

September 27, 2005

Mr. Don Klima, Executive Director
Advisory Council on Historic Preservation
Old Post Office Building, Suite 809
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mr. Klima:

Re: USPS
Relocate Main Post Office
V/Aurora, Cayuga County
04PR3910

The New York State Historic Preservation Office (SHPO) is writing to update the Advisory Council about this United States Postal Service (USPS) undertaking pursuant to 36 CFR 800, Appendix A, Section (c)(2) and (3) because:

Mr. Dallan Wordekemper, the USPS Federal Preservation Officer, has not responded to repeated SHPO calls or to our e-mails of 2/24/05, 3/21/05, 4/22/05 or 8/15/05;

The USPS work is part of a larger undertaking executed by the same sponsor, the Aurora Foundation, which is a partnership involving Wells College and the Rowland Foundation;

That undertaking has already had an Adverse Effect on the Aurora Village-Wells College Historic District, listed in the National Register of Historic Places on 11/19/80;

Parking resulting from this undertaking would "complete" the larger project, a fact acknowledged in the Village's official State Environmental Quality Review Act (SEQRA, or state-level NEPA) documents which intentionally segmented the required parking from the reviews conducted in 2001 and 2002;

The Aurora Foundation is aware of the required Section 106 review because it was copied on numerous SHPO letters issued since 2001 but nonetheless continued to gut the historic Heary Building, which is the subject of the USPS undertaking;

That action constitutes the intentional foreclosure discussed in Section 110(K) of the National Historic Preservation Act and the Council's regulations 36 CFR Part 800.9(c)(1) implementing it;

The USPS will not provide a consistent answer about the status of the Section 106 review, or even if one has been initiated:

Regional Historic Preservation Officer William Moncrief wrote the SHPO on 10/19/04 to request SHPO comments "*in consonance with the provisions of the Intergovernmental Cooperation Act and the Historic Preservation Act;*"

On 12/17/04 his supervisor, Paul Senk, responded to the National Trust for Historic Preservation's request for consulting party status by stating that the USPS had not yet initiated a 106 process;

On 9/13/05 Mr. Senk wrote Village Mayor Thomas Gunderson to advise that the Post Office must relocate, cautioned that the sponsor and Village should not take any action that would foreclose our ability to explore alternatives (see 3 and 4 above), that no public hearing is necessary (see xx below) to meet the requirements of the Postal Service Community Relations regulations, that public comments should be provided by 10/11/05, and that the USPS had determined on 3/10/05 that it had a Section 106 undertaking;

The letter was written to the Mayor and, per Mr. Senk, was copied only to the Aurora Postmaster and select staff in the USPS Windsor, CT Regional Office;

Because the 9/13/05 letter was not copied to any of the Aurora residents who've written the USPS in the past, to the SHPO, or to any of the parties who've requested consulting party status---the National Trust, the Preservation League of New York State, and the Aurora Coalition---it is difficult to understand how the USPS would expect to receive any public comment by October 11.

The SHPO concurs with the Aurora Coalition's 11/24/04 opinion that Mr. Moncrief's 10/12/04 attendance at a Village Board meeting did not fulfill the agency's obligation to "*seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking*" [36 CFR 800.2(d)] because:

It was not well publicized or described as a public hearing;

It occurred during a Wells College break in this community where more than half the residents attend or work for the college.

Given 36 CFR 800.2(d)'s emphasis on public participation (see 8 above) and levels of public interest, the SHPO cannot agree with any USPS conclusion that additional public hearings are not warranted: Aurora residents schedule a vehicular version of "musical chairs" in which private vehicles with bumper stickers, hand-painted slogans and even an electronic message board expressing displeasure with Foundation projects are parked continuously in front of the Foundation-run Aurora Inn. We know of no other community in New York State where this occurs.

Information provided verbally by the Regional Office is sometimes at odds with that provided in written form: while Mr. Senk advised the SHPO in phone conversations that reuse of the existing Village-owned USPS facility was an option if deficiencies could be corrected, the 9/13/05 letter to the Mayor stated that "*expansion of the existing facility must be eliminated from future consideration.*" One week later Mr. Senk e-mailed the SHPO that "*Expansion is still our first preference.*" Unfortunately for preservationists, the letter to the Mayor is being used by some in the community to convince residents that a new location is a USPS requirement.

Similarly, in e-mail exchanges among the SHPO, the Aurora Coalition and the Regional Office during summer of 2004, Mr. Senk advised that relocation would not be motivated by USPS requirements, that the USPS must follow a lengthy review process, and that a public hearing would be held. All that appears to have changed with the 9/13/05 letter to Mayor Gunderson.

The existing post office is handicap accessible; the proposed site is not and would therefore not meet the mandate that federal agencies conform with the Americans with Disabilities Act (ADA).

The SHPO was concerned to learn that the Aurora Foundation had the 9/13/05 letter---and was asking residents to write letters of support---before it was received by Mayor Gunderson, to whom it was addressed. Mr. Senk acknowledged in conversations that he'd fielded a similar complaint.

The SHPO is also concerned that the agency's stance has changed so dramatically in less than a year's time. We were advised initially that the community and sponsor were driving this, that it would take many months and would require public hearings, and that there is no Section 106 review---yet. With the 9/13/05 letter the USPS appears to be ready to move, ostensibly initiated Section 106 in March 2005 without contacting the SHPO or any other group that requested consulting party status, implies that there has been ample opportunity for public comment, and allows residents to weigh in by October 11 if they learn of the letter written to the Mayor and copied to the Postmaster. This 180-degree shift occurred after the Foundation's benefactress indicated her offer would be withdrawn if not accepted by December 2005.

We have worked closely with Mr. Senk in the past and feel that we have a cooperative relationship and a fairly good understanding of each other's concerns and procedures. Nonetheless, the proliferation of conflicting information, the very short deadline imposed by the sponsor, and the FPO's seven-month silence are all troubling. The SHPO would like to ensure that the protection of historic resources receives every consideration, consistent with the provisions of the National Historic Preservation Act, and feels that the Council's direct involvement would be productive.

We look forward to your response and thank you in advance for your assistance.

Sincerely,

Richard M. Lord
Historic Sites Restoration Coordinator
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Enc: USPS 10/19/04 letter to SHPO
SHPO 11/19/04 letter to USPS
National Trust 11/24/05 letter to USPS
USPS 9/13/05 letter to Mayor Gunderson
9/19/05 SHPO e-mail to USPS and 9/20/05 response

Cc: Paul Senk, USPS Windsor, CT
Elizabeth Merritt, National Trust for Historic Preservation
Tania Werbizky, Preservation League of New York State
Aurora Coalition