

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

March, 3, 2010

Britta Bloomberg, Deputy SHPO
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd., West
St. Paul, MN 55102-1903

Re: **Finding of Adverse of Effect** - STB Docket No. AB-33 Sub No. 255,
Union Pacific Railroad Company - Abandonment Exemption in Scott and
Carver Counties, MN

Dear Ms. Bloomberg:

I am writing to inform you that the Surface Transportation Board (Board's) approval of the railroad abandonment, referenced above, may result in adverse effects to National Register of Historic Places (National Register) listed or eligible historic properties pursuant to 36 CFR 800.6 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including NHPA. The Board's approval of the proposed abandonment is considered an undertaking under Section 106.

As you know, Union Pacific Railroad Company (UP), the applicant in this case, filed a petition with the Board to abandon 5.60 miles of rail line in Scott and Carver Counties, Minnesota. In a decision served on April 1, 2008, the Board imposed the following historic preservation condition:

UP shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the right-of-way that are eligible for listing or listed with in the National Register until the section 106 process of NHPA has been completed, report back to SEA regarding any consultations with the SHPO and the public, and not file its consummation notice or initiate any salvage activities until the section 106 process has been completed.

Since the above condition was imposed, UP conducted a survey of the project right-of-way (also, the Area of Potential Effect) to identify National Register eligible or listed historic properties that could be subject to adverse effects as a result of the proposed action. The results of the survey are summarized in the cultural resources report, "Historic Resources Evaluation for

the Chaska Industrial Lead Abandonment, Scott and Carver Counties, Minnesota" submitted to your office for review and comment in October 2009. The report indicated that the railroad right-of-way was not eligible for listing in the National Register. Based on consultations with your office, however, it became clear that additional historic research would be necessary to confirm the conclusion that the railroad right-of-way was not eligible for listing. Because this additional research would be costly and because there was a clear indication from your office that the line could in fact be eligible for listing in the National Register, SEA has decided to assume that the line is eligible under Criterion C for the purposes of Section 106. The rail applicant UP is also supportive of this decision.

Having made the determination of adverse effect, SEA will now initiate the development of a Memorandum of Agreement (MOA) pursuant to 36 CFR 800.6(b)(iv) to mitigate any adverse effects to the National Register eligible property. Troy Brady, SEA's project manager in this case, will be coordinating with your office to ensure the appropriate parties are included in the development of the MOA.

If you have any questions please do not hesitate to call me or Troy Brady (610) 793-4301.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis