

Based on the information and data available, the County has determined that the Project will not have any significant environmental impacts. Rather, the Project will provide environmental benefits by removing contaminated soil, removing debris, improving drainage to avoid erosion and stormwater impacts, and provide a much-needed linear park and recreational facility that will primarily benefit low- and moderate- income neighborhoods.

The Ulster County Legislature previously conducted a lawful segmented review of the Interim Public Safety Improvement Project for a segment of the Project site and issued a Negative Declaration pursuant to 6 NYCRR Part 617.3(g)(1).

## **EXAMINATION OF LIKELY ENVIRONMENTAL IMPACT:**

The County's examination of the specific environmental impacts addresses those areas required under 6 NYCRR Part 617.7(c). The County has determined the Project to be a Type 1 Action and conducted a Coordinated Review under SEQRA, including preparation of a Full Environmental Assessment Form Parts 1 and 2. The following numbered items correspond to the question numbers on Part 2 of the Environmental Assessment Form that were marked "Yes":

### **1. Impact on Land**

In The Project includes removal of the remaining steel rail and ties that were not previously removed during the Interim Public Safety Improvement Project. These tracks and ties between Downs Street and Cornell Street are along the alignment of the abandoned railroad. In the former railyard between O'Neil and Cornell Street two railroad sidings in addition to the main line will also be removed. Removal will include all tracks and ties and the former railroad corridor will be graded to allow for installation of subbase and pavement. The Project will minimize the disturbance of land to the width of the existing railroad bed with trail surface and shoulders, constructed to be twelve feet in width.

As referred to previously, approximately 0.35 miles of the 0.8 mile Project were previously converted to a crushed stone trail during the Interim Public Safety Improvement Project, which created no discernable adverse impact on land. In fact, these improvements, which will be further implemented during the Project, helped to stabilize several areas where erosion had become an issue. Slopes along the corridor will be left largely undisturbed with minor stabilization of some areas near road crossings where drainage is a problem, and removal of a few hazard trees. Once construction is complete, a mowing and maintenance program will be instituted.

During construction of the Project the contractor will be required to install and maintain erosion and sediment controls for all disturbed areas., The risk of erosion and sediment transfer is relatively low due to the consistent grade and elevation of the project site and the prior stabilization that was implementing in several sections. No construction of steep slopes is proposed as part of the Project, and no impacts on adjacent lands to the Project site are anticipated. Project construction is anticipated to take approximately seven months to complete,

Based on the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse change in existing impact to the land as a result of the Project.

### **3. Impact on Surface Water**

The Project as proposed will not create a new water body, alter an existing water body or adversely impact nearby water bodies and/or wetlands. Federal wetlands are located in the vicinity of the Project near the I-587 underpass; however, the design of the Project avoids any disturbance of this wetland, and no change in drainage associated with it is proposed. The Project site is currently impacted by stormwater run-off directed from adjacent streets onto the Project corridor. These areas will be improved and stabilized with new stone-protected outflows from the pipes

directed onto the Project site to ensure that stormwater does not negatively impact nearby wetlands. No new discharges to surface waters are proposed and landscaped areas in the eastern segments of the Project site will be maximized to allow water infiltration. The Project will disturb more than one acre and is subject to a Stormwater Pollution Prevention Plan, which will be submitted to the City of Kingston prior to start of construction. It is noted, that the Project is not subject to water quality requirements under the Statute as trail facilities are exempt.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse change in existing impacts to surface water as a result of the Project.

## **5. Impact on Flooding**

While no portion of the Project is in a designated floodway, the area of the Project site between Westbrook Lane and Albany Avenue is located in the one-hundred (100) year floodplain. The proposed Project has been determined to meet the no rise requirement for construction in a floodplain and accordingly, will not create a significant change to flood elevations or water flows in these areas as the proposed elevation changes from the trail construction will be less than six (6) inches. The Project does not propose to modify drainage patterns or construct structures in the floodplain areas that are of material risk during floods.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse change in flooding as a result of the Project.

## **10. Impact on Historic and Archeological Resources**

The proposed Project is located along the abandoned Ulster & Delaware (“U&D”) Railroad Corridor between Cornell Street and Westbrook Avenue in the City of Kingston. This Corridor was purchased by the County in 1979 and is not listed on the National or State Register of Historic Places. The Project site is substantially contiguous to or adjacent to two National and State Listed properties-- the Sharpe Burial Ground and Ten Broeck House—as well as an eligible property at 24 O’Neil Street. The Project site is also partially located near a sensitive archeological site. The proximity to these resources became apparent during the design process and is the reason that the County reclassified the Project as a Type 1 Action under SEQRA.

As part of the design approval process, the County’s consultants submitted a Section 106 Review Package to the NYSDOT. This Package was evaluated by the NYS OPRHP, and the agency issued a Letter of No Adverse Impact for the Project on September 7, 2018. This finding was issued after the OPRHP requested additional information regarding the Sharpe Burial Ground to ensure that this archeologically and historically sensitive area would not be adversely impacted by the proposed Project. The Project site is located within a “cut” area that is substantially lower in elevation (more than 14 feet) and well separated from the Sharpe Burial Ground. The Project site was formerly part of the Sharpe Burial Ground, but when the railroad was given the approval to construct in the late 1860’s, any resources previously in this area would have been relocated to the northern segment of the site and off the railroad corridor. There are no new cut areas proposed

that would impact the Sharpe Burial Ground, and the trail use will in no way intrude upon the historic site, which is not visible from the trail due to the significant differences in elevation between the Project site and historic area. The proposed Project will not alter this or any other historic resources and will not change substantially the character of the surrounding area other than cleaning up debris, broken fences and other “eye-sores” along the corridor.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse change to historic and archeological resources as a result of the Project.

### **13. Impact on Transportation**

The proposed Project will create a safe, non-motorized transportation link between midtown Kingston and the Kingston Plaza, the site of the City’s largest supermarket and a transit hub for the Ulster County Area Transit (“UCAT”) busses. The project will alter the present pattern of people biking and walking as this Project will create a much shorter and more direct connection from midtown neighborhoods to uptown Kingston and the major shopping plaza.

The Project does not propose to create new parking areas and instead, uses street connections and existing public lots at both termini of the Project. It is not anticipated that the Project will generate new vehicle traffic as most of the trail users will be those who live along the corridor. The Project will promote increased pedestrian and bicycle travel within the City of Kingston, make the UCAT transit system more accessible to residents in midtown Kingston, and improve mobility for persons with disabilities and limited mobility, as the Project will be fully ADA compliant.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse change to transportation as a result of the Project.

### **15. Impact on Noise, Odor, and Light**

The proposed Project will create temporary noise during the seven month construction period, but it is not expected that the Project will result in an increase in noise once it is open to the public. Construction activities will be limited to weekdays only to limit impacts on neighboring properties.

The Project site is already has area lighting installed on electric transmission poles that extend the entire length of the site. Some of this lighting was installed in recent years to deal with serious safety issues along darker parts of the corridor particularly the areas in cut and under overpasses. The Project proposes to create a more uniform and glare shielded lighting environment with the installation of pedestrian scaled lighting that is dark sky compliant. This lighting will increase the safety of trail users by providing more effective lighting of critical areas such as the three underpasses. improve the aesthetics of the trail, and reduce light trespass on adjoining properties.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that there will be no substantial adverse increase in noise, odor and outdoor lighting as a result of the Project other than temporary noise from construction activities.

**EXAMINATION OF ADDITIONAL ENVIRONMENTAL IMPACTS AS REQUIRED UNDER PART 617.7 C:**

In addition to the specific questions provided for in the Full EAF, the County also examined the Project as provided for under Part 617.7(c) as noted below:

**A. Encouraging or attracting a large number of people to a place or places for more than a few days, compared to who would come to such a place absent the action.**

The Project is designed to serve the transportation needs of the adjoining neighborhoods and is not seen as destination trail experience although plans area to connect to the regional trail system in the future. The Project has been used informally as a “short-cut” from midtown Kingston to the Kingston Plaza for many years, even in its formerly overgrown and unimproved state. Trail use is also historically transient with users moving through the area and not staying. Once constructed, the Project will be closed during certain nighttime hours (proposed 11 p.m. to 6 a.m. closing) to eliminate the public safety hazards that have occurred in the corridor while allowing it to function effectively as part of the transportation system for walkers and bicyclists.

Based upon the factors noted above, the Project plans, and the supporting documentation, the County finds that the Project will not encourage or attract a large number of people to the area of the Project for more than a few days as compared to those who would come to the areas absent the Project.

**B. The creation of a material demand for other actions that would result in one of the above consequences.**

The Project will not cause any material demand for other actions that would cause an in population, vehicle traffic or directly affect additional development that might have an adverse effect upon the environment or community.

**C. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.**

Based on the information contained in this Negative Declaration of Environmental Significance and the Project record and documentation reviewed by the County, there will be no changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment.

**D. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria of Part 617.7.(c)**

None of the probable impacts of the Project on the environment that are associated with or which result from incremental or increased impacts of this Project, when such impacts are added to other related past, present and foreseeable future actions, will result in a substantial adverse impact on the environment. The County has reviewed and analyzed the Project plans, the Full Environmental Assessment Forms, and the Final Design Report, and there are no physical changes to the environment which will take place simultaneously or sequentially for which the cumulative adverse impact on the environment would be substantial.

**CONCLUSION:**

Based on the substantial documentation and information currently available to the Lead Agency and the above analysis and evaluation of all the relevant and probable environmental impacts related to the activities and actions herein proposed, the Ulster County Legislature, as Project Sponsor and Lead Agency, determines that there will be no significant adverse environmental impacts as a result of the Project as herein defined, and no Environmental Impact Statement will be required. In making this Determination of Non-Significance, the County has not balanced any potential benefits of the proposed action against potential harm. Therefore, this Determination of Non-Significance and Negative Declaration under SEQRA is hereby approved, adopted and issued by the Ulster County Legislature (see also Resolution No. 391 of September 17, 2019, annexed hereto and made a part hereof as Exhibit “A”.)

**CONTACT PERSON:**

Hon. Tracey Bartels, Chairwoman  
Ulster County Legislature  
244 Fair Street, PO Box 1800  
Kingston, New York 12402  
(845) 340-3900

**FILINGS:**

Pursuant to 6 NYCRR Part 617.12(b), a copy of this Negative Declaration is being filed with the following:

Brian Orzel, Project Manager  
Attn. Regulatory Branch  
US Army Corps of Engineers, New York District  
26 Federal Plaza  
New York, NY 10278

United States Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Lance MacMillan, PE, Regional Director  
New York State Dept. of Transportation, Region 8  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

John Petronella, Regional Permit Administrator  
NYS DEC, Region 3 Office  
21 South Putt Corners Road  
New Paltz, NY 12561

New York State Historic Preservation Office  
NYS Office of Parks, Recreation and Historic Preservation  
Peebles Island, PO Box 189  
Waterford, NY 12188

Hon. Steven T. Noble, Mayor  
City of Kingston  
City Hall, 420 Broadway  
Kingston, NY 12401

Publication in the NYSDEC Environmental Notice Bulletin



# Hazardous Waste/Contaminated Materials (HW/CM) Site Screening for Local Projects

To be completed for all Local Project Design Approval Documents (Design Reports – IPP/FDR, PSR.FDR, DDR, BRR) and included in an appendix)

PIN: 8761.82

Project Description: Midtown Linear Park, City of Kingston, Ulster County.

Project limits: Cornell Street to Westbrook Lane

Completed by: Rich luele Date completed: 06/05/2019

## Project Scope

- Soil disturbance/excavation required
- Right-of-way FEE takings required
- Bridge or culvert work with a
  - bridge containing lead-based paint
  - bridge/culvert that contains asbestos-containing material
  - bridge/culvert that has not been inspected for asbestos-containing material
- Replacement of bridge rail with caulked plates over bridge (caulk may contain asbestos)
- Sidewalk or curb ramp replacement (e.g. caulk or joint filler may contain asbestos)
- Underground utility relocations (e.g. pipe wrap may contain asbestos)
- Building demolition

## Visual Site Inspection Results

Site inspection from  site walk-over and/or  aerial photos/online street view

- Presence of noxious odors from  soil and/or  water
- Discoloration of  soil,  water, and/or  foundation
- Site contains  dead vegetation and/or  little to no vegetation
- Observed  leaking pipes,  transformers,  tanks,  barrels,  monitoring wells<sup>1</sup>,  suspicious pavement patches<sup>2</sup>
- No potential hazardous waste/contaminated materials observed

## Project Area and Vicinity

Results from screening<sup>3</sup> of project limits and vicinity using  site walk-over and/or  aerial photos/online street view and/or  NYSDEC Environmental Site Database Search<sup>4</sup>:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Spill sites           | <input type="checkbox"/> Manufacturer              | <input type="checkbox"/> Chemical Plant/Refinery     |
| <input type="checkbox"/> Gas station                      | <input type="checkbox"/> Electro-Plating           | <input type="checkbox"/> Electrical Substation       |
| <input checked="" type="checkbox"/> Auto body/repair shop | <input type="checkbox"/> Paint Shop                | <input type="checkbox"/> Lumber Yard                 |
| <input type="checkbox"/> Dry cleaner                      | <input type="checkbox"/> Printing Shop             | <input checked="" type="checkbox"/> Rail Yard/Tracks |
| <input type="checkbox"/> Junk/Scrap Recycling             | <input type="checkbox"/> Foundry                   | <input type="checkbox"/> Boat Yard                   |
| <input type="checkbox"/> Municipal Landfill               | <input type="checkbox"/> Metal/Machine Fabricating | <input type="checkbox"/> Gas/Oil/Coal Storage Yard   |
| <input type="checkbox"/> National Priority List (NPL)     | <input type="checkbox"/> Furniture Refinisher      | <input type="checkbox"/> Other                       |

Specific site names & whether there will be ROW acquisition from the property:

Schabot's Auto Body Shop – No ROW acquisition

Cornell Street yard – Remediation included in this project

## Other Notes:

## Conclusions:

- |   |
|---|
| <input type="checkbox"/> An asbestos inspection is required                               |
| <input type="checkbox"/> A hazardous waste assessment is required (excluding asbestos)    |
| <input checked="" type="checkbox"/> No further hazardous waste investigation is warranted |

# Hazardous Waste/Contaminated Materials (HW/CM) Site Screening for Local Projects

## Footnotes:

1 - Flush-mount metal covers 4"-12" diameter that can say "Monitoring Well", "Observation Well", "Test Well", or stick-up pipes with a cover and lock. Example monitoring wells:



Flush mount cover example



Flush mount in pavement (square conc. patch is common)



Stick up well example



Stick up well example

2 - If tanks or pump islands were removed, the pavement may have characteristic patches of either asphalt or concrete showing a rectangle of where the tanks and/or islands were located.



Street view example: Concrete patch where tanks were located.



Aerial example: Highlighted area is a concrete patch over former pump island



Street view example: Asphalt patch where tanks were located.

3 - Check for current sites or evidence they were previously present. For example, former auto repair facilities will often have large window openings where the garage doors were located:



4 - <https://www.dec.ny.gov/chemical/8437.html>

# **Appendix C**

## **Structures Information**

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# Memo

**To:** File  
**From:** Andrew Mason, P.E.  
**Date:** January 28, 2019  
**Re:** 18-317 Kingston Midtown Linear Park – Structural Visual Inspection

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HVEA Engineers performed a visual inspection of the three bridges within the project limits of the Midtown Linear Park shared use path to assess the safety of future path users. The proposed path runs below the I-587 (BIN #1019590), Albany Avenue (BIN #2022330), and the Elmendorf Street crossings.

The I-587 bridge is an approximately 60' span, adjacent concrete box beam bridge supported on conventional concrete abutments with U-wingwalls. The bridge is in good condition with no signs of structural damage. There is minor leaking at the joint between the superstructure and backwall at the northeast wingwall. However, there is no visual evidence of resulting damage. No remediation measures are recommended at this crossing.

The Albany Ave bridge is an approximately 15' span, adjacent concrete box beam bridge supported on older stone abutments. The superstructure bears on new concrete headwalls installed on the existing stone abutments. The superstructure is in good condition, showing no signs of structural damage. There are minor voids and isolated cracks up to ¼" thick on both abutment wall faces. It appears that some joint repairs have been made post construction. The concrete deck is in good condition. There is a block wall running along the north side of the east abutment. The purpose of the wall is unclear, although given its location, the intent may have been to prevent lateral sliding of the stones of the abutment. The block wall has settled as evidenced by major joint separation near the bottom of the wall. Attempts to tie the wall together with timber backing have also failed. It is recommended that the wall be repaired or replaced as further deterioration could pose a hazard to future path users.

The Elmendorf St bridge is an approximately 13' span, timber bridge supported on stone abutments. The superstructure consists of 12" timber girders spaced 2 feet on center with a timber deck and asphalt overlay. The girders bear on a thin concrete headwall approximately 3"-4" deep. There are plates fastened to the underside of the girders running perpendicular to the span at center span, most likely installed to provide lateral stability for the girders. The stone abutment walls have minor voids and isolated cracks, similar to those on the Albany Ave bridge. There is evidence of significant leaking from the deck to the substructure. Large roots are observed growing out of the joints between stones

on the faces of the abutment walls, one of which is located at the point of bearing of the fascia girder. The girders, deck planks, and lateral plates all show signs of significant water damage. Portions of the concrete headwall have spalled at the point of bearing. Portions of the lateral plates have also peeled away, most likely as a result of water infiltration from the deck above. Although the bridge is posted for a 15-ton maximum weight, it is recommended that a load rating be conducted for the bridge to determine any future remedial actions. It is also recommended that the lateral stiffener plates either be removed or replaced as they pose a potential falling debris hazard to future path users.

# **Appendix D**

## **Stakeholders and Public Input**

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## Meeting Minutes

### **Midtown Linear Park - PIN 8761.82 Meeting with City of Kingston Officials January 25, 2018 – 9:00 AM**

**Meeting Location:** Kingston City Hall conference room

**Attending Personnel:** See attached sign in sheet

- Introductions
- Presentation by HVEA (J. Gorton)
- Discussion

The following items were discussed at the meeting:

- Safety concerns about trains remaining on the tracks.
  - There have been people sleeping under the trains.
  - Would block site lines and providing hiding places
  - Eliminating the railroad removes visual barrier
- Plans are not known for the future of the baseball field and improvements in the Kingston plaza. This may affect how the trail might tie into the plaza as well as the staging and parking area for the railroad.
  - Mayor stated that if the train moved it would need to go somewhere as well as the parking. Suggested that it might be better here then blocking the new plaza. Possibly look into storing trains west of Washington
- Pond owner needs access for mowers.
  - Talk about allowing access to the pond for pedestrians in the future
- Lighting need at night discussed. Should the lights stay on all night.
  - Mayor liked the idea
  - Discussed the idea of motion activated lights; mentioned New Paltz has motioned controlled lights in parking lot
  - The installation of security cameras
  - Lighting styles were chosen in the Kingston Greenline guidelines
- Hours of operation
  - Should have some closing time so that the police can remove people that are trying to camp and sleep along the trail.
- The option of using a metal stair case at Albany or Elmendorf.
  - The Mayor liked Albany Ave location
- Discussion on bollard types at road crossing
  - Lean towards removable type



- Restricting parking around road crossings
  - Raised crosswalks like the one on Hasbrouck Ave
- Discussed a bike share and other amenities
- Future projects along Cornell Street
  - Sidewalks along the east side
  - Plan for parking lot
- Incorporating and highlighting historic aspects along the trail
  - Tell-tales are found along the trail. These were historically used to warn brakemen and other personnel that were riding on top of the train that there was a bridge or tunnel ahead
- Winter maintenance
  - if and who will plow the trail.
  - It was determined that there will be a need for it. And it will be maintained by the city
- Location and quantity of garbage cans as well as maintenance issues
  - People using them for residential garbage is a concern.
  - Access to be able to empty them and locating in areas near trail heads

**Meeting ended at 10:45 AM**



## Meeting Sign-In Sheet

Date		January 25, 2019	
Project		PIN 8761.82 – Ulster County Midtown Linear Park	
Name	Company/Organization	Phone Number	Email
Jack Gorton	HVEA Engineers	(845) 838-3600	Jgorton@hveapc.com
Rich Inele	HVEA Engineers	(845) 838-3600	Rinele@hveapc.com
Lon Bach	HVEA Engineers	845-838-3600	LBach@hveapc.com
Steve Noble	City of Kingston	845 334-3902	SNoble@Kingston-NY.gov
John Wallace	City of Kingston	845 943-5762	JWallace@Kingston-ny.gov
Ernie Osterhauch	City of Kingston PD	845-331-1671	eosterhauch@Kingston-ny.gov
Egidio Tinti	City of Kingston	845 331-1671	etinti@Kingston-NY.gov
ED NORMAN	City of Kingston	845-514-5295	ENORMAN@Kingston-NY.gov
CHRIS WHITE	ULSTER COUNTY PLANNING	845-340-3338	cwhi@co.ulster.ny.us

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## Meeting Minutes

### **Midtown Linear Park - PIN 8761.82 Stakeholders Meeting January 30, 2018 – 3:00 PM**

**Meeting Location:** Ulster County Legislature meeting room

**Attending Personnel:** See attached sign in sheet

- Introductions
- Presentation by HVEA (J. Gorton)
- Discussion

The following items were discussed at the meeting:

- Cameras have been installed on Central Hudson poles
- Cornell street redevelopment by City of Kingston
  - Fashion lane to extend through parking lot
- Public and non-profit requests (after FA project complete):
  - Intergenerational play area
  - Child level bike network painted on pavement
  - Skate park
  - Children play areas
  - Nature park
- Connections to adjacent trail routes
  - Some connections on roadways
  - City and Kingston Land Trust addressing
  - Various complete street concepts
- Need to identify hub/ focal point of Greenline
- Pedestrian access at Kingston plaza
  - Current need for improvement within the plaza
  - Plans of redevelopment of plaza discussed
  - For now, it will be best to make connection with the plaza
- Access to bus system from bike path
  - Coordination with UCAT
  - Creating multi-modal transportation network
  - Develop and install consistent signing
- Pedestrian crossing
  - Discussed raised crosswalks



- Electric Bikes, scooters, and other pedestrian vehicles on the trail
  - County does not have a formal policy
  - Trail will be “No Motorized Vehicles” meaning combustion engines
  - Working with the City, speed guidelines will need to be developed
- Stairwell access and locations; Albany Ave vs. Elmendorf St.
  - Pedestrians already using Albany Ave embankment for trail access
  - Elmendorf has “large foot traffic” and would be more accessible to Broadway and for the neighborhoods south of Broadway
  - Consider every access point, will “wish you had every access point later”
  - The addition of a smooth area for bikes to be walked down the stairs
- Preserve Bluestone drainage and highlight with lighting near Elmendorf
- Community garden areas and dealing with invasive species of plants
- Hours of operation
  - City and Greenline addressing the question of “park” or “transportation network”
  - “Needs to be open 24 hours” for non-motorized commuters at late hours
  - Hours should be looked at on a park to park basis
  - Large percentage of residents do not have a car
- Lighting that operates at always on dim setting using motion detectors to brighten
- Minimize maintenance burden for City of Kingston.
  - Asphalt is better than crushed stone for longevity of the trail
- Bike hubs and shade structures that could tie into a multimodal system
- Preserve historic aspects along trail
  - “trails vs rails” discussion
    - Highlight switch at Cornell Street, relax concerns of railroad advocates.
    - Re-use tracks as sculpture or kiosk
    - Include other amenities that would “nod to the past”
  - tell-tales, gantry like structures along trail that were used to warn train personnel on the tops of the train that there was a low clearance bridge or tunnel ahead.
  - Bluestone drainage at Elmendorf
- Perform pedestrian counts now vs when its complete to support future development

**Meeting ended at 5:00 PM**

Pin 8761.82 - Ulster Co. Midtown Linear Park



HVEA Engineers  
 560 Route 52 - Suite 201  
 Beacon, New York 12508  
 (845) 838-3600  
 FAX (845) 838-5311

Jan. 30, 2019

JOB \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_

STAKEHOLDER ~~MTG.~~ MTG. w/ COMMUNITY GROUPS

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>EMAIL</u>
Lou BACH	HVEA Engineers	845-838-3600	LBACH@HVEA.PC.COM
JACK GORTON	"	"	JGORTON@HVEA.PC.COM
RICH LUELE	"	"	RLUELE@HVEA.PC.COM
JOHN GROSSADHICIN	GREENLINE	845-750-7734	GROSSADJ@FAIRTRAIL.COM
KEVIN SMITH	WOODSTOCK LAND CONS. FRIENDS OF CATSKILL MOUNTAIN TRAIL	914-388-9673	Kevin.smith.wlco@gmail.com
TOM POLK	YMCA	845-338-3810	tpolk@ymcaulster.org
EMILY FLYNN	CITY OF KINGSTON	845-334-3909	eflynn@kingston-ny.gov
Rushida Tyler	RUPCO	845-282-6022	RTyler@rupco.org
Kevin Oconnor	RUPCO	331-2140	RTyler@co.ulster.ny.us kocconnor@rupco.org
Tyrome Wilson	Harambee	845-532-0165	TyWilson35@gmail.com
Karin Duteil	KaNLandscape/ Greenline Design Committee	646-271-0821	Kan@kanlandstudio.com
KARL BEARD	NPS RIVERS+TRAILS		KARL.BEARD@NPS.GOV
Julia Farr	Kingston Land Trust	845-877-5263	julia@kingstonlandtrust.org
SARAH BRAINARD	KLT	914-388-9648	sarah@klt.org
RILEY JOHNDONNELL	KLT	(415) 777-0110	







# Ulster County Midtown Linear Park

Ulster County Planning Dept.

Public Informational Meeting

March 20, 2019

## Project Highlights

### **Project Description:**

The project will convert a 0.8-mile section of the former Ulster and Delaware railroad, from the Kingston Plaza at Westbrook Lane to the east side of Cornell Street in midtown Kingston, into an urban linear park and a paved shared-use path for non-motorized transportation. The scope includes the removal of existing tracks and ties, grading and paving an asphalt shared-use path, establishing trailheads, drainage improvements and adding safety features.



### **Project Goals:**

- Provide and expand non-motorized transportation opportunities for pedestrians and bicyclists in the City of Kingston.
- Expand recreational opportunities for local residents and visitors, including for persons with disabilities and for those of all skill levels and age groups.
- Transform the midtown Kingston neighborhood by connecting pedestrian access to the only supermarket and major bus hub in the area, while also revitalizing a blighted corridor by creating a safe recreation space.

### **Project Cost & Funding:**

The estimated total cost including design, property acquisition and construction is estimated to be \$1.9 million. The project is being undertaken with a mix of federal and private grant funds. The federal funds are provided through the Federal Highway Administration (FHWA) under the oversight of the NYS Department of Transportation (NYSDOT).

### **Anticipated Schedule:**

Design: Fall 2018—Fall 2019

Property Acquisition: Summer/Fall 2019

Approval to Proceed to Construction: Fall 2019

Construction: 2020

### **Design Standard:**

The project is being designed using NYSDOT standards and the guidelines contained in the AASHTO Guide for the Development of Bicycle Facilities. Application of these standards is mandated by the NYSDOT and the FHWA, and it is a condition of the project funding.

### **Project Team:**

The project is being designed and constructed under the oversight of the Ulster County Planning Department. Design services are being provided by the County's design consultant, HVEA Engineers.

### **For More Information, Please Visit:**

[ulstercountyny.gov/planning/linearpark](http://ulstercountyny.gov/planning/linearpark)

### **Ulster County Planning Department:**

Chris White, Deputy Director

(845) 340-3338

U.C., Planning Department

PO Box 1800

Kingston, NY 12402

### **HVEA Engineers:**

(845) 838-3600

Jack Gorton, P.E., Project Manager

[jgorton@hveapc.com](mailto:jgorton@hveapc.com)





**Ulster County Midtown Linear Park  
Public Information Meeting  
March 20, 2019- 7 PM**

**AGENDA**

- |                                 |   |
|---------------------------------|---|
| <b>INTERPRETATION:</b>          | Announce Language Interpretation Available                                    |
| <b>WELCOME:</b>                 | Kim Mapes, Director   |
| <b>INTRODUCTIONS:</b>           | Adele Reiter, Acting County Executive   |
| <b>PROGRAM:</b>                 | Chris White and Jack Gorton (HVEA)  |
| <b>QUESTIONS &amp; ANSWERS:</b> | Chris White, Moderator  |
| <b>BREAK OUT STATIONS:</b>      | Station for adjacent neighboring properties<br>General comments and questions |

## Questions from Public

1. Whose owns the green strip of land on the east of Cornell street?
  - a. City owns that area
2. Will the Complete streets continue on Cornell and connect with the Greenline?
  - a. It will be along east side of Cornell along the parking lot.
    - i. *Mayor*: \$1M grant to improve 3 city parking lots, sidewalk project starting soon
3. Will there be coordination of wayfinding signage and the look of signs?
  - a. The Project will have consistent signage and must adhere to NYSDOT and MUTCD standards
4. Frequent user that lives on Downs Street uses trail to get to bus station. It has reduced her commute significantly. Concerned about safety for bikes where the trail terminates at plaza. States that it often gets congested when the trains are running.
  - a. Better definition will be constructed to enhance safety.
5. Will the dirty pond that's across from the Kingston plaza be addressed by this project?
  - a. The pond will not be addressed in this project. The swampy wetland area along the trail will be cleaned up of garbage and down trees.
6. How will it connect to the Kingston point trail?
  - a. It will connect via on road networks
7. Who patrols the trail and responds to emergency calls?
  - a. Typical 911 would be closest car response. Could be city, county, DEP.
8. Would like to see cameras everywhere, playgrounds nearby in the Cornell St train yard, and an asphalt trail to teach his kids how to ride bikes. Very happy about the project
9. Will there be locks and gates on the stairwells?
  - a. Working with the city and police to determine best use for the area and hours of operation.
10. Support for the trail being open late to provide safe travel at night.



## COMMENT SHEET

**Project:** PIN 8761.82 – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING – MARCH 20, 2019, 7PM

**Name:** MALIA CORDEZ

**Address:** 99 S Manor Ave

**Contact Information:**

**Phone:** \_\_\_\_\_

**Email:** malia.cordel@gmail.com

**COMMENT** I'm really excited about this project!  
① ~~From~~ The stairs at Elmendorf + Albany  
are great ideas. Please make sure the bike  
ramp can also accommodate carts for  
people who shop @ Kingston Plaza + live  
in midtown. Thank!  
you.

② Please consider bilingual signage (English/Spanish)

*For More Information, Please Visit: [ulstercountyny.gov/planning/linearpark](http://ulstercountyny.gov/planning/linearpark)*

*Comments and Questions May Be Submitted To:*

**U.C. Planning Department**  
**PO Box 1800**  
**Kingston, NY 12402**  
**(845) 340-3338**



## COMMENT SHEET

**Project:** PIN 8761.82 – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING – MARCH 20, 2019, 7PM

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Information:**

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**COMMENT**

Have the EMS providers on  
Cornell been asked about the  
impact on their services?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*For More Information, Please Visit: [ulstercountyny.gov/planning/linearpark](http://ulstercountyny.gov/planning/linearpark)*

*Comments and Questions May Be Submitted To:*

**U.C. Planning Department**  
**PO Box 1800**  
**Kingston, NY 12402**  
**(845) 340-3338**



**ULSTER COUNTY - MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES - WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
Brian Slack	UCTC		bslack@co.ulster.ny.us
Tom HOFFAY	166 TRAMPEN	531-8317	THOFFAY160@GMAIL
Ellie Reese	264 Dewitt Mills Rd	845-616-4770	Ellier.WC@gmail.com
KATY McELROY CORY PLUMP	57 S. MANOR		tubbyskingston@gmail.com
RICHARD EDINE	KINGSTON MANOR RD GREEN KILL AVY		18STEINBERG.FRONTIER.COM
Burt Samuelson	—	—	—
Jim Marzano	71 ONEIL ST	845 417 8399	jimbo@ArtStudioGallery.com
Rosemary Quinn	SUNNY VILAGE	845-266-6096	quinnr@snyulstcr-edu



**ULSTER COUNTY – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES – WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
Beth Roesler	105 St James		beth.roessler@hotmail.com
Peter Buffett	43 Crown St.		
Emily Flynn	1412 Falls 28 Browning ter. Kingston		emily@emilyflynn.com
Narch Gullegher			
JOHN GROSSBORO	16 QUARRY ST KING		GROSSBORO@FACTHELINK.NYS
Steve Nobb	101 Wilson Ave Kingston		snobb@Kingston-NY.gov
Harris Weiberger	Kingston		

Steve Etlman 73 Pine Grove

steven.etlman@gnic





**ULSTER COUNTY – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES – WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
Maxanne Resnick	200 Van Dale Rd Woodstock NY		maxanne.wlc@gmail.com
Lucy Drohning	P.O. BOX 28 Lakekill NY 26 PINEYWOODS RD		benjanedk@gmail.com
Kevin Smith	BEARVILLE 12409	914-388-9673	kevinsmith.wlc@gmail.com
Ralph Durham	94 RIDGE DR C.W. HURLEY 12491	845-679-8730	ralph.ann@earthlink.net
VERONICA MARTINEZ	114 TRAMPER AVE KINGSTON NY 12401		Vemarc82@gmail.com
Brian Wolton	37 Abbey St. Kingston NY 12401	331-2202	
Kathy Nolan	PO Box 16 Mount Tremper 12457	845- 417-6489	kathynolan@earthlink.net
KARL BEARD		845 229-9115	Karl-beard@nps.gov



**ULSTER COUNTY – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES – WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
John Host	Hw FC		Mr h 333@yahoo.com
Peter Demuth	143 Fair St.	845 264 2048	demuthp@gmail.com
Tom Polk	507 Broadway	338-3810	tpolk@ymcaulster.org
Peter Criswell	71 Abbey St	646 831 0016	petercriswell@gmail.com
WICK MERCURIO	(Formerly of Kingston) COTTICKILL NY	845 687 2312	IRONICK@AOL.com
Peg Bauer	143 Fair St.	845 907 7182	peg.bauer@gmail.com
Malia Cordel	99 S Main Ave	845 334 0395	malia-cordel@gmail.com
Gerald Burke			



**ULSTER COUNTY – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES – WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
Bob & Lynn Dennis	122 Wickson Ave.		
Anthony Tompa			
Aliza Krevolin			
Lindsey Dams			
David Tetreault	156 Tremper Ave.		clavedrams1980@gmail.com
Sarah Brannan (KLT) (1)			
William Sheldon	Pa 1675 Sewell		
Kristen Wilson	66 Ranine St. Kingston	334-3962	kwilson@kingston-ny.gov



**ULSTER COUNTY – MIDTOWN LINEAR PARK  
PUBLIC INFORMATIONAL MEETING ATTENDEES – WEDNESDAY, MARCH 20, 2019, 7PM**

Name	Address	Phone Number	Email Address
Will Nixon	77 Cornell Ste 302		
Nina Dawson	76 Clinton Ave		cdaw@co.ulster.ny.us
Samantha Moranville	2 <sup>ND</sup> AVE		
Steve Leibowitz	2nd Ave		
Emilie Hauser	63 Highland		
Nina Silverman	71 O'Neil St. keta.		

# **Appendix E**

## **Right-of-way information**



Midtown Linear park  
PIN 8761.82

PROPERTIES TO BE ACQUIRED

Map #	Parcel #	Reputed Owner(s)	Deed		Parcel Size ±AC	Area Of Acquisition ±SF	Area Of Acquisition ±AC	Type of Take	Appraised Compensation	Comments
			Liber	Page						
1	1	Jacob Burhans	168 / Book R	116 / 210	0.85	36942	0.85	FEE	\$ 3,700.00	
2	1	Edwin W. Budington	151 / 1327	114 / 330	0.06	2740	0.06	FEE	\$ 300.00	
3	1	Edwin W. Budington	135	151	0.32	13758	0.32	FEE	\$ 1,400.00	
4	1	Sarah B. Reynolds and Robert R. Rodie	485	434	0.27	11882	0.27	FEE	\$ 1,200.00	
5	1	Village of Kingston	48	15	0.24	10491	0.24	FEE	\$ 600.00	
6	1	Peter J. Dolson and heirs	168	105	0.01	589	0.01	FEE	\$ 100.00	
7	1	Margaret Ann Chambers	168	106	0.03	1232	0.03	FEE	\$ 100.00	
8	1	Harrison Brock	168	102	0.02	889	0.02	FEE	\$ 100.00	
9	1	John H. Hudler and his 4 heirs	168	103	0.18	7945	0.18	FEE	\$ 400.00	
10	1	Estate of Thomas Cornell	168	92	0.10	4428	0.10	FEE	\$ 500.00	
11	1	Estate of Thomas Cornell	168	92	0.19	8189	0.19	FEE	\$ 200.00	
12	1	Herzog Supply Co	3870	001	46.40	9500	0.22	TE	\$ 1,400.00	
					<b>Total</b>	<b>108,585</b>	<b>2.49</b>		<b>\$ 10,000.00</b>	





**APPENDIX 11-7  
ROW COST ESTIMATE AND INSTRUCTIONS**

**PIN:** 8761.82

**Acquiring Agency:** Ulster County

**Project:** Midtown Linear Park

**Local No.:**

**Sponsor:** Ulster County

Preliminary/Incidentals Estimate:

ITEM		ROW Incidentals	ROW Acquisitions
1)	No. of Properties & Total Prop. Costs #: 12		\$10,000
2)	Interest		\$0
3)	Project Scoping/Cost Estimating	\$13,750	
4)	Progress Reporting	\$4,670	
5)	Information Meeting/Public Hearing		
6)	Contingency Factor		
7)	Title Searches		
	a) Last Owner Search #: 0		
	b) Certificate ("20 yr search") #:		
	c) Abstract ("40 yr search") #:		
8)	Title Certifications #:		
9)	Appraisals Costs		
	a) Appraisals #: 12	\$16,200	
	b) Appraisal Reviews #: 12	\$5,000	
10)	Closing Papers		\$0
11)	Negotiations		\$0
12)	Proration of Taxes		\$0
<b>RELOCATION COSTS:</b>			
13)	Mortgage Prepayment Fees		\$0
14)	Demolition Costs # Bldgs: 0		\$0
15)	Relocation Assistance. # Relocatees: 0		\$0
16)	Moving Expenses		
	a) Families 0		\$0
	b) Businesses 0		\$0
	c) In lieu of 0		\$0
	d) Re-estab. 0		\$0
17)	Repl. Housing		
	a) Housing Supplemental 0		\$0
	b) Rent Supplemental 0		\$0
18)	Last Resort Housing		
	a) Owner 0		\$0
	b) Tenant 0		\$0
19)	Repl. Housing		
	a) Housing Supplemental 0		\$0
	b) Rent Supplemental 0		\$0
20)	Mortgage Int. Diff. 0		\$0
21)	Closing Costs		\$0
<b>Total Incidentals:</b>		<b>\$39,620</b>	
<b>Total Acquisition:</b>			<b>\$10,000</b>
<b>TOTAL ROW ESTIMATE (Incidentals &amp; Acquisition):</b>			<b>\$49,620</b>
Prepared by: Lou Bach, HVEA Engineers		Date:	01/24/2020

Reverse

## INSTRUCTIONS

Use mouse to check Preliminary/Incidental or Update/Acquisitions Estimate if using a computer to fill out form.

**Line 1:** Enter number of properties which have acquisitions & the total estimated value of those acquisitions.

**Line 2:** Interest expected to accrue on monies deposited for properties going to condemnation proceedings.

**Line 3:** Cost of estimating values of acquisitions.

**Line 4:** Cost of providing engineering consultant/sponsor with updates on progress.

**Line 5:** Cost of preparing for and attending Public Information Meetings and Hearings.

**Line 6:** Enter an amount to account for possible unexpected costs. (E.g. 20% of the sum of lines 1, 2 &3)

**Line 7:** Enter number of title searches and estimated cost for each level.\*\*

A Last Owner search starts with the last recorded deed conveying a full fee interest to the last owner(s) of record.

A Certificate of 20-year search starts w/ a deed conveying full title & any deeds of record at least 20 years prior to search date.

An Abstract of Title starts w/ a warranty deed & includes any deeds of record at least 40 yrs prior to search date.

**Line 8:** Cost of reviewing title searches and issuing title certifications.

**Line 9(a):** Enter the number & estimated cost of appraisals needed. If more than one appraisal will be needed on a property, be sure to include the additional appraisals here.

**Line 9(b):** Enter the number & estimated cost of appraisal reviews needed.

**Line 10:** Estimated cost to certify titles and draw up closing papers. (Ex: DOT uses \$1,000 x number of properties)

**Line 11:** Estimated cost of time negotiating with property owners.

**Line 12:** Enter an estimate of tax monies to be paid to property owners for portions of any tax years remaining after the acquisition. (For example, DOT uses 5% of the amount in Line 1.)

**Line 13-21:** As each relocation situation is unique, please contact your Regional Office of Right of Way for assistance in estimating relocation costs.

\*\* Searches will not begin with a deed where the grantor and grantee are in some way related without full consideration having been paid.

# **Appendix F**

## **Miscellaneous**



<b>PIN:</b>	<input type="text" value="8761.82"/>	<b>Project Location:</b>	<input type="text" value="City of Kingston, Ulster County"/>
<b>Context:</b>	<input checked="" type="checkbox"/> Urban/Village <input type="checkbox"/> Suburban, or <input type="checkbox"/> Rural		
<b>Project Title:</b>	<input type="text" value="Midtown Linear Park"/>		

**STEP 1- APPLICABILITY OF CHECKLIST**

<b>1.1</b>	Is the project located entirely on a facility where bicyclists and pedestrians are prohibited by law and the project does not involve a shared use path or pedestrian/bicycle structure? <i>If <b>no</b>, continue to question 1.2. If <b>yes</b>, <u>stop here</u>.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>1.2</b>	<p>a. Is this project a 1R* Maintenance project? <i>If <b>no</b>, continue to question 1.3. If <b>yes</b>, go to part b of this question.</i></p> <p>b. Are there opportunities on the 1R project to improve safety for bicyclists and pedestrians with the following Complete Street features?</p> <ul style="list-style-type: none"> <li>• Sidewalk curb ramps and crosswalks</li> <li>• Shoulder condition and width</li> <li>• Pavement markings</li> <li>• Signing</li> </ul> <p><i>Document opportunities or deficiencies in the IPP and <u>stop here</u>.</i></p> <p><small>* Refer to Highway Design Manual (HDM) Chapter 7, Exhibit 7-1 "Resurfacing ADA and Safety Assessment Form" under ADA, Pavement Markings and Shoulder Resurfacing for guidance.</small></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>1.3</b>	<p>Is this project a Cyclical Pavement Marking project? <i>If <b>no</b>, continue to question 1.4. If <b>yes</b>, review <a href="#">EI 13-021</a>* and identify opportunities to improve safety for bicyclists and pedestrians with the following Complete Streets features:</i></p> <ul style="list-style-type: none"> <li>• Travel lane width</li> <li>• Shoulder width</li> <li>• Markings for pedestrians and bicyclists</li> </ul> <p><i>Document opportunities or deficiencies in the IPP and <u>stop here</u>.</i></p> <p><small>* EI 13-021, "Requirements and Guidance for Pavement Marking Operations - Required Installation of CARDS and Travel Lane and Shoulder Width Adjustments".</small></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>1.4</b>	<p>Is this a Maintenance project (as described in the "Definitions" section of this checklist) and different from 1.2 and 1.3 projects? <i>If <b>no</b>, continue to Step 2. If <b>yes</b>, the Project Development Team should continue to look for opportunities during the Design Approval process to improve existing bicycle and pedestrian facilities within the scope of project. Identify the project type in the space below and <u>stop here</u>.</i></p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**STEP 1** prepared by:       Date:

<b>STEP 2 - IPP LEVEL QUESTIONS (At Initiation)</b>		<b>Comment/Action</b>
<b>2.1</b>	<p>Are there public policies or approved known development plans (e.g., community Complete Streets policy, Comprehensive Plan, MPO Long Range and/or Bike/Ped plan, Corridor Study, etc.) that call for consideration of pedestrian, bicycle or transit facilities in, or linking to, the project area? <i>Contact municipal planning office, Regional Planning Group and Regional Bicycle/Pedestrian Coordinator.</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <div style="border: 1px solid black; padding: 5px;">           Ulster County Nonmotorized Transportation Plan, Ulster County Complete Streets Policy, City of Kingston Complete Streets Policy, Kingston 2025 Comprehensive Plan         </div>

**Chapter 18, Appendix A - CAPITAL PROJECTS COMPLETE STREETS CHECKLIST (18A-2)**

2.2	Is there an existing or planned sidewalk, shared use path, bicycle facility, pedestrian-crossing facility or transit stop in the project area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The proposed route has no pedestrian/bicycle facilities but does cross streets with sidewalks.
2.3	<p>a. Is the highway part of an existing or planned State, regional or local bicycle route? <i>If no, proceed to question 2.4. If yes, go to part b of this question.</i></p> <p>b. Do the existing bicycle accommodations meet the minimum standard guidelines of <a href="#">HDM Chapter 17</a> or the AASHTO "Guide for the Development of Bicycle Facilities"? * <i>Contact Regional Bicycle/Pedestrian Coordinator</i></p> <p><small>* Per HDM Chapter 17- Section 17.4.3, Minimum Standards and Guidelines.</small></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	This is part of a planned regional bike route running from the Walkway Over the Hudson to the Ashokan Reserve. Some of the existing parts of the trail do not meet AASHTO standards but all new sections are being developed to standards.
2.4	Is the highway considered important to bicycle tourism by the municipality or region?	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/ A. This is not a highway
2.5	Is the highway affected by special events (e.g., fairs, triathlons, festivals) that might influence bicycle, pedestrian or transit users? <i>Contact Regional Traffic and Safety</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/ A. This is not a highway
2.6	Are there existing or proposed generators within the project area ( <i>refer to the "Guidance" section</i> ) that have the potential to generate pedestrian or bicycle traffic or improved transit accommodations? <i>Contact the municipal planning office, Regional Planning Group, and refer to the CAMCI Viewer, described in the "Definitions" section.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Shopping areas
2.7	Is the highway an undivided 4 lane section in an urban or suburban setting, with narrow shoulders, no center turn lanes, and existing Annual Average Daily Traffic (AADT) < 15,000 vehicles per day? <i>If yes, consider a road diet evaluation for the scoping/design phase. Refer to the "Definitions" section for more information on road diets.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
2.8	Is there evidence of pedestrian activity (e.g., a worn path) and no or limited pedestrian infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Abandoned railroad corridor is used as informal pedestrian walkway

STEP 2 prepared by:  Date:

Bicycle/Pedestrian Coordinator has been provided an opportunity to comment:  Yes  No

**ATTACH TO IPP AND INCLUDE RECOMMENDATIONS FOR SCOPING/DESIGN.**

**Chapter 18, Appendix A - CAPITAL PROJECTS COMPLETE STREETS CHECKLIST (18A-3)**

<b>STEP 3 - PROJECT DEVELOPMENT LEVEL QUESTIONS (Scoping/Design Stage)</b>			<b>Comment/Action</b>
<b>3.1</b>	Is there an identified need for bicycle/pedestrian/transit or "way finding" signs that could be incorporated into the project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The project will be part of the larger Kingston Greenline. Way finding signs will be incorporated
<b>3.2</b>	Is there history of bicycle or pedestrian crashes in the project area for which improvements have not yet been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>3.3</b>	Are there existing curb ramps, crosswalks, pedestrian traffic signal features, or sidewalks that don't meet ADA standards per <a href="#">HDM Chapter 18</a> ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>3.4</b>	Is the posted speed limit is 40 mph or more and the paved shoulder width less than 4' (1.2 m) (6' in the Adirondack or other State Park)? Refer to <a href="#">EI 13-021</a> .	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>3.5</b>	Is there a perceived pedestrian safety or access concern that could be addressed by the use of traffic calming tools (e.g., bulb outs, raised pedestrian refuge medians, corner islands, raised crosswalks, mid-block crossings)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	There are 3 roadway crossings the path. Traffic calming tools will be used at busy intersections with the trail
<b>3.6</b>	Are there conflicts among vehicles (moving or parked) and bike, pedestrian or transit users which could be addressed by the project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The project will provide new pedestrian only access, which will reduce conflict on roadways
<b>3.7</b>	Are there opportunities (or has the community expressed a desire) for new/improved pedestrian-level lighting, to create a more inviting or safer environment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pedestrian level lighting is being investigated as part of this project.
<b>3.8</b>	Does the community have an existing street furniture program or a desire for street appurtenances (e.g., bike racks, benches)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limited but developing
<b>3.9</b>	Are there gaps in the bike/pedestrian connections between existing/planned generators? Consider locations within and in close proximity of the project area. (Within 0.5 mi (800 m) for pedestrian facilities and within 1.0 mi (1600 m) for bicycle facilities.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	There are currently no pedestrian accommodations that directly connect Midtown to the shopping plaza and bus hub
<b>3.10</b>	Are existing transit route facilities (bus stops, shelters, pullouts) inadequate or in inconvenient locations? (e.g., not near crosswalks) Consult with Traffic and Safety and transit operator, as appropriate	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>3.11</b>	Are there opportunities to improve vehicle parking patterns or to consolidate driveways, (which would benefit transit, pedestrians and bicyclists) as part of this project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Chapter 18, Appendix A - CAPITAL PROJECTS COMPLETE STREETS CHECKLIST (18A-4)

3.12	Is the project on a “local delivery” route and/or do area businesses rely upon truck deliveries that need to be considered in design?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3.13	Are there opportunities to include green infrastructure which may help reduce stormwater runoff and/or create a more inviting pedestrian environment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3.14	Are there opportunities to improve bicyclist operation through intersections and interchanges such as with the use of bicycle lane width and/or signing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p><b>STEP 3</b> prepared by: <input type="text" value="Rich luele"/> Date: <input type="text" value="6/13/19"/></p> <p>Preparer’s Supporting Documentation, Comments and Clarifications:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			

Last Revised 06/22/2015

### Introduction

The intent of this checklist is to assist in the identification of needs for [Complete Streets](#) design features on Capital projects, including locally-administered projects.

This checklist is one tool that NYSDOT employs in its integrated approach to Complete Streets considerations. It provides a focused project-level evaluation which aids in identifying access and mobility issues and opportunities within a defined project area. For broader geographic considerations (e.g., bicycle route planning, corridor continuity), NYSDOT and other state and local agencies use a system-wide approach to identifying complete streets opportunities.

Use of this checklist is initiated during the earliest phase of a project, when information about existing conditions and needs may be limited; it is therefore likely that the Preparer will only be able to complete Steps 1 and 2 at this time. As the project progresses, and more detailed information becomes available, the Preparer will be able to complete Step 3 and continue to refine earlier answers, to give an increasingly accurate indication of needs and opportunities for Complete Streets features.

### Guidance for Steps 1, 2 and 3

Based on the guidance below, the Regions will assign the appropriate staff to complete each step in the Checklist. The Preparer should have expertise in the subject matter and be able to effectively work with and coordinate comments/responses with involved Regional Groups.

- Steps 1 & 2: Preparer is from Planning; review occurs as part of the normal IPP process.
  - Step 3: Preparer is Project Designer; review occurs as part of Design Approval Document review/approval process.
  - For Local Projects - Local Project Sponsors will be responsible for completing all steps.
- a. A check of “yes” indicates a need to further evaluate the project for Complete Streets features. Please identify in the comment box, or append at the end of the checklist, any supporting information or documentation.
  - b. Answers to the questions should be checked with the local municipality, transit provider, MPO, etc., as appropriate, to ensure accuracy and evaluate needed items versus desirable items (i.e., prioritize needs).
  - c. Answers to the questions should be coordinated with NYSDOT Regional program areas as appropriate (e.g., Traffic and Safety, Landscape Architecture, Maintenance, etc.)
  - d. This checklist should be reviewed during the development of the IPP, Scoping Document, and Design Approval



## Chapter 18, Appendix A - CAPITAL PROJECTS COMPLETE STREETS CHECKLIST (18A-5)

Document; and revisited due to a project delay or if site conditions or local planning changes during the project development process. Continued coordination with the Regional Bicycle and Pedestrian Coordinator is necessary throughout project scoping and design.

- e. It will be assumed that the Project Description and Limits will be as described in the IPP for Step I, the Scoping Document for Step 2 and the Design Approval Document for Step 3. Preparers should describe any deviations from this assumption under "Preparer's Supporting Documentation".
- f. For the purposes of this checklist, the "project area" is within 0.5 mi (800 m) for pedestrian facilities and 1.0 mi (1600 m) for bicycle facilities. In some circumstances, bicyclists may travel up to 7 miles for a unique generator, attraction or event. These special circumstances may be considered and described as appropriate.
- g. For background on Complete Streets features and terminology, please visit the following websites:  
[http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/design\\_guidance/design\\_nonmotor/highway/index.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design_nonmotor/highway/index.cfm)  
<http://www.fhwa.dot.gov/publications/publicroads/10julaug/03.cfm>  
<http://www.smartgrowthamerica.org/complete-streets/>
- h. Refer to [Highway Design Manual Chapter 18](#), Section 18.5.1 for further information and guidance on the use of this checklist.
- i. For projects with multiple sites, Preparers may choose to prepare multiple checklists for each site.

### Definitions

- CAMCI (Comprehensive Asset Management/Capital Investment) Viewer - A web-based GIS application used for planning purposes and located at <http://gisweb/camci/>.
- Generator - A generator, in this document, refers to both origins and destinations for bicycle and/or pedestrian trips (e.g., schools, libraries, shopping areas, bus stops, transit stations, depots/terminals).
- HDM - New York State Department of Transportation's [Highway Design Manual](#).
- Maintenance project - For the purposes of this checklist, maintenance projects are listed as the following project types: Rigid pavement repairs, pavement grooving, drainage system restoration, recharge basin reconditioning, SPDES facilities maintenance, underdrain installation, guide rail and/or median barrier upgrading, impact attenuator repair, and/or replacement, reference marker replacement, traffic management systems maintenance, repair and replace loop detectors, highway lighting upgrades, noise wall rehab/replacement, retaining wall rehab/replacement, graffiti removal/prevention, vegetation management, permanent traffic count detectors, weigh-in-motion detectors, slope stabilization, ditch cleaning, bridge washing/cleaning, bridge joint repair, bridge painting and crack sealing.
- MPO (Metropolitan Planning Organization) - A federally mandated and federally funded transportation policy-making organization made up of representatives from local government and governmental transportation authorities.
- Raised Pedestrian Refuge Medians and Corner Islands - Raised elements within the street at an intersection or midblock crossing that provide a clear or safety zone to separate pedestrians, bicyclists, and other non-motorized modes, from motor vehicles. See FHWA's *Safety Effects of Marked vs. Unmarked Crosswalks at Uncontrolled Locations* at <http://www.fhwa.dot.gov/publications/research/safety/04100/04100.pdf>.
- Road diet - A transportation planning technique used to achieve systemic improvements to safety or provide space for alternate modes of travel. For example, a two-way, four lane road might be reduced to one travel lane in each direction, with more space allocated to pedestrian and cyclist facilities. Also known as a lane reduction or road re-channelization.
- Transit facilities - Includes facilities such as transit shelters, bus turnouts and standing pads.
- 1R project - A road resurfacing project that includes the placement or replacement of the top and/or binder pavement course(s) to extend or renew the existing pavement design life and to improve serviceability while not degrading safety.
- 2R project - A multicourse structural pavement and resurfacing project that may include: milling, super elevation, traffic signals, turn lanes, driveway modifications, roadside work, minor safety work, lane and shoulder widening, shoulder reconstruction, drainage work, sidewalk curb ramps, etc.

