

DRAFT

**LETTER OF RESOLUTION
AMONG THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION,
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
THE ADIRONDACK PARK AGENCY
AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION
REGARDING THE
REMSEN-LAKE PLACID TRAVEL CORRIDOR IN
ONEIDA, HERKIMER, HAMILTON, ST. LAWRENCE, FRANKLIN AND ESSEX
COUNTIES**

WHEREAS, the Remsen-Lake Placid Travel Corridor (Corridor) is under the jurisdiction of the New York State Department of Transportation (NYSDOT); and

WHEREAS the Adirondack Park Agency (APA) has recently amended the definition of “Travel Corridor” in the Adirondack Park State Land Master Plan to make it clear that the New York State Department of Environmental Conservation (NYSDEC) can manage a recreational trail along a defined segment of the Corridor; and

WHEREAS, the NYSDEC and the NYSDOT have proposed to adopt an amendment (2020 Amendment) to the current 1996 Unit Management Plan (UMP) for the Corridor; and

WHEREAS, a Draft Supplemental Environmental Impact Statement (DSEIS) has been prepared pursuant to the State Environmental Quality Review Act (SEQRA) to analyze the areas of environmental concern resulting from the proposed adoption of the 2020 Amendment to the UMP for the Corridor; and

WHEREAS, under the 2020 Amendment to the UMP for the Corridor, the NYSDOT will manage and maintain the segment of the Corridor from Remsen to Tupper Lake, about 85 miles of the Corridor which will remain available for railroad purposes; and

WHEREAS the NYSDOT will transfer jurisdiction, including the operation and maintenance, of the Tupper Lake to Lake Placid segment of the Corridor, beginning at the trailhead, to NYSDEC and the NYSDEC will manage and maintain the segment of the Corridor from Tupper Lake to Lake Placid as a recreational trail of about 34 miles of the Corridor; and

WHEREAS, the NYSDOT and NYSDEC will coordinate overlapping areas of management in Tupper Lake; and

DRAFT

WHEREAS, prior to adoption of the proposed 2020 Amendment, APA must find that the proposed 2020 Amendment would conform with the Adirondack Park State Land Master Plan (APSLMP); and

WHEREAS, the adoption of the proposed 2020 Amendment constitutes a State agency action which qualifies as an undertaking subject to review under Section 14.09 of the New York State Parks Recreation and Historic Preservation Law (NYSPRHPL), pursuant to 9 NYCRR Part 428; and

WHEREAS, the determination of APSLMP conformance of the proposed 2020 Amendment, with consideration of the APSLMP requirement that DEC adopt a historic preservation plan compliant with the State Historic Preservation Act, constitutes a State agency action which qualifies as an undertaking subject to review under Section 14.09 of the NYSPRHPL, pursuant to 9 NYCRR Part 428; and

WHEREAS, in consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), in accordance with NYSPRHPL Section 14.09 future independent actions will be progressed to maintain and rehabilitate the Corridor as needed; and

WHEREAS, the 2020 Amendment for the Corridor proposes to proceed with the removal of rail infrastructure including rails and ties between Lake Placid and the trailhead in Tupper Lake, with conversion of that segment of the Corridor to a recreational trail that will be managed and administered by NYSDEC; and

WHEREAS NYSDOT will re-use a portion of the rails that are removed to rehabilitate railroad infrastructure in the Remsen to Tupper Lake segment of the Corridor; and

WHEREAS, the existing rail infrastructure between Remsen and Tupper Lake will be retained and rehabilitated for rail use;

WHEREAS, the Corridor encompasses and is coincident with the New York Central Railroad, Adirondack Division Historic District, (Historic District) a property listed in the New York State and National Registers of Historic Places; and

WHEREAS, the Historic District includes a total of 41 contributing features, 23 buildings and 18 structures historically associated with the operation of the Adirondack rail line that retain integrity to the period of significance; and

WHEREAS, contributing features of the Historic District include the right-of-way (tracks and ties, counted as one structure), bridges, stations, freight houses and ancillary railroad buildings, as identified in the nomination's property list; and

DRAFT

WHEREAS, public notification was provided through publications and public meetings to afford an opportunity for local governments and interested citizens to express their views on the proposed alternatives that would avoid or mitigate adverse impacts, in accordance with 9 NYCRR Part 428.9; and

WHEREAS, NYSDEC, NYSDOT and NYSOPRHP met in consultation with various historic stakeholders on December 18, 2019 to obtain their views on the proposed alternatives, alternatives that would avoid adverse impacts and mitigation for remaining adverse impacts; and

WHEREAS, the NYSDEC and NYSDOT, in consultation with the NYSOPRHP have explored feasible and prudent alternatives that would avoid or mitigate adverse impacts of the undertaking, in accordance with NYSPRHPL Section 14.09 and 9 NYCRR Part 428.8 (See Historic Preservation Plan in Appendix A); and

WHEREAS, NYSOPRHP has concurred with NYSDEC and NYSDOT that the removal of the tracks and ties from the New York Central Railroad, Adirondack Division Historic District, between Lake Placid and Tupper Lake, constitutes an Adverse Impact as defined in 9 NYCRR Part 428.7 (a)(1); and

WHEREAS, the NYSOPRHP, NYSDEC, and NYSDOT agree that implementation of the Historic Preservation Plan would satisfactorily mitigate adverse impacts on the Historic District; and

WHEREAS, the NYSOPRHP, NYSDEC, and APA agree that implementation of the Historic Preservation Plan would satisfactorily mitigate adverse impacts on the segment of the Historic District from Tupper Lake to Lake Placid; and

WHEREAS, the NYSDOT, NYSOPRHP and the Federal Highway Administration (FHWA) entered into a Memorandum of Agreement dated April 4, 2000, pursuant to NYSPRHPL Section 14.09 and 36 CFR Part 800, the regulation implementing Section 106 of the National Historic Preservation Act (NHPA)(54 U.S.C. 306108), as amended, to govern the rehabilitation and reactivation of rail infrastructure within the Corridor; and

WHEREAS, fulfillment of the terms of the above-referenced MOA satisfy NYSDOT's responsibilities for rehabilitation of the Corridor under the requirements of NYSPRHPL Section 14.09; and

NOW, THEREFORE, NYSDEC, NYSDOT, APA and NYSOPRHP agree to proceed with the undertaking subject to the stipulations below.

DRAFT

STIPULATIONS

1. The section of the Historic District between Lake Placid and the trailhead in Tupper Lake shall be documented by NYSDEC prior to removal of the rails, ties and appurtenances. The documentation shall take the form of high quality digital video recorded from track level and aerial locations in accordance with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation and/or the NYSOPRHP guidelines, such documentation to include Photographic and Video-graphic Documentation and documentation of contributing features in accord with Historic American Engineering Record (HAER) standards. The purpose of this documentation is to create a record and to provide photographic and video-graphic material for use in interpretive programming. Six copies of the documentation will be produced. NYSDEC and NYSDOT will each retain one copy, one copy will be submitted to the NYSOPRHP, and one copy each will be presented to the appropriate local repositories in Tupper Lake, Saranac Lake, and Lake Placid.
2. The NYSDEC will consult with the NYSOPRHP with respect to all proposed renovations, restorations or adaptive re-use of contributing buildings and structures within the historic district and consider measures that would avoid or mitigate any adverse impacts associated with proposed renovations, restoration or adaptive re-use. Future work proposed for contributing buildings within the Historic District will be reviewed in accordance with applicable Secretary of the Interior's Standards and NYSPRHPL Section 14.09.
3. The terms of the April 4, 2000 Memorandum of Agreement between NYSDOT, NYSOPRHP, and FHWA shall apply to the rehabilitation of rail infrastructure between Big Moose and Tupper Lake and will continue in effect for those segments of the Corridor that retain rail infrastructure.
4. In accordance with established standards and procedures, the NYSDEC and NYSDOT shall consult with NYSOPRHP regarding the identification, evaluation and assessment of impacts on archaeological resources for any future actions.
5. Prior to implementation of the undertaking, the NYSDEC will develop and implement a comprehensive and unified plan for public education, interpretation and branding along the entire Corridor (Remsen to Lake Placid). This will include wayside panels and exhibit materials at publicly accessible stations and buildings along the Corridor and installation of interpretative signs at the [64] locations identified in Appendix B of the Historic Preservation Plan.
6. Pursuant to the APSLMP, APA will consider the Historic Preservation Plan referenced herein as being compliant with the State Historic Preservation Act.

DRAFT

7. Pursuant to NYSPRHPL Section 14.09, execution of this Letter of Resolution and implementation of its stipulations evidences that the NYSDEC and NYSDOT have consulted with NYSOPRHP on this undertaking, and mitigated its adverse impacts.
8. Pursuant to NYSPRHPL Section 14.09, execution of this Letter of Resolution and implementation of its stipulations evidences that NYSDEC and APA have consulted with NYSOPRHP on their undertakings in relation to the segment of the Historic District from Tupper Lake to Lake Placid and mitigated their adverse impacts.
9. Further ,NYSDEC, NYSDOT, APA, and NYSOPRHP have determined it is in the public interest to pursue the undertaking.
10. The parties included, and their executions below, are hereby limited to this Letter of Resolution and the actions described herein and shall not serve to influence any other future actions.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: _____ Date: _____

Name: Charles E. Vandreii

Title: Agency Historic Preservation Officer

DRAFT

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____

Name: Daniel P. Hitt, RLA

Title: Agency Historic Preservation Officer

DRAFT

DRAFT

THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION

By: _____ Date: _____

Name: R. Daniel Mackay

Title: Deputy Commissioner for Historic Preservation/SHPO

DRAFT

DRAFT

ADIRONDACK PARK AGENCY

By: _____ Date: _____

Name: Kevin Prickett

Title: Agency Historic Preservation Officer

DRAFT