

November 22, 2011

Dear ARTA Steering Committee,

Thank you for writing to us about the current issues surrounding the Remsen-Lake Placid railroad corridor. In order to properly and accurately address the issues you've raised, I've inserted comments into the text of your letter so that these matters can be addressed one by one. The text of your letter is in black and my comments are in red. For the purpose of flow and organization, I have separated parts of your text but all of it is here in its entirety and in the order it was presented.

Before we get to the substance of your letter, however, I want to comment on the subject line of your email, which is: "AARCH and HSL misunderstand national historic registration status". I appreciate that this has a nice inflammatory ring to it but you've completely failed to make the case that AARCH misunderstands the National Register and the historic status of the railroad corridor. In fact, the one thing that we agree with you on is that National Register status of the corridor will (in and of itself) not prevent the removal of the tracks. Because we know this to be true, we have not made statements to the contrary. Why you've attributed such statements to AARCH is beyond me.

Another small clarification, in the interest of accuracy, is that the National Register of Historic Places should always be capitalized and the plural is Registers, not registries.

Now to your letter:

We understand that "Adirondack Architectural Heritage has joined Historic Saranac Lake in its opposition to the removal of tracks and ties because the Remsen-Lake Placid corridor is listed on the state and national historic registries".

Here you have quoted something but I have no idea where this quote comes from. The only public statement that we've made is in the form of a press release dated November 18, 2011 and no such statement such as the one quoted above appears in it. If, as you claim, we should all be accurate in our facts, you should refrain from attributing statements to us that we did not make. We have expressed our opposition to the removal of the tracks and we think that the fact that the corridor is on the National Register is important information for the public to know and that its listing will provide some measure of consideration during a public and agency review process. We oppose the removal of the tracks because such an action will diminish ("adverse impact") this historic resource.

We are writing to suggest that whatever legal advice you are getting on this issue appears to be wrong, and as a result your position takes on a political nature which we believe is inconsistent with your mission.

Our position on this issue is simple:

Adirondack Architectural Heritage supports the preservation of the contributing historic features, including the railroad tracks themselves, of the New York Central Railroad, Adirondack Division, corridor, which is listed on the State and National Registers of

Historic Places. AARCH also supports the multiple public and nonprofit use concept for the corridor as envisioned and outlined in its 1996 management plan.

We have not sought legal advice because nothing about taking this position requires a legal interpretation or has a legal aspect to it.

As to our position being both political and inconsistent with our mission, AARCH is the historic preservation organization for the Adirondack region and I hardly think you could expect us to endorse an action that would have an adverse impact on an historic property such as this, especially one that is publically-owned. We do some advocacy work in the region, most notably advocating for saving Camp Santanoni, a series of fire observation towers, and the Bow Bridge in Hadley to name a few examples. I'm not sure what makes this issue different or political – the corridor is a publically owned resource, we represent more than a thousand people who believe in the preservation of the region's historic resources, and we have the right, just like everyone else, to speak up about this issue. And, we are also *not* advocating for any change in public policy, as we endorse the status quo and the current management plan for the corridor.

In fact, many of our over 1200 members are supporters of AARCH and/or HSL, and a number have asked us to write to disabuse you of the idea that national historic registry listing prevents a change in use or of structure within the rail corridor.

As is also noted below, nowhere have we made a statement that “national register listing prevents a change in use or of structure within the rail corridor” so there is nothing to disabuse us of. Since we work with National Register properties all the time, we are acutely aware that National Register listing *does not* prevent a change in use, alterations, or even removal. If people have come to the conclusion that we made or believe your statement above then I can only assume that they got this misinformation from you.

We have been given solid legal advice on this issue and would be happy to have our attorney talk to whoever it is that is advising you. The following is an extract from his longer briefing to us on this subject:

“The proposal to convert the rail right of way into a multi-use recreational trail and to remove the rails and ties to improve its usability has generated a lot of misinformation both about the corridor's status as public land within the Adirondack Park and its listing on the National Register of Historic Places...”

We agree that there is a lot of misinformation about this matter but would suggest that most of the misinformation is actually being generated by ARTA and its supporters. We concur with all or most of what Phil Gallos has written (“Propaganda in the Rail-Trail Debate,” *Adirondack Daily Enterprise*, 9/16/11) on the subject of misinformation.

...Arguing over whether the rails and ties themselves are part of what is listed on the National Register of Historic Places is a red herring. It doesn't matter.

I don't believe there is any argument about whether the rails are part of what is listed on the National Register. They clearly are part of the National Register listing, as is evidenced by the recent letter on this subject from Bill Krattinger at NYSOPRHP, and they are a *contributing* feature, as well. It actually does matter that the tracks are part of the listing because this means that a plan for their removal will be scrutinized for its impact on the historic resource during the public and agency review process.

Because the entire right of way is listed as a Historic District, any "project" that involves state agency action within the listed right of way will require going through a process set up by the New York State Historic Preservation Act of 1980. The listing does not prohibit the removal of the rails and tracks, nor does it prohibit turning the right of way from one used by trains to one used by bikes, snowmobiles and pedestrians. It does require touching bases inside federal and state government, giving notices, documenting conditions, preparing reports and doing things like posting informational signs, taking pictures, moving artifacts to museums (or displaying them at or near the listed area, etc. State DOT, which currently manages the Travel Corridor, is very expert in working transportation projects that affect historic resources through the State Historic Preservation Office (SHPO) to get the desired changes accomplished while complying with the State Historic Preservation Act.

We agree that National Register listing in and of itself does not preclude removal of the tracks, provided that a process is followed for doing so. We never made any statement that National Register listing would (automatically) prevent the removal of the tracks as is implied in your letter. Since we work with National Register properties all the time, we are acutely aware that National Register properties can be changed in use, altered, and even demolished.

At the end of the day, the Historic District, and its historic resources, will be better protected and enhanced by an invigorated multi-use recreational trail than by neglect or the continuation of the current poor quality and inadequate use and maintenance of the right of way. And, this means that the SHPO should be very favorably inclined towards its restoration and preservation as an intact travel corridor.

That the historic resources of the railroad corridor will be better protected under the scenario you imagine is a matter of opinion not fact.

There can be an intelligent disagreement about what use of the right of way is most in the public interest. But it should be based on facts and an accurate understanding of applicable laws and regulations."

Again, referring to our *only public statement* about this issue, a press release dated November 18, 2011 – the only facts we stated were: (1) that the railroad corridor was listed on the State and National Registers of Historic Places; and (2) that the railroad corridor is an historic resource of great importance (hence its National Register status). We made no other claims of fact and said nothing about how this issue would be considered under applicable laws and regulations.

If you have a differing opinion of the law or of procedures we would appreciate hearing from you with references or with a request to have the experts come to a common understanding. If, as we suspect, you are acting on misinformation, we think your members would appreciate a clarification from you rather than from us.

There is nothing for us to clarify to our members. If anything it is you that should apologize to us for the litany of misinformation that you have spread about AARCH and our position on this matter. Had you called first to speak about the matters you raised, I think I could have disabused you of most of this. Instead, you forged ahead and (apparently) sent your letter to others and the press. It's almost like you didn't want to get to the truth but, instead, it somehow served your purposes better to paint us as misinformed, poorly advised, and acting contrary to our mission.

So I am struck by the underlying, almost incomprehensible, hostility of your letter. You have attributed statements and positions to us that we did not make, you have accused us of spreading misinformation without any basis for making such an accusation, and you have questioned our very right to be involved in this issue at all. We have taken great pains during our 20 year history to make our case for historic preservation in a most honest and transparent way - through education, good advice, persuasion, consensus building, and partnership work. As a result we have an excellent offering of programs, a broad reach across the region, a strong membership, and are widely respected in the region. We certainly have never misrepresented or torn down others who disagreed with us. This kind of approach never works and, I suspect, in the end, this kind of approach will not serve you well either.

Steven Engelhart
Executive Director
Adirondack Architectural Heritage
1745 Main Street
Keeseville, NY 12944