

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS
IN DOCKET NO. AB 511 (Sub-No. 5X)

August 12, 2010

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on July 27, 2010 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

SEA received one comment from the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology, which acts as the State Historic Preservation Office (SHPO) (see attached). The comment from the SHPO indicated that, based on its analysis of the applicant's historic report, the proposed abandonment would not result in adverse effects to any known National Register of Historic Places eligible or listed historic properties.

Based on the comment from the SHPO and all available information, SEA makes a finding of "no historic properties affected" pursuant to 36 C. F. R § 800.4(d)(1). We also recommend that the current Section 106 condition be removed.

In its letter, the SHPO requested that in the event that previously unknown archaeological sites or human remains are disturbed during any post abandonment salvage activities, that the applicant take appropriate action including contacting the SHPO within two days at (317) 232-1636. Based on the above comment we recommend that the following new condition be imposed:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, Central Railroad Company of Indianapolis shall immediately cease all work and notify the Section of Environmental Analysis (SEA), interested federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO), pursuant to 36 C. F. R § 800.13(b). SEA shall then consult with the SHPO (or THPO), interested federally recognized tribes, the railroad, and other consulting parties to determine whether mitigation measures are necessary.

Conclusion

If the above new condition is imposed, SEA believes that the proposed action would not significantly affect the quality of the human environment.

SEA CONTACT: Catherine Glidden (202-245-0293) *CG*

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.in.gov



July 14, 2010

AB 511(5X)

Melanie B. Yasbin
Law Offices of Louis E. Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, Maryland 21204-4022

Federal Agency: Surface Transportation Board

Re: Project information regarding a notice of exemption for Central Railroad Company of Indianapolis' abandonment of 2.84 miles on CERA's Tipton Industrial Lead, between milepost 55.66 and milepost 58.5 (DHPA #10072)

Dear Ms. Yasbin:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated June 11, 2010 and received on June 14, 2010, for the above indicated project in Center, Clay and Howard townships, Howard County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

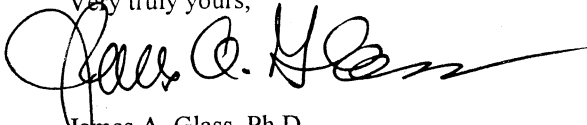
If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #10072.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass", with a long, sweeping horizontal line extending to the right.

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:CWS:CDW:cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board