

August 8, 2024

Alan Tabachnick
Federal Preservation Officer
Surface Transportation Board
395 East Street Southwest
Washington, DC 20423

**RE: Proposed Rail Abandonment: Macon-Athens Railroad,
Oconee River to F-MP 105.3, Athens
Clarke County, Georgia
HP-230522-001**

Dear Mr. Tabachnick:

The Historic Preservation Division (HPD) has received the additional information submitted concerning the above referenced project. Our comments are offered to assist the Surface Transportation Board (STB) and its applicants in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

The subject project consists of the proposed abandonment of an approximately 6.5-mile segment of the Macon-Athens Railway line from the northern end of the Oconee River trestle bridge to approximately milepost F-MP 105.3 near East Broad Street in Athens in order to construct an unknown pedestrian and/or transportation facility within the railroad corridor. The project was previously determined to have an adverse effect on the National Register of Historic Places (NRHP)-eligible Macon-Athens Railway, as noted in our letter dated June 20, 2023.

The current submitted information includes a re-submission of the project materials by STB. It is HPD's understanding that the proposed project's scope of work (SOW) remains unchanged from our office's initial review of the project materials. Therefore, it continues to be HPD's opinion that the project, as proposed, constitutes an **adverse effect** to historic properties that are eligible for listing in the NRHP, as defined in 36 CFR Part 800.5(a)(2). Specifically, the abandonment of an eligible railroad line, its transference out of federal control, and the direct impact/removal of character-defining features of an intact, eligible railroad line including the railbed, grade, and/or alignment in order to construct an unknown pedestrian and/or transportation facility is not consistent with the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties*.

HPD continues to note that this determination of an adverse effect is not the end of the Section 106 consultation process and that the process should be completed prior to commencing the project. It is HPD's understanding that options to avoid or minimize the adverse effect have been considered, however none of the options considered were feasible. Therefore, it appears that the adverse effect resulting from the abandonment of the rail line, its transference out of federal control, and the proposed unknown facility construction within the railroad corridor is unavoidable.

Since the adverse effect remains after avoidance/minimization options have been considered, please complete the following steps, as applicable to this project, to resolve the adverse effect, complete the consultation process, and continue with the project:

- Notify the Advisory Council on Historic Preservation (ACHP): the ACHP must be notified of the adverse effect determination; the federal agency can utilize the ACHP's e-notification system available here: <https://www.achp.gov/e106-email-form>; ACHP notification is separate from the ongoing Section 106 consultation with HPD on this project and can be accomplished concurrently with the next steps.
- Determine Mitigation: mitigation is measures that ensure a local preservation benefit, despite the loss or damage to historic properties and can include a variety of components; in consultation with HPD and other consulting parties, the federal agency should determine appropriate mitigation measures and incorporate those measures as stipulations in a draft Memorandum of Agreement (MOA). HPD generally concurs with the previously proposed Photographic Permanent Archival Record (PAR) for historic resources located within the historic context of the Macon-Athens Railway, the facility construction plan review, and the development and installation of interpretive signage along the proposed facility as sufficient mitigation. HPD remains open to further discussions related to mitigation options, if needed.
- Provide the MOA Draft(s) to HPD for Review: all agreement document drafts are subject to a 30-day review period that begins upon receipt of the document; HPD recommends the agency utilize a similar 30-day period to provide responsive revisions for each draft to HPD to reduce the length of time it takes to finalize the document. HPD has previously provided comments on MOA drafts associated with this project and looks forward to receiving the next draft of the MOA for review, comment, and/or signature when available.

Once appropriate mitigation to resolve the adverse effect is determined, in consultation with all parties, and the MOA has been executed (signed by all parties), the project can commence provided the need for the subject property to accomplish the mitigation outlined in the MOA is complete. If the agency decides additional discussion of the project or the provided comments is warranted, HPD is available for further technical assistance consultation.

Please refer to project number **HP-230522-001** in any future correspondence regarding this project. If we may be of further assistance, please contact Olivia Kendrick, Environmental Review Historian, at Olivia.Kendrick@dca.ga.gov or (404) 486-6425.

Sincerely,



Stacy Rieke, MHP
Program Manager
Environmental Review & Preservation Planning

SMR/olk

cc: Jody Graichen, Northeast Georgia Regional Commission
Beth Eavenson, DCA Regional Commission, Region 5
Anna Ingwersen, CHA Consulting