

LOCAL ROAD PRESERVATION LAW AND PROGRAM

SEQRA FINDINGS STATEMENT

Prepared for:

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Callicoon, Delaware, Highland, Lumberland & Rockland
Sullivan County Multi-Municipal Task Force (MMTF),
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1.0 Introduction

This Statement of Findings has been prepared by the Co-Lead Agencies for the Sullivan County Multi-Municipal Task Force (“MMTF”) pursuant to the State Environmental Quality Review Act (“SEQRA”), Article 8 of the New York Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 for the proposed adoption and implementation of a Road Preservation Local Law in the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland, in Sullivan County, New York. The SEQRA review of the proposal is being coordinated by the MMTF, being composed of the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland, in Sullivan County, New York (also referred to as “Member Towns”).

1.1 Description and Location of the Proposed Action

The MMTF developed and is proposing to each of its Member Towns, the adoption and implementation of a road preservation program consisting of a local law, a template for road use agreements consistent with the local law as well as program and engineering manuals used to evaluate potential damage from non-baseline traffic and develop appropriate mitigation for the anticipated traffic (“Road Preservation Program”). The Road Preservation Program is being developed by the MMTF and its technical consultants using engineering highway design and evaluation standards published by the American Association of State Highway and Transportation Officials (“AASHTO”). The AASHTO based program will be used to evaluate existing conditions of the surface and sub-surface conditions of each Member Towns’ roads and to prospectively evaluate potential roadway damage that will materially diminish the useful life of roads maintained by the MMTF’s members within their jurisdictional boundaries caused by

users of the roads found to be outside normal baseline traffic currently existing on the roads and for which such roads were designed. AASHTO methods to be used as a basis for the program will include an Equivalent Single Axel Load (“ESAL”) based methodology that provides an objective, broadly recognized engineering standard for use in comparing the structural capacity of an existing road and normal traffic volume to proposed traffic volumes which exceed normal wear and tear for the road.

The proposed legislation would require non-baseline traffic, as identified in the road preservation local law and the related supporting documents, caused by a user of town owned roads in connection with certain regulated activity as detailed therein to comply with mitigation and management standards set forth in Road Preservation Program. Only such traffic that will be regulated is that which (1) is connected to an otherwise regulated activity and (2) whose proposed traffic ESAL load exceeds the normal wear and tear threshold for the proposed haul route such that it would likely cause significant damage and shortened pavement life cycle. Application of the standards and requirements of the Road Preservation Program for such traffic generators could be triggered by a number of possible actions which would include, but are not necessarily limited to, construction activities requiring local, County or State permits or approvals such as site plan approval, special use permits, SPDES permits, water withdrawal permits, DEC mining or gas drilling permits, etc. The road preservation law and supporting manuals provide a full list of such actions.

The Road Preservation Program would apply in any and all of the Member Towns (the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland, in Sullivan County, New York) that subsequently adopt local laws implementing the program.

The proposed Road Preservation Program would require non-baseline traffic, as identified in the road preservation law and supporting documents, to comply with standards and requirements therein, when using local roads if the proposed non-baseline traffic ESAL load exceeds the normal wear and tear threshold for the proposed haul route as identified in the road preservation law and supporting documents, such that it would likely cause significant damage and shortened pavement life cycle. The Road Preservation Program does not require any permits, fees or other approvals to allow use of the roads.

The Member Towns determined that, concentrated traffic associated with the above mentioned construction activities, can cause substantial damage to town roads and potential safety hazards as such roads are not generally designed to handle such heavy, concentrated use. In addition, the member Towns determined that such damage and potential liability can have significant adverse and unexpected financial impact on Town finances and budgets. The Road preservation Program is intended to ensure the parties responsible for the damage from their heavy use are held responsible to repair such damage and provide security and indemnification to all Member Towns such that any resulting repair costs and or liability is not borne by the resident taxpayers. Any unused security held in escrow will be returned to the regulated user once all required repairs are determined to be completed by the Town.

The proposed action will apply, in all member Towns that choose to implement the road preservation local law, to all municipally owned roads in each such Town.

1.2 SEQRA Review Process

The State Environmental Quality Review Act authorizes the use of generic environmental impact statements to assess the environmental impacts of separate actions having generic or common impacts. A generic environmental impact statement (“GEIS”) is used to evaluate the environmental effects of a program having wide application and is required for direct

programmatic actions undertaken by a government agency. As the Road Preservation Program may affect eight Towns in Sullivan County, all of whom desire to have consistent objective means to identify concentrated traffic, anticipate potential damage and receive financial assurances that any costs to repairs town owned road are not borne by taxpayers, the member Towns agreed a GEIS was appropriate. A GEIS and its findings “set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance.” When a final generic environmental impact statement has been filed, “no further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions” in the generic environmental impact statement.

Once determined to proceed with the evaluation of such a program, the Member Towns classified the Road Preservation Program as a Type I Action pursuant to section 617.4(b) of the SEQR regulations. The Member Towns assumed SEQRA “Co-Lead Agency” status for the coordinated environmental review of the proposed action and issued a positive declaration, determining that a DGEIS should be prepared in accordance with SEQRA section 617.7. Public scoping was conducted by the Co-Lead Agencies. On or about June 2011, the member Towns accepted the DGEIS as complete, scheduled a SEQRA Public Hearing held on June 30, 2011 and a comment period of 30 days which was extended another 30 days until August 19, 2011. Subsequently, a Final Generic Environmental Impact Statement (“FGEIS”) was accepted by the Co-Lead Agencies in June and July 2012. This document is the Statement of Findings issued by the Town Boards of the Town of Towns of Tusten, Cohecton, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland, in Sullivan County, New York, pursuant to their responsibilities

as Co-Lead Agencies under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 N.Y.C.R.R. § 617.11 “SEQRA”).

This document represents the conclusion of the environmental review of the proposed road preservation program (including the proposed local laws and supporting engineering manuals) by the Member Towns. The Town Board of each Member Town declared the road preservation program to be a Type I action and acted as a Co-Lead Agency in evaluating the environmental, economic, and social implications of the program. The Co-Lead Agencies are the governmental body “principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required.” The Co-Lead Agencies prepared the Draft Generic Environmental Impact Statement (“DGEIS”), and after public comment on the DGEIS, prepared the Final Generic Environmental Impact Statement (“FGEIS”) with the assistance of the Town’s legal and technical experts. The FGEIS for the Road Preservation Program assessed potential adverse impacts which may arise from its adoption or implementation in each of the member Towns as well as mitigation measures to avoid or minimize such impacts to the greatest extent possible. The DGEIS and FGEIS for the Road Preservation Program, together with all appendices thereto, are hereby incorporated by reference. The complete DGEIS and FGEIS have been and are available at the Town Clerk’s Office in each Member Town and on the websites of those Member Towns with regularly updated websites.

Under the SEQRA regulations, this Findings Statement must:

- (1) consider the relevant environmental impacts, facts and conclusions

disclosed in the FGEIS;

(2) weigh and balance relevant environmental impacts with social, economic and other considerations;

(3) provide a rationale for the Town's decision;

(4) certify that the requirements of SEQRA have been met; and

(5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

2.0 Road Preservation Program Benefits

The Road Preservation Program creates a non-discriminatory approach to preserving and protecting roads by focusing on the nature and impacts of particular types of traffic to the road structures and surfaces rather than the user of the roads. Due to the fact that atypical, concentrated, heavy traffic is anticipated to significantly exceed normal wear and tear thresholds incorporated into the design of most if not all town owned roads an objective engineering based program to document the current or baseline status of the roads, evaluate the haul route chosen by the user as well as potential improvements and upgrades to safely accommodate such traffic, and equitably apportion costs of said repair and upgrades to the user or users causing damage or requiring improvements will minimize, avoid or mitigate impacts resulting from such use. Further, the Road Preservation Program, without requiring fees for use or other permits or licenses, will only assess or attribute the costs of such repairs and upgrades to town roads caused

or required by the generator of the concentrated traffic. In so doing, the residents and taxpayers of the Member Towns will not be financially responsible for such costs.

3.0 Potential Impacts of and Mitigation for Concentrated Traffic on Town Roads

At its inception, the adoption and administration of a Road Preservation Program in each of the Member Towns was determined to potentially result in one or more significant adverse environmental impacts within the meaning of Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. 617 et seq. Specifically, the Member Towns determined that the implementation of Road Preservation Program may result in the intentional concentration of traffic associated with large scale development activity along particular "haul routes" within each of the Member Towns, concentrating traffic impacts and attendant noise and local air quality impacts, including impacts attributable to the improvement, construction and reconstruction of Town roads along such routes which is necessary on an expedited schedule as a result of the concentrated use. The concentration of traffic along particular "haul routes" also was found to potentially to change the character, albeit temporary in duration, of what are otherwise rural Town roadways. While the establishment of "haul routes" will simultaneously avoid impacts from use, improvement, construction and reconstruction of Town roads elsewhere, the directed and site specific impacts along the route were determined to be potentially significant.

The Road Preservation Program itself does not authorize any construction activity nor permit any facilities otherwise regulated under the Member Towns' zoning law or other regulations. Rather, the Road Preservation Program creates safety, repair and restoration standards for damage caused to Town owned roads due to concentrated or non-baseline traffic and establishes procedures for the fair and equitable administration of the program. The Road Preservation Program generally, and the template local law and road use agreement in particular,

establish standards that are intended to minimize, avoid or mitigate adverse environmental impacts of the foreseeable concentrated or non-baseline traffic on town owned roads.

3.1 Land

3.1.1 Impacts

It is anticipated that certain town roads or portions thereof and certain infrastructure, such as bridges, culverts etc., identified as part of a haul route may not be capable of accommodating the identified concentrated traffic or lack the structural capacity to support such traffic without creating significant damage beyond the designed and anticipated levels of wear and tear for said roads. As a result, improvement of existing roads, including road beds and surfaces, culverts and bridges, determined to be structurally deficient may require improvement prior to the concentrated traffic. Impacts may extend beyond that to road surfaces to the road bed structure in the event increased roadway section thickness is required to provide greater roadway structural capacity of a road section. While all necessary repairs and improvements will be designed to utilize previously disturbed and/or improved areas, some road or shoulder widening may occur. In such cases, additional run-off from new impervious surfaces or changes in drainage patterns may result. Also, additional lands necessary for staging equipment and materials for such repairs or improvements may be required.

3.1.2 Mitigation

To the maximum extent practicable, repairs and improvements will be confined to the existing road bed and right-of-way and existing drainage pathways and alignments will be used. In so doing, the impacts to land would be temporary. In the event, additional right-of-way or private property rights (i.e., temporary and permanent easements) would be required, all necessary local, state and federal environmental or other permits must be obtained before

any construction can occur. As necessary, road bed thickness will be evaluated and increased as necessary to provide higher structural capacity of the road section to accommodate the concentrated traffic. Identified improvements and repairs may be undertaken by and at the cost of the regulated party, or if the regulated party declines to do so, by the Town using security provided by the regulated party. Any improvements to the haul route necessary to accommodate the concentrated traffic must be made prior to the use of the roads by such traffic. Upon completion of the concentrated traffic upon the haul route, structural improvements no longer necessary shall be removed as directed by the individual Town.

3.2 Noise

3.2.1 Impacts

By limiting concentrated traffic to a haul route, primarily heavy trucks, sound levels could be increased above ambient noise levels. Since typical diesel truck noise levels exceed normal street noise, such noise could be deemed noticeable and annoying. Concentration of such trucks on a haul route could increase the frequency and duration of the exposure to such noise. As such, resident annoyance and the risk of potential hearing damage or loss may increase.

3.2.2 Mitigation

The implementation of best management practices to limit the duration of exposure to such noise and thus minimize the risk of annoyance and or hearing damage or loss. In addition, the selection of haul routes that avoid or minimize the duration of exposure to truck noise at sensitive receptors such as hospitals, schools, residences and places of assembly will be implemented under the Road Preservation Program. Limitations on the hours of operation for haul routes can also be implemented to minimize the duration of exposure. The

program does not establish noise limits, however, Member Towns may establish noise ordinances or local laws outside of the Road Preservation Program as needed.

3.3 Odor

3.3.1 Impacts

It is anticipated that truck emissions, particularly diesel trucks, will have emissions that have inherent odor. As the Road Preservation program is non-discriminatory, no particular odors are anticipated. Some concentrated traffic may have very little odor impacts (i.e., liquids inside tankers) while others may have significantly more (i.e., livestock transport). The concentration of traffic on a designated haul route may increase the localized exposure to any odors associated with the concentrated traffic.

3.3.2 Mitigation

State and federal regulations impose many requirements for the hauling of particular materials such as solid waste, junk vehicles, hazardous waste and industrial or medical waste. In the event concentrated traffic involves such materials, member towns will coordinate with state and other law enforcement officials to ensure such regulations are being complied with by such traffic. Further, the limitation of the hours of usage of the haul route can limit exposure to such offensive or harmful odors. Covering of loads will also contain odors and further mitigate any such impacts.

3.4 Emissions

3.4.1 Impacts

Heavy and diesel truck emissions create odor and can cause increased ground ozone, smog and particulate matter. Designated haul routes will have increased numbers of such trucks and therefore emissions and emission related impacts. In the event, such trucks are compelled to wait and remain idling localized impacts may be increased.

3.4.2 Mitigation

When selecting and evaluating haul routes, truck stoppages, queues or delays will be minimized to limit to the maximum extent practicable the amount of emissions from such trucks. The use of signage to limit idling and enforcement of State and federal emissions certifications as well as requiring regulated parties to provide adequate documentation that all such vehicles are in compliance with applicable emissions standards will minimize the unnecessary and excessive emissions on haul routes. Local law enforcement of such regulations will also contribute to the minimization of these impacts.

3.5 Fugitive Dust

3.5.1 Impacts

The concentration of truck traffic on a designated haul route may increase the presence and migration of dust from gravel roads or from uncovered or improperly covered loads. The increase use of gravel roads by heavy trucks will cause the more rapid deterioration of the gravel causing the aggregate and fine particulates to separate. As gravel roads are generally designed for less frequent use and lower weight loads. When these materials are dry, they become airborne and result in dust. Impacts from dust can be decreased visibility, increased annoyance, accumulation of dust on and in residences and buildings and contribution to breathing difficulties. As the area where the Road Preservation Program is to be utilized is predominantly rural, the instances of uncovered loads of loose substances such as dirt or aggregate may be higher than the norm thus creating additional dust from this use.

3.5.2 Mitigation

Mitigation of the anticipated dust impacts is built into the Road Preservation Program as the Town's engineers (or other designated representative) will ensure best management practices are implemented in accordance with State and federal standards. Best

practices include the application of water to gravel roads during dry periods or other stabilizers to the road bed to maintain appropriate moisture levels. In the event water or other stabilizers prove inadequate hot mix asphalt paving and other such means can be implemented to eliminate the source of the dust, the gravel road bed. Dust control measures will be implemented pursuant to a regularly scheduled maintenance plan and failures to cover loads can be reported to and enforced by appropriate law enforcement agencies.

3.6 Transportation

3.6.1 Impacts

Transportation impacts resulting from concentrated traffic on designated haul routes includes both impacts from construction of required improvements and repairs as well as impacts resulting from the concentrated traffic itself. Planned construction activities include structural upgrades to road segments, culverts or bridges in advance of increased truck traffic as well as those regularly planned by a municipality. Unplanned or emergency construction activities can result from pavement failures, culvert collapse or other failures as a result of increased trips and frequency of heavy truck traffic. Whether planned or not, construction activity can directly affect the movement of people, goods and services through road closures, detours and temporary traffic control operations such as single lane closures. Such measures impact the level of service by making traffic move slower, waiting times at intersections, traffic signals and driveways take longer, increase congestions and decrease the average speed on a road. Other impacts that can result are changes (usually decreases) in sight and stopping distances.

3.6.2 Mitigation

The Road Preservation Program mitigates such impacts to the maximum extent practicable by creating a means of planning to create haul routes after evaluating other impacts,

particularly for public safety, and administering planned upgrades and necessary repairs in a manner to least disrupt the regular flow of traffic. Planned construction activities allow for the Member Towns to establish a plan including detours and timing or work limitations and to provide advance information to the traveling public so that alternate routes can be identified and taken or additional time can be factored into commutes or other trips.

The requirement to identify and evaluate a haul route is a key mitigation measure that will help minimize unplanned or emergency construction activities which cause the greatest impact to transportation. The haul route review will enable insufficient infrastructure to be identified and avoided or necessary upgrades to be made in advance of concentrated truck traffic. It allows for Member Towns to get the input of local emergency service providers to prioritize routes to maintain public safety and develop alternate routes for concentrated traffic and other traffic in the event an unplanned repair is needed.

To further reduce the impact of concentrated traffic on the traveling public, advance notice of construction activities and schedules will be required to be provided to allow for planning of routes to avoid concentrated traffic or to assess additional time for trips that cannot avoid construction activities or concentrated traffic. Further, other mitigation measures would include temporary changes to pavement markings and turning lanes, signage to identify alternate routes to the traveling public to avoid construction activities or concentrated traffic, temporary traffic control devices or changes to signal timing.

3.7 Public Health

3.7.1 Impacts

As a result of the use of designated haul routes using all or portions of town-owned roads may statistically increase the chance of vehicle accidents, spills or property damage from the addition of concentrated traffic. Relative to public health, spills from trucks

hauling petroleum products, chemicals, industrial and/or hazardous waste represent the most likely source of impact as such spills may affect drinking water supplies and soils.

3.7.2 Mitigation

In addition to State and federal regulations for the transport of the substances identified above, the Road Preservation Program calls for the consideration of public health issues when a haul route is reviewed to identify sensitive areas or resources that may require particular attention. Each hauler would be required to identify best practices for spill and emergency response, to identify the specific substances hauled and provide as appropriate the Material Safety Data sheets for the materials to be hauled. This information can be evaluated and considered when establishing a haul route. Further, this information can be used to identify and undertake additional training and education regarding the safe handling, cleanup and disposal of these materials. These cumulative measures, considered before any concentrated traffic will occur, will mitigate the potential impact to the greatest extent practicable.

3.8 Growth and Community Character

3.8.1 Impact

The creation of the Road Preservation Program is not expected to have any negative impacts on growth or community character by itself; however, it is recognized that the concentrated traffic associated and the construction activity with which it is associated, whether in or outside the Member Towns, can have a significant impact or change in community character. The effect of concentrated traffic servicing in town developments or those passing through the town may affect the community character by introducing heavy truck traffic not previously seen. Individuals may seek to capitalize on the increased traffic to start new businesses to serve the needs of the haulers and/or drivers. Existing businesses may be positively or negatively impacted by this influx of activity and potential business – it may

profit from or if it deters clientele from frequenting the establishments because of noise, traffic, odors, dust or other associated impacts.

Further, the addition of concentrated traffic will increase the need for certain additional community services such as law enforcement, fire and emergency services. In the event additional growth occurs, additional demand for community services such as water, sewer and electrical/gas services may result.

3.8.2 Mitigation

The Road Preservation Program will not directly cause any impact to growth or community character in the Member Towns. The substantive standards and procedure to administer the safe passage of concentrated traffic and an increase in the number and frequency of use of town owned roads will in itself call for the identification of many potential issues and the mitigation thereof before any impact from the concentrated traffic occurs. The construction activities which generate the concentrated traffic represent the potential actions likely to cause potential impacts to the character of the community or to cause growth. Those activities are regulated on the local and State level in planning and zoning contexts. Each Member Town retains all of its authority to regulate land uses under current zoning laws and other applicable laws and regulations. Further, The Road Preservation Program allows the impact of a proposed haul route on local businesses and other important community properties to be assessed, issues to be identified and alternative routes chosen to minimize or avoid the impact to the maximum extent practicable.

3.9 Vibration and Structural Degradation

3.9.1 Impacts

The designation of a haul route for concentrated traffic, particularly that consisting of heavy truck traffic, may potentially cause impacts to structures caused by

excessive or extended durations of vibrations. Vibrations from heavy vehicles are common where homes and business are located near heavily traveled road and truck route. These vibrations can impact the quality of life, however, in certain cases these vibrations can cause minor damage to structures including cracks in foundations. Older or historic homes are often most at risk, especially those in weak condition. Such vibrations can also impact sensitive areas such as hospitals, schools, medical offices with sensitive equipment or surgical facilities, research or manufacturing facilities and technology industries.

In residences or hospitals, vibrations may impact sleep and conversation due to the undesired or annoying physical sensation in the occupant's bodies, rattling of window panes or doors and fear of damage to the structure. Such impacts do not result solely from the vibrations caused by traffic but such vibrations often contribute to deterioration from other causes such as residual strains on the structure from soil movement, moisture and temperature cycles poor maintenance or past renovations and repairs.

3.9.2 Mitigation

The Road Protection program will not directly cause any impacts on structures due to vibrations; however, the requirements to provide necessary upgrades to accommodate traffic, maintain surface conditions and even repair or upgrade road structures, including shoulders, culverts and bridges as well as traffic control measures such as speed limitations will decrease the amount of vibration caused by concentrated traffic. Short term and long term measures such as road surface maintenance and improvement of solid structure under roads, respectively. The identification and evaluation of haul routes in advance of concentrated traffic will allow structures susceptible to damage from vibration and for the Member Towns to implement appropriate mitigation efforts before impacts occur or to designate those areas as unsuitable for concentrated traffic. As such the preparation and maintenance of haul routes

both the road bed structure and surface conditions represent effective mitigation in most instances which will minimize the effects of vibration on structures to the maximum extent practicable.

3.10 Aesthetic Resources

3.10.1 Impacts

The use of designated haul routes for concentrated traffic, consisting primarily of heavy trucks, may potentially impact views known to be important to the public. These impacts are temporary, short-term and reversible and the concentrated traffic is not a fixed facility that would permanently impact scenic views of and from particular locations. As the haul routes are not designated nor the nature and volume of the concentrated traffic specifically identified at this time, it is acknowledged that Upper Delaware River Basin is within the Project Area and that concentrated traffic using town roads on or near that area is likely to occur. Further, other areas such as historic districts, scenic overlooks, parks and may have views important to the public which the concentrated traffic could impact. Other aesthetic impacts can include the visibility of numerous heavy trucks on a frequent basis in an area not characterized by such vehicles. For example, the rural nature of an area can be diminished due to consistent heavy truck traffic. This is a subjective determination by individuals that can feel the aesthetic benefits of the area are lost or diminished due the concentrated traffic.

3.10.2 Mitigation

Effective planning during haul route designation process will mitigate this impact to the maximum extent practicable. The haul route designation process occurs well in advance of the actual traffic thus giving the Member Towns the ability to avoid sensitive areas and views known to be important. Further, by selecting routes that employ natural in place screening, trees or other features the visual impact of the concentrated traffic can be avoided or

minimized. Other long-term mitigation measures could include the designation of architectural or historic districts or designation of certain views as important to further mitigate the impact to aesthetic resources.

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4.0 Certification

The Town Boards of the Member Towns and their legal and technical consultants collectively have spent hundreds of hours in the review of the Draft and Final Generic Environmental Impact Statements, the proposed local laws, agreements and program and engineering manuals. For the MMTF members, this began before any particular program was even considered, with research and education regarding the impacts of concentrated traffic on municipal road resulting from large construction projects including wind turbine construction, pipeline construction and high volume hydraulic fracturing (“Fracking”). During the application review over the last several months, the Member Towns have reviewed numerous written submissions and comments made during the public comment period and hearing. They have carefully reviewed, questioned and analyzed with the Town’s environmental, engineering and legal consultants, the various impacts of, alternatives to, and potential mitigation measures for the Road Preservation Program.

The Member Towns have relied upon experts and State agencies in their review. While the Member Towns recognize that qualified experts on any topics may differ in their conclusions, and in particular, may differ in the judgments employed during analysis particularly on such subjective matters as visual or aesthetic impacts, the Member Towns note their experts were not contradicted on any significant point during the review. The Member Towns also understand that while many commenters focused on concentrated traffic resulting from Fracking and the large numbers of trucks needed to deliver and dispose of water and other liquids, and that opinions vary widely over the advantages and disadvantages of this new form of energy

production. The Member Towns have been careful to avoid focusing on the impacts of Fracking generally and of fracking related traffic and instead make their decision based on true, documented benefits and impacts of the Road Preservation Program as it applies to all regulated activities. The MMTF and the Member Towns acknowledge the NYSDEC's ongoing environmental review of Fracking and note that the Road Preservation Program does not in any way attempt to regulate the manner in which such activities are undertaken as such issues fall exclusively within the NYSDEC's purview and will be address in the regulations established relative to that activity. As the regulation of local road is specifically excluded from the NYSDEC's jurisdiction relative to Fracking, the Road Preservation Program establishes a non-discriminatory means of addressing concentrated traffic that will utilize town roads pursuant to NYSDEC permits for Fracking or other local, State and federal permits for other construction activities that are anticipated to generate concentrated traffic.

Members of the Co-Lead Agencies are familiar with areas of the Towns where Road Preservation Program elements will be sited as well as areas surrounding the Project Area. They recognize the Road Preservation Program by creating haul routes for concentrated traffic in Member Towns across the County may have region-wide impacts.

Based on its significant review, the Co-Lead Agencies believe that the potential significant adverse environmental impacts have been either avoided or mitigated to the maximum extent practicable as outlined in earlier sections of this Statement of Findings.

The Co-Lead Agencies also note that while the public benefits from the Road Preservation Program achieve important State and federal policies promoting new, domestic energy sources, there are very real local benefits in the form of ensuring road bed structure,

surfaces and related improvements remain functioning and are suited to accommodate the anticipated concentrated traffic, that potential impacts to sensitive resources in the Member Towns can be avoid or mitigated through the haul route designation process and the consideration of alternative haul routes as needed. The proactive consideration of these impacts associated with concentrated traffic enables the identification and implementation of appropriate repairs, improvements and upgrades necessary to mitigate the potential impacts of such use of town roads. Further, the Road Preservation Program ensures that the entities, companies or individuals creating concentrated traffic on town roads in connection with construction activity inside or outside the Town bear the financial responsibility for mitigating such impacts. The Member towns note the security posted to ensure necessary mitigation is completed does not constitute protects the Towns in the event a developer refuses or is unable to complete the necessary mitigation and that no funds or other fees will be paid to the Towns that is not directly related to the damage cause tot the Town roads by the developer and only will occur in the event the developer fails to undertake the mitigation directly. In the event, the developer undertakes all mitigation to the extent required by the Road Preservation Program before, during and post construction, all security will be returned to the developer.

On balance, and after careful consideration of all relevant documentation and comments, the Co-Lead Agencies believe that they have more than adequate information to evaluate all of the benefits and potential impacts of the Road Preservation Program, individually, and cumulatively, as a basis to bring the Road Preservation Program to fruition.

Therefore, in accordance with 6 NYCRR § 617.11, SEQRA's required balancing of potential for significant adverse environmental impacts against social, economic and other essential considerations, the Co-Lead Agencies hereby certify:

1. They have fully considered the relevant environmental impacts, facts and conclusions disclosed in the Final Generic Environmental Impact Statement prepared for the Road Preservation Program;
2. They have weighed and balanced the relevant environmental impacts with social, economic and other essential considerations;
3. They have provided in these Findings the rationale for the Co-Lead Agencies' decision;
4. That the requirements of 6 NYCRR Part 617 have been met, including the preparation and adoption of the DGEIS and FGEIS and this Statement of Findings; and

That consistent with social, economic and other essential considerations from among the reasonable alternatives available, Town action will avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by adoption of the Road Preservation Program, those mitigating measures which were identified as reasonable and practicable.