

Adirondack Council
Adirondack Mountain Club
Adirondack Wild: Friends of the Forest Preserve
Protect the Adirondacks !
Town of Minerva
Town of Newcomb

Nov 7, 2017

Hon. Andrew Cuomo, Governor
State Capitol
Albany, NY 12224

Re: Eliminating Used Oil Car Trains on the Adirondack Park's Tahawus Railroad Spur

Dear Governor Cuomo,

The undersigned representatives of local governmental and environmental interests in the Adirondack Park applaud you for publicly stating that the actions of Iowa Pacific Holdings and Saratoga to North Creek Railroad ("SNCRR") to park for an indefinite period hundreds, possibly thousands of used railroad tanker cars on the Tahawus Railroad Spur in the heart of the Adirondack Park are, to use your words, "unsightly and out of character" with the Adirondacks.

We write to thank you for putting the weight of your administration behind your statement and doing everything you can to stop this activity. We believe your agencies are not without jurisdiction, and that you have other options too, so that the storage of these tanker cars in the heart of the Adirondack Park can be immediately terminated.

Furthermore, we believe that SNCRR's actions to store cars on the tracks is a new type of rail activity that falls well outside the purposes of the federal easement and right-of-way over the Tahawus Railroad Spur, intended as a commercial railroad hauling economically valuable titanium ore. In addition, this action constitutes a new type of commercial activity on this rail line. There may also be serious constitutional issues under Article 14 given the unique history of this railroad spur to the former mine at Tahawus.

The Town of Newcomb opposes the storage of rail cars on a line which is meant to haul freight and be productive to its local economy. The neighboring Town of Minerva is confident you will do whatever you can to get this matter resolved.

The undersigned also believe the rail Right-of-Way, controlled by the federal government, could be considered abandoned as a result of lack of use under the terms of the federal easement since 1982. Furthermore, we believe that the tanker storage could be subject to the permit authority of DEC as a solid waste management facility and to the APA as a new type of junkyard on private

land. The tanker storage is also immediately adjacent to the Boreas River, which is a designated Scenic river, where new railroad activities like this tanker car storage may be subject to additional DEC permit jurisdiction.

Again, we thank you for taking such a sincere interest in this matter. We look forward to your administration taking the necessary actions in the immediate future to ensure that this activity is stopped, the tanker car storage ended, and that the rail spur is remediated and again available to serve a positive public purpose appropriate for the Adirondack Park.

Very sincerely,

William C. Janeway, Executive Director
Adirondack Council

Neil F. Woodworth, Executive Director
Adirondack Mountain Club

David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

Peter Bauer, Executive Director
Protect the Adirondacks !

Stephen R. McNally, Town Supervisor
Town of Minerva

Wester Miga, Town Supervisor
Town of Newcomb

Cc: Basil Seggos, Commissioner, NYS DEC
Robert Stegemann, Regional Director, NYS DEC
Sherman Craig, Chair, NYS APA
Terry Martino, Executive Director, NYS APA
Venetia Lannon, Executive Chamber