



# Hudson River Valley Greenway

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## **Hudson River Valley Greenway Environmental Impact Statement Scoping for the Albany-Hudson Electric Trail**

The Greenway Conservancy for the Hudson River Valley has met the requirements to be the duly-designated SEQRA Lead Agency as of October 18, 2017.

As duly-designated SEQRA Lead Agency, the Greenway Conservancy for the Hudson River Valley has issued a Positive Declaration for the project and authorizes the preparation and submission of an Environmental Impact Statement (EIS).

Per 6 NYCRR 617.8 the Lead Agency will complete the EIS Scoping process. Scoping is a process that develops a written document ("scope") which outlines the topics and analyses of potential environmental impacts of an action that will be addressed in a draft environmental impact statement (DEIS).

The purpose of scoping is to narrow issues and ensure that the DEIS will be a concise, accurate and complete document that is adequate for public review. The scoping process is intended to:

- ensure public participation in the EIS development process;
- allow open discussion of issues of public concern; and
- permit inclusion of relevant, substantive public issues in the final written scope.

The Lead agency has compiled a draft EIS Scoping Document - Albany-Hudson Electric Trail prepared by Greenman-Pedersen, Inc. (GPI), consultant to the Conservancy and dated October 18, 2017. This document is proposed by the Lead Agency as a comprehensive scope to follow in the preparation of the EIS.

The Draft Scoping Document will be available for public review and comment concurrently with Agency and Interested Party review for a 30 day review period. The document will be distributed electronically to other Involved and Interested Agencies and will be posted on the Greenway Conservancy website ([www.hudsongreenway.ny.gov](http://www.hudsongreenway.ny.gov)) and the Albany-Hudson Electric Trail website ([www.AHETTrail.org](http://www.AHETTrail.org)). Comments on the document may be submitted on the comment link on the Albany-Hudson Electric Trail website ([www.AHETTrail.org](http://www.AHETTrail.org)).

New York State Environmental Quality Review Act (SEQR)

DRAFT SCOPING OUTLINE

For a Draft Environmental Impact Statement (DEIS)

**ALBANY HUDSON ELECTRIC TRAIL**

October 18, 2017

SEQR CLASSIFICATION: Type 1

LEAD AGENCY:

Greenway Conservancy for the Hudson River Valley (Conservancy)

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INVOLVED AND INTERESTED AGENCIES:

State Agencies/Authorities:

NYS Department of Environmental Conservation (DEC)

NYS Thruway Authority

NYS Department of Transportation (DOT) Region 1 and Region 8

NYS Office of Parks, Recreation and Historic Preservation (OPHRP)

NYS Department of State (DOS), Office of Coastal, Local Government & Community Sustainability

Federal Agencies:

US Army Corps of Engineers (ACOE – NY District)

US Fish & Wildlife Service (NY Field Office)

Local Agencies and Interest Groups:

Rensselaer County

Columbia County

City of Rensselaer

City of Hudson

Town of East Greenbush  
Town of Schodack  
Town of Nassau  
Town of Chatham  
Town of Kinderhook  
Town of Stuyvesant  
Town of Stockport  
Town of Greenport  
Village of Nassau  
Village of Valatie  
Village of Kinderhook

Private Parties

National Grid

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## 1.0 INTRODUCTION

### 1.1 Background

The concept of creating the proposed Albany-Hudson Electric Trail (AHET) has been an on-going planning process for many years. In 2010, the New York State Office of Parks, Recreation and Historic Preservation adopted the NYS Trails Plan and Generic Environmental Impact Statement (GEIS). The Plan and GEIS provides a statewide framework to guide future trail planning and development, and identifies trail related issues and strategies to address them. The Plan identified a number of potential new trails, called “primary greenway trails” that could be developed in New York State. One of the potential greenway trails identified in the 2010 Plan is the former rail line now being proposed for development as the AHET trail. The 2010 NYS Trails Plan and GEIS asserts that review of site-specific environmental impacts and benefits will be accomplished as individual trail segments are advanced to the formal design and construction phase. Minimization of potential environmental impacts is accomplished through planning, project-specific environmental review, and public outreach and participation.

Building upon the momentum of the NYS Trails Plan and GEIS, the Hudson River Valley Greenway funded two detailed studies, which were completed for individual trail segments in 2010-11: the Kinderhook-Stuyvesant-Stockport (KSS) Intermunicipal Trail Feasibility Study, initiated by the Village of Kinderhook and the towns of Kinderhook, Stuyvesant, and Stockport; and the Albany-Hudson Electric Trail Feasibility Study, led by the Towns of East Greenbush, Schodack, Nassau and the Village of Nassau.

In January, 2017, Governor Cuomo announced creation of the Empire State Trail, which when completed in 2020 will be a 750-mile bicycle and pedestrian route spanning New York State. The enacted FY2017-18 budget appropriated \$200 million for development of the Empire State Trail. The Empire State Trail (EST) will follow three primary trunks – the Hudson River Valley Greenway, Erie Canalway, and Champlain Canalway Trails – consistent with the 2010 NYS Trails Plan.

Under the Governor’s initiative, five state entities along with a number of local governments will undertake sixty discrete construction projects to complete the Empire State Trail, ranging from the development of major new rail-trail and canalway trail segments, to minor on-road pedestrian and bicycle improvements. The state or local government entity undertaking each project will be responsible for securing required environmental permits and completing project-specific State Environmental Quality Review Act (SEQRA) and historic preservation reviews, consistent with the 2010 NYS Trails Plan and GEIS.

In the Hudson Valley, the proposed AHET trail is identified as the proposed Empire State Trail route in portions of Rensselaer and Columbia Counties. Recognizing the need for regional considerations and guidance, the Greenway Conservancy for the Hudson River Valley (Conservancy) is the lead state entity responsible for planning and developing the Albany-Hudson Electric Trail. In August, 2017, the Conservancy issued the AHET Trail Draft Concept Plan. The Concept Plan identified a preliminary preferred trail alignment for the proposed 35 mile AHET route which would provide important transportation and recreation benefits, and connect people between the Capital Region and the Mid-Hudson Valley. The AHET will be an ADA Accessible shared-use trail using, wherever feasible, the former Albany-Hudson Electric Trolley corridor that historically ran from the City of

Hudson to the City of Rensselaer, crossing through two counties (Rensselaer and Columbia), eight towns, and five cities and villages. The trail will attract hikers, bikers, and cross country skiers and provide access to destinations, heritage areas, historic sites, as well as shops, galleries and restaurants within historic districts and downtowns.

During the process of developing this Draft Environmental Impact Statement (DEIS) and final trail design plans, the Conservancy will examine all viable alternatives, potentially including some not previously discussed, and work with elected and local officials, transportation experts, bicycling and trails organizations, and private land owners to analyze the alternatives and potential impacts in a comprehensive and detailed manner. This comprehensive effort will result in a trail design that will avoid, minimize, and mitigate environmental impacts, while implementing the most politically and technically feasible trail development project.

### 1.2 Project Location and General Environmental Setting

This section of the DEIS will briefly describe the general setting of the project to put the proposed trail into a regional context. It will include an overall trail corridor map delineating the boundary of the project area and other more detailed trail segment maps depicting municipal boundaries, environmental features, and nearby parks and community resources. The DEIS will describe the community character, significant natural, recreational, and scenic features along the trail corridor. The DEIS will also briefly describe the major landowners along the trail corridor and other tourism opportunities (natural, scenic, and cultural) available in and adjacent to the trail corridor.

### 1.3 Project Sponsor Information

The Greenway Conservancy for the Hudson River Valley (Conservancy) is the Lead Agency that will undertake the design and development of the Albany Hudson Electric Trail (AHET), securing required environmental permits, and completing project-specific State Environmental Quality Review Act (SEQRA) and historic preservation reviews.

### 1.4 Project Purpose, Goals, Public Need and Benefits

This section of the DEIS will describe the many benefits associated with AHET trail development including health and well-being, transportation, safety, economic development, environmental, and community benefits.

### 1.5 Anticipated Approvals, Reviews and Permits

The anticipated permits and approvals required for the proposed AHET are listed below. An updated list of all approvals and permits will be provided in the DEIS.

Regulatory Agency	Permits and Approvals
<b>Federal</b>	
USACOE	Federal Wetlands (Section 404 Clean Water Act, Section 10 Rivers and Harbors Act)
US Fish & Wildlife	Threatened and Endangered Species Determination
<b>State</b>	
NYSDOT	ROW/Access Highway Work Permits
NYSTA	ROW/Access Highway Work Permits

NYSOPRHP	Coordination/Approval
NYSDEC	Article 15, Title 5, Protection of Waters-Stream Disturbance, Excavation/Fill in Navigable Waters; Article 24, Freshwater Wetlands; State Pollutant Discharge Elimination System (SPDES) for stormwater discharge from construction; Water Quality Certification (Section 401 of the Clean Water Act)
NYS DOS, Division of Coastal Resources (LWRP)	Local Waterfront Revitalization Program Consistency Review; Coastal Zone Management Approval and State Consistency Determination
<b>Regional</b>	
Rensselaer County Highway	ROW/Access Permits
Columbia County Highway	ROW/Access Permits
Rensselaer County Legislature	Resolution of Support endorsing the Final Design
Columbia County Board of Supervisors	Resolution of Support endorsing the Final Design
<b>Local</b>	
City of Rensselaer	ROW/Access Permits, Maintenance Agreements
City of Hudson	ROW/Access Permits, Maintenance Agreements
Town of East Greenbush	ROW/Access Permits, Maintenance Agreements
Town of Schodack	ROW/Access Permits, Maintenance Agreements
Town of Nassau	ROW/Access Permits, Maintenance Agreements
Town of Chatham	ROW/Access Permits, Maintenance Agreements
Town of Kinderhook	ROW/Access Permits, Maintenance Agreements
Town of Stuyvesant	ROW/Access Permits, Maintenance Agreements
Town of Stockport	ROW/Access Permits, Maintenance Agreements
Town of Greenport	ROW/Access Permits, Maintenance Agreements
Village of Nassau	ROW/Access Permits, Maintenance Agreements
Village of Valatie	ROW/Access Permits, Maintenance Agreements
Village of Kinderhook	ROW/Access Permits, Maintenance Agreements
<b>Private</b>	
National Grid	Owner Agreements-Construction Standards

## 2.0 PROJECT DESCRIPTION

### 2.1 Detailed Description of the Proposed Action

This section of the DEIS will provide a detailed description of the proposed AHET.

### 2.2 Potential Construction Activities and Phasing Plan

This section of the DEIS will describe the construction activities and proposed phasing plan of the AHET.



## 3.0 PUBLIC INVOLVEMENT AND OUTREACH

### 3.1 Project Website and Communications

A website has been developed ([www. http://www.ahettrail.org](http://www.ahettrail.org)) to share project information and documents, announce public meetings, post status reports, and other important information related to the project. The DEIS will contain a summary of the Frequently Asked Questions, and any other public feedback received through this portal.

### 3.2 Public Workshops

This section of the DEIS will discuss the public outreach process in the form of public workshops, the format of the workshop and the results/feedback gathered from the participants.

### 3.3 Stakeholder Meetings

This section of the DEIS will provide a summary of the stakeholder meetings that were held during the planning and design process and discuss the feedback gathered from the participants.

## 4.0 ENVIRONMENTAL SETTING, POTENTIAL ENVIRONMENTAL IMPACTS & PROPOSED MITIGATION MEASURES

The DEIS will describe the existing environmental conditions of the trail corridor, potential impacts of the proposed action, and recommended mitigation measures. Environmental conditions will include natural and cultural landscape features and characteristics of the local communities and the built environment. Technical information will be presented in a user-friendly format with maps and tables and clear language to facilitate understanding of the proposed project. Technical details will be provided in an appendix.

### 4.1 Land

#### Topography and Slope

- The proposed action may involve construction on slopes of 15% or greater

The topography of the trail corridor will be reviewed closely with existing slope and contour information as well as on-site survey and observation. This section of the DEIS will contain a map or series of figures showing topography and slope, and existing conditions and limitations will be described. If portions of the trail are to be constructed adjacent to steep slopes, the DEIS will examine the impacts associated with steep slopes as they relate to construction activities, accessibility, and long-term stabilization of the slopes, and identify proposed mitigation measures to minimize impacts.

#### Surficial Geology and Soils

- The proposed action may result in erosion whether from physical disturbance or vegetation removal.

The DEIS will contain information on the surficial geology and soils in the trail corridor. It will contain maps and figures illustrating soil classifications within the project area, as well as the range of limitations on specific soil types for trail development. Technical details in regards to areas and depths of disturbance, including any boring

results, and proposed mitigation measures to minimize impacts on sensitive or unstable areas will be provided in an appendix.

### **Bedrock Geology**

- The proposed action may involve construction on land where bedrock is exposed or within 5 ft. of existing ground surface

The bedrock geology of the trail corridor, as known from available data sources, will be mapped and described within the DEIS along with limitations and/or significant aspects of bedrock as relevant to the potential for footings or pile driven structures in the project area. The DEIS will be supplemented where necessary with the results of borings which are slated to be taken as part of engineering design, and proposed mitigation measures to minimize impacts will be included herein.

## **4.2 Water**

### **Freshwater Wetlands**

- The proposed action on may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

This section of the DEIS will discuss the presence of and physical characteristics of existing State and Federally regulated freshwater wetlands adjacent to the proposed trail corridor, potential impacts and proposed mitigation measures. The DEIS will include a series of maps illustrating the location of the wetlands, as well as a listing of all regulated waterbodies that may be impacted by the project. Wetland boundaries will be delineated where the trail may be in or adjacent to wetlands. Detailed reports and documentation of correspondence and coordination with NYSDEC and USACOE will be included in an appendix.

### **Surface Waterbodies**

- The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.
- The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

This section of the DEIS will focus on the physical characteristics of surface water resources and potential impacts to and from these resources, such as water quality, filling, or turbidity. The DEIS will include a series of maps and figures depicting the surface water features along in the trail corridor. This will include, but may not be limited to, the Hudson River, Kinderhook Creek, Stockport Creek, the Valatie Kill, Kinderhook Lake, Nassau Lake, Hampton Lake, and all other Class 'C' and 'C(t)' streams that may need to be crossed. Potential physical impacts from the proposed action on any surface water resources will be discussed and mitigation measures will be recommended.

### **Floodplains**

- The proposed action may result in development on lands subject to flooding.
- The proposed action may result in development within a 100 year floodplain.
- The proposed action may result in development within a 500 year floodplain.
- The proposed action may result in, or require, modification of existing drainage patterns.

This section of the DEIS will discuss the existing floodplains along the trail corridor, any potential impacts of the proposed action, and mitigation measures. Any trail sections adjacent to or within the 100 or 500 year floodplain will be surveyed and evaluated in relation to the susceptibility of the potential trail route to inundation and flooding. The DEIS will summarize the results of this technical process and the details will be included in an appendix.

### **Erosion & Stormwater**

- 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.

The DEIS will contain information on soil erosion potential and will contain figures showing the soil qualities and limitations along the trail corridor. Trail construction may potentially cause temporary soil erosion if vegetation is removed, and soil is displaced. The DEIS will discuss the drainage considerations and offer mitigation measures for erosion-control to stabilize the soils during and after trail construction.

The DEIS will also describe existing stormwater infrastructure and management measures along pertinent sections of the trail corridor. An analysis of the proposed action's impacts on stormwater quantity and flow will be conducted. The DEIS will identify potential impacts of the proposed action and any proposed mitigation measures to minimize such impacts. Trail construction may require a State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activity and the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sedimentation Control Certification for certain trail sections. Necessary supplemental reports will be included in the Engineering Design Report which will be included as an appendix to the DEIS.

## **4.3 Plants and Animals**

### **Threatened, Endangered, and/or Species of Special Concern**

- 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.
- 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.
- 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.
- 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.
- 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.
- The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

This section of the DEIS will include information and analysis of the existing plant and animal habitat along the trail corridor and will include an analysis of potential terrestrial and aquatic habitats that may be impacted

directly by trail construction, and/or by long-term operation and use of the trail. This section will discuss potential impacts on Threatened or Endangered plants or animals, Species of Special Concern, and Species of Greatest Conservation Need known to be in or adjacent to the trail corridor. The DEIS will identify habitats, potential impacts to species and their habitats (such as loss, alteration, or degradation of habitats and interference with essential behaviors during construction or by trail users), and the potential need for an Incidental Taking Permit. The DEIS will evaluate the potential impacts on the resources identified, assess potential loss and/or reduction of habitat function, and propose mitigation measures to offset, reduce, or eliminate such impacts. Mitigation measures may include, among others: aligning the trail away from sensitive habitat areas, or adjusting the timing and phasing of construction to minimize impacts on wildlife, especially during critical periods of higher biological activity, such as breeding seasons.

#### 4.4 Agricultural Resources

- The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).

This section of the DEIS will include a discussion of the potential impacts of the trail alignment on existing agricultural operations on private lands. An Engineering Design Report will be included in an appendix, and will discuss the alternatives, and mitigation measures to offset, reduce, or eliminate such impacts on active agriculture operations.

#### 4.5 Historic and Archaeological Resources

- The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.
- 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.
- The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.

This section of the DEIS will provide information in narrative and graphic format on the existing historic districts and structures in or near the trail corridor which are either listed or eligible for listing on the State and National Registers of Historic Places. The DEIS will include a map or series of maps of the project area illustrating the location of the Historic Districts, and will discuss alternatives, and mitigation measures to avoided or minimize any impacts on these resources. Consultation will be continued with NYSOPRHP's Division for Historic Preservation (DHP) to determine the presence of and potential impact on historic and archaeological resources from the proposed action. Results of any surveys performed along the trail corridor will be included as an appendix o the DEIS, in addition to all correspondence to and from NYSOPHRP.

#### 4.6 Transportation

- The proposed action may alter the present pattern of movement of people or goods.

This section of the DEIS will discuss the potential impact, if any, of the proposed on-road segments of the AHET on existing transportation patterns, movements, and or crossing areas.

#### 4.7 Human Health

- The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.
- There is a completed emergency spill remediation or a completed environmental site remediation on, or adjacent to, the site of the proposed action.
- 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.

This section of the DEIS will discuss the existing DEC Spills or Remediation Sites that are adjacent to the proposed trail alignment, the potential impacts, if any, of the proposed action, and any necessary mitigation measures.

#### 4.8 Consistency with Community Plans and Zoning

##### Local Planning and Zoning

- The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

The DEIS will provide a series of existing land use maps and describe the variety of land uses and zoning within and adjacent to the trail corridor. It will discuss the proposed action's consistency with local planning documents and zoning laws. The DEIS will discuss any potential non-conformance of the proposed action with these plans and laws and proposed mitigation measures.

##### LWRP Consistency Review

A small portion of the proposed project is located within the NYS DOS Coastal Boundary, and will therefore be subject to a Consistency Review to determine if the action is consistent with the coastal policies or any approved LWRPs. The Cities of Rensselaer and Hudson have an adopted LWRP that will need to be taken into consideration pursuant to SEQRA. This section of the DEIS will identify the applicable coastal policies and the potential beneficial and adverse effects of the action on those policies.

#### 4.9 Consistency with Community Character

##### Community Services

- The proposed action may create a demand for additional community services (e.g. police/security, fire, ambulance, emergency rescue).

This section of the DEIS will identify and analyze various proposed alternatives for the long-term management, maintenance, and operation of the proposed trail. Each entity's on-going responsibilities for future operation or maintenance of the trail will be discussed along with any potential adverse impacts to land owners and proposed mitigation measures, as needed.

## **5.0 GROWTH INDUCING IMPACTS – FISCAL AND ECONOMIC IMPACTS**

It is anticipated that construction of the trail and associated facilities will result in increased visitation to the area. The DEIS will describe the character of the community including, but not be limited to: population, demographics, education, and housing. The DEIS will identify and assess potential growth inducing impacts associated with the project and if deemed necessary proposed mitigation measures.

## **6.0. UNAVOIDABLE ADVERSE IMPACTS**

This section of the DEIS will describe and assess the short-term construction impacts and long-term, permanent impacts that are likely to occur, despite mitigation measures, and will compare in summary form the beneficial and adverse implications of these unavoidable impacts.

## **7.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

This section of the DEIS will identify any potential irreversible and irretrievable commitment of resources associated with the project.

## **8.0 ANALYSIS OF ALTERNATIVES**

The DEIS will identify alternatives, including the Status Quo or No Build/No Action Alternative and Preferred Alternative. These alternatives will be described, including a detailed assessment of the trail alignment, trail width and surface treatment, accessibility, access and parking, signage and other support amenities and corridor improvements. It will include potential environmental impacts, the degree to which the trail route alternatives successfully achieve the stated project goals, and short-and long-term costs for construction and maintenance.

## **9.0 APPENDICES**