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May 30, 2024
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Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

May 30, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: The State of Oklahoma by and through the Oklahoma Department of
Transportation – Abandonment Exemption – in Payne County, Oklahoma
Surface Transportation Board Docket No. AB 1330X

Supplement to Environmental and Historical Report

Dear Ms. Brown:

Enclosed for filing in the above referenced docket is a supplement to the Environmental and Historical Report ("E/H Report") filed by the State of Oklahoma by and through the Oklahoma Department of Transportation ("ODOT") on March 11, 2024.

First, ODOT is providing this supplement to include correspondence with the Oklahoma Archeological Survey ("OAS") referenced in ODOT's March 11, 2024, E/H Report but evidently left out of Exhibit F. In that letter, OAS stated that no archaeological sites "are listed as occurring" within the project area and "based on the topographic and hydrologic setting, no archeological materials are likely to be encountered." In a letter dated March 26, 2024, OAS reiterated that opinion. These two letters are enclosed herein to be incorporated into Exhibit F of the E/H Report.

Second, ODOT is providing this supplement to include correspondence with the Oklahoma Historical Society, State historic Preservation Office ("SHPO"). The SHPO seeks ODOT concurrence with its proposed condition that the "railroad tracks adjacent to the Depot shall be expressed in the new concrete trail to maintain a visual relationship between the tracks and the Depot."

ODOT objects to this condition because ODOT will not be the trail sponsor. The City of Stillwater intends to file a Petition for a Notice of Interim Trail Use. However, ODOT has agreed that when it enters into a trail use agreement, it will seek to incorporate the condition sought by the SHPO into that agreement in order to effectuate the SHPO's request. The correspondence between ODOT and the SHPO is incorporated herein.

If you have any questions related to this filing, please let me know.

May 30, 2024
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Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is fluid and cursive, with the first name "Justin" and last name "Marks" clearly legible.

Justin J. Marks
*Counsel to Oklahoma Department of
Transportation*

Enclosure

Letters from the Oklahoma Archeological Survey



Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

May 24, 2023

Park Hill
Justin Marks
Counsel to ODOT
1001 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 20004

Re: OAS FY23-1722 ODOT Proposed Abandonment of 3.20 Miles of Rail Line between Milepost 30.74 and Milepost 27.54: Surface Transportation Board Docket No. AB 1330X.
Legal Description: Sections 2, 11, 14, 23-24, T19N, R2E, Payne County, Oklahoma.

Dear Mr. Marks:

The Community Assistance Program staff of the Oklahoma Archeological Survey has reviewed the above referenced project to identify areas that may potentially contain prehistoric or historic archeological materials (historic properties). The location of your project has been crosschecked with the state site files containing approximately 27,000 archaeological sites, which are currently recorded for the state of Oklahoma. No sites are listed as occurring within your project area, and based on the topographic and hydrologic setting, no archaeological materials are likely to be encountered. Thus, an archaeological field inspection is not considered necessary. Please contact this office at (405) 325-7211 if buried archaeological materials such as chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials are exposed during construction activities.

This environmental review and evaluation are done in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. The responsible federal agency or their official delegate must also have a letter from that office to document consultation pursuant to Section 106 of the National Historic Preservation Act.

In addition to our review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value.

Sincerely,

Daniel Lestarjette
Staff Archaeologist

Kary L. Stackelbeck, Ph.D.
State Archaeologist

: dkg

cc: SHPO





Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

March 26, 2024

Clark Hill, PLC
Justin J. Marks
Counsel to ODOT
1001 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 20004

Re: OAS FY24-1480 (previously FY23-1722) ODOT Proposed Abandonment of 3.20 Miles of Rail Line Between Milepost 30.74 and Milepost 27.54 in Stillwater: Surface Transportation Board Docket No. AB 1330X: Environmental/Historic Report. By Eric M. Hocky and Justin J. Marks (Clark Hill PLC).
Legal Description: Sections 2, 11, 14, 23-24, T19N, R2E, Payne County, Oklahoma.

Dear Mr. Marks:

The Community Assistance Program staff of the Oklahoma Archeological Survey has reviewed the above referenced project to identify areas that may potentially contain prehistoric or historic archeological materials (historic properties). The location of your project has been crosschecked with the state site files containing approximately 27,000 archaeological sites, which are currently recorded for the state of Oklahoma. No sites are listed as occurring within your project area, and based on the topographic and hydrologic setting, no archaeological materials are likely to be encountered. Thus, an archaeological field inspection is not considered necessary. **However, we defer comment on the impacts to historic bridges to the Historic Archaeologist with the State Historic Preservation Office (SHPO), Oklahoma Historical Society.** Please contact this office at (405) 325-7211 if buried archaeological materials such as chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials are exposed during construction activities.

This environmental review and evaluation are done in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. The responsible federal agency or their official delegate must also have a letter from that office to document consultation pursuant to Section 106 of the National Historic Preservation Act.

In addition to our review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value.

Sincerely,

Lewis Dolmas
Staff Archaeologist

Kary L. Stackelbeck, Ph.D.
State Archaeologist

: dkg

cc: SHPO



Correspondence with Oklahoma Historical Society

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

May 30, 2024

Ms. Lynda Ozan
State Historic Preservation Office
Oklahoma Historical Society
800 Nazih Zuhdi Drive
Oklahoma City, Oklahoma 73105-7917

Re: SHPO File #1145-24 [Previously 1463-23]; Payne County STB-ODOT Abandonment
Exception Project #AB-1330X

Dear Ms. Ozan:

This letter, on behalf of Oklahoma Department of Transportation (ODOT) is in response to your letter dated March 20, 2024 (enclosed), asking for ODOT's agreement to a condition as part of the abandonment in Surface Transportation Board Docket No. AB-1330X. The requested condition is for the "railroad tracks adjacent to the Depot shall be expressed in the new concrete trail to maintain a visual relationship between the tracks and the Depot" (the "Condition").

ODOT is the owner of the rail line to be abandoned, however ODOT will not be the trail sponsor. The trail sponsor (subject to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29) will be the City of Stillwater (the "City"). As such, ODOT would not be the responsible party for compliance with the Condition. However, as an element of converting the rail line into a trail, ODOT will be entering into an interim trail use agreement with the City. ODOT is agreeable to including within its agreement with the City, a provision requiring the City to comply with the Condition. The City has informed ODOT that it is also agreeable to the Condition. Compliance with the Condition is subject to the City's obligation as a trail sponsor to the possible future reconstruction and reactivation of the right-of-way for rail service under the Surface Transportation Board's regulations at 49 C.F.R. § 1152.29.

For the reason stated above, I am unable to sign on ODOT's behalf to the Condition. However, ODOT is willing to agree that it will incorporate the Condition into the interim trail use agreement that ODOT will negotiate with the City.

I will be providing the Surface Transportation Board with a copy of our correspondence.

Sincerely,



Justin J. Marks

May 30, 2024
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*Counsel to the State of Oklahoma by and
through the Oklahoma Department of
Transportation*

Enclosure



Oklahoma Historical Society

State Historic Preservation Office

March 20, 2024

Mr. Justin Marks
Clark-Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004

RE: File #1145-24 [Previously 1463-23]; STB-ODOT Abandonment Exemption Project
#AB-1330X, Payne County, Oklahoma

Dear Mr. Marks:

We have reviewed the additional documentation submitted with your letters dated February 27, 2024, and March 11, 2024, regarding the referenced project. We concur with your opinion that the subject railroad tracks and the four bridges, listed on the attachment to this letter, are not eligible for listing in the National Register of Historic Preservation (NRHP). Additionally, we find that the project will have **no adverse effect** on the Stillwater Santa Fe Depot (NRIS #80004293), a property listed in the NRHP, provided the following condition is met:

CONDITION:

The railroad tracks adjacent to the Depot shall be expressed in the new concrete trail to maintain a visual relationship between the tracks and the Depot.

If this condition is acceptable to you, please return this document with the signature as indicated below, confirming your concurrence. When we receive it, your agency will have completed the Section 106 process as outlined in the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800. Specifically, 36 CFR Part 800.5(b) provides that modification of an undertaking in accordance with conditions imposed by the SHPO shall result in a "no adverse effect" determination.

Thank you for the opportunity to review this project. If you have any questions, please do not hesitate to call Ms. Sara Werneke, Historic Preservation Architect, at 405-522-4478.

Sincerely,

Lynda Ozan
Deputy State Historic
Preservation Officer

LO:pm

Attachment

I hereby accept the condition stated in this letter.

Signature

Date

FILE # LIST OF PROPERTIES

1145-24 STB-ODOT ABANDONMENT EXEMPTION
PROJECT #AB-1330X, PAYNE COUNTY

1. STILLWATER RAIL LINE TO BE
 ABANDONED (ODOT STILLWATER
 SEGMENT) , SECS 11,14,23
 T19N R2E, STILLWATER

BRIDGES:

2. BRIDGE OVER BOOMER CREEK
 ON ABANDONED STILLWATER CENTRAL
3. BRIDGE OVER CONCRETE CHANNEL
 ON ABANDONED STILLWATER CENTRAL
4. WOOD/TIMBER BRIDGE OVER UNNAMED CREEK
 ON ABANDONED STILLWATER CENTRAL
5. STEEL BRIDGE OVER UNNAMED CREEK
 ON ABANDONED STILLWATER CENTRAL