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mcculley@swm.legal

October 12, 2022

Ms. Danielle Gosselin, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**Re: Docket No. AB 857 (Sub-No. 2)
Colorado Landowners—Adverse Abandonment—
Great Western Railway of Colorado, LLC, In Weld County, CO**

Dear Ms. Gosselin:

Landowners, in complying with 49 C.F.R. Part 1105(c), received the attached letter in response from History Colorado. Based on prior filings by GWRC, and confirmed by the Board, there are no historical structures on the Line.

On October 11, 2022, I spoke with Joseph Saldibar, Architectural Services Manager at Colorado State History. Mr. Saldibar and I discussed the issues of mitigating the adverse effect of abandonment, if any, including the need for a Memorandum of Agreement to maintain the Line's National Register eligibility. If abandoned, Great Western Railway Company ("GWRC"), since GWRC will be salvaging the Line, should provide a Memorandum of Agreement if necessary.

Sincerely,


Elizabeth Gepford McCulley

cc: All Parties of Record

+ 2100 Central | Suite 22
Kansas City, MO 64108
P 816.303.1500
F 816.527.8068

WWW.SWM.LEGAL



4 October 2022

HC #80837

Elizabeth Gepford McCulley
Stewart, Wald & McCulley, LLC
2100 Central St., Suite 22
Kansas City, MO 64108

RE: Abandonment Exemption, Great Western Railway of Colorado, MP 0.0 to 6.2,
Johnstown to Welty, Weld County (Docket No. AB-857, Sub-No. 2)

Dear M. McCulley:

Thank you for your recent correspondence received 19 September 2022, concerning the proposed use of abandonment of a section of GWRC track between Johnstown and Welty. Our office has reviewed the submitted materials. This segment of the Welty Branch (5WL.841.15) supports the overall eligibility of the resource, which is eligible for listing on the National Register of Historic Places.

If the segment cannot be maintained through an easement, and the line reverts to private ownership without oversight or protective covenants, this undertaking would result in an adverse effect, pursuant to 36.CFR.800.5(2)(vii). Mitigation of the adverse effect through the execution of a Memorandum of Agreement would be necessary in such a case. If, on the other hand, the line can be railbanked, converted to a multi-use trail, or put to some other use that retains sufficient integrity to maintain National Register eligibility, the undertaking would have no adverse effect on historic properties. Please note that, in the latter case, the landowner would likely need to enter into a formal agreement or covenant to ensure that the promised railbanking/trail conversion/etc. takes place.

If you have any questions, please contact Joseph Saldibar, Architectural Services Manager, at (303) 866-3741.

Sincerely,

Patrick A. Eidman

Dawn DiPrince
State Historic Preservation Officer

Digitally signed by Patrick A. Eidman
Date: 2022.10.06 15:58:02 -06'00'