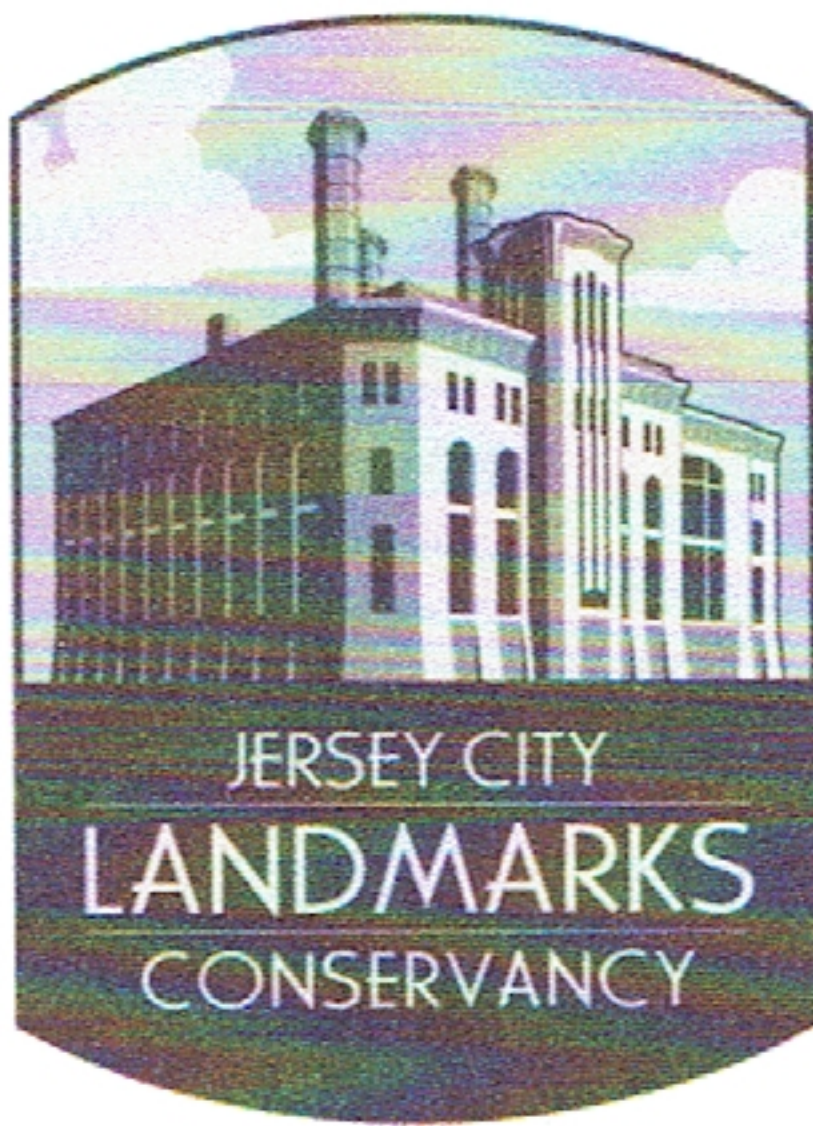




A non-profit 501(c)(3) preservation organization formed to preserve, protect and promote Jersey City's irreplaceable historic resources.

Address

P.O. Box 68
Jersey City, New Jersey
07303-0068

Phone

201-736-7246

Email

jclandmarks@gmail.com

Web

www.jclandmarks.org

Board of Directors

Norrice Raymaker
President
Jennifer S. Furlong, Ph.D.
Vice President
Dennis G. Doran
Treasurer
Kevin Joel Berland, Ph.D.
Secretary
Daniel Frohwirth
Justin T. Frohwirth
David Goodwin
John K. Gomez, *Founder*
Richelle M. Reyes, PsyD.
Rebecca A. Shapiro, Ph.D.
Lycel Villanueva, *Architect*

Advisory Board

John K. Gomez, *Founder*
Joshua S.C. Parkhurst, Esq.
John Hallahan, Jr.
Sanjay Chauhan
Maureen Crowley
Cynthia A. Hadjiyannis, Esq.
Daniel Levin
Rev. Thomas M. Murphy
Leon Yost

JERSEY CITY LANDMARKS CONSERVANCY, Inc.

February 23, 2016

Ms. Victoria Rutson, Director

Office of Environmental Analysis

385 E Street, NW,

Washington, DC 2016

ATTN: Jeff Irwin

Re: AB_167_1189_X and Related Cases, Environmental Correspondence to STB, including EIs in general and the following specific correspondence:

EI 16244 from NJ SHPO Deputy Director Daniel Saunders, December 23, 2008

EI 16298 from NJ SHPO Deputy Director Daniel Saunders, January 26, 2009

EI 17650 from NJ SHPO Deputy Director Daniel Saunders, May 7, 2009

Ei 21241 from LLC Intervenors, Daniel Horgan, Part 1, December 7, 2015

EI 21253 from Jersey City Mayor Fulop, December 14, 2015

EI 21326 from Charles Montange for City, Rails to Trails, and Embankment Coalition, January 22, 2016

Dear Ms. Rutson:

The Jersey City Landmarks Conservancy (JCLC) is a nonprofit, 501(c)3 organization formed in 1999 "to preserve, protect and promote the architectural, cultural and environmental heritage of Jersey City." We have supported the preservation of the Harsimus Embankment since at least 2003. Another of our campaigns is to preserve the old Erie Railroad's Bergen Arches/Erie Cut, which since 2004 has been, together with the Harsimus Branch and its Embankment, the recommended route in Hudson County for the East Coast Greenway, a walking and biking trail being stitched together from Maine to Florida. This route has been endorsed by all municipalities and counties along it in New Jersey. The Embankment is considered not only a segment of the route but a destination along it. The Harsimus Branch and its National-Register-eligible Embankment are extremely important to preserve not only because they are historic in themselves but because the transportation corridor links numerous historic districts and sites.

Our organization is a consulting party to the National Historic Preservation Act Section 106 review being undertaken by the STB for the Harsimus Branch. Although we have not yet received details about how STB intends to carry out or engage us in the review process, we would like to make preliminary comments related to the correspondence referred to above:

1. We share the concerns of the State Historic Preservation Office, as described in then-Deputy Director Daniel Saunders' letters of December 23, 2008, January 26, 2009, and May 7, 2009—concerns which to our knowledge have not yet been addressed. We would especially appreciate learning from STB how it

proposes to conduct a valid Section 106 review while the property is "held by a third party" that is "actively pursuing demolition of the historic property."

We view the Section 106 review process as a serious process that seeks "ways to avoid, minimize, or mitigate the adverse effects," not as a mere check-off pursuant to an abandonment license. We would like to know how STB can proceed when, contrary to common understanding, a third party asserts that destroying the asset will have no adverse effects.

We also would like to know how STB proposes to treat Section 110 (k) in this proceeding.

2. In his letter of December 14, Mayor Fulop requests that the STB consult with local organizations on "reasonably foreseeable land use." While reserving our right to comment further, we are confident that if the City acquires the property, through an Offer of Financial Assistance or otherwise, it will use the property for multiple public purposes – rail, trail, open space – all compatible with historic preservation and all purposes sorely needed to enable the City to continue growing. Our belief rests not only on Mayor Fulop's assurances in his letter of Dec 14, 2015, but on Master Plan elements developed after careful study over many years, some of which are detailed in Mr. Montange's letter of January 27; on the actions of numerous City Administrations and Municipal Councils that consistently demonstrated these intentions; and on a public that has rallied for preservation for almost two decades now.

If, on the contrary, Conrail and the LLCs are rewarded for an evasion of federal rail law and the LLCs wind up controlling a segment of the Harsimus Branch, we reasonably foresee that the result will be demolition of the Embankment, destruction of the transportation corridor and open space, foreclosing of a major trail opportunity, and the intrusion of skyscrapers between two low-rise Historic Districts. We foresee this result not because planning principles, local plans, or land use law supports these uses, or there is a public consensus for them, but because we believe that based on past behavior, the Conrail/LLC partners will pursue their goals of demolition and development, in complete denial of the merits of historic preservation or public needs, to the point of exhaustion of City resources.

Thank you for consideration of these preliminary comments.

Sincerely,



Norrice Raymaker, President
Jersey City Landmarks Conservancy