

Wayland, Joshua

From: Mack H. Shumate <MACKSHUMATE@UP.COM>
Sent: Monday, December 05, 2016 8:59 AM
To: Andrew Schmidt
Cc: Wayland, Joshua; Olin H. Dirks
Subject: Re: UP RR abandonment, THC #201606144

We are working on a response letter with estimated costs and benefits. The Texas Department of Transportation has an interest in this project also.

Sent from my iPhone

On Dec 2, 2016, at 4:25 PM, Andrew Schmidt <aschmidt@summite.com> wrote:

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Josh,

I am not sure why SHPO is playing hard ball here. Mack and Olin – can we get Josh an approximate dollar amount it would take to make the bridge operable? Unless the bridge becomes operable, there is no way a future user could be identified, and given the rehab costs, it is economically infeasible to make it operable. Furthermore, the USCG would consider the bridge to be a hazard to navigation if it were to be retained but not in a transportation use (i.e. preserved in place, as is). We may need some correspondence from the USCG stating this in order to satisfy the SHPO. Finally, to her comment regarding the USACE, it was my understanding that a permit is not needed; Mack can you confirm?

Sometimes SHPO staff like to pretend that they can require certain things. The only thing required by Section 106 is consultation. The operative word in the passage from the Section 106 regs that she sent is “or”, as in you look at alternatives to avoid, reduce, *or* mitigate the adverse effect. It does not mean we must also look at alternatives for avoiding and minimizing the adverse effect, or that there is a preference for one over the others. With all of that said, I think if we can make it clear that preservation of the bridge is simply not feasible from an economic standpoint, we can move on to looking at alternatives for mitigation. The odd thing is that my correspondence with Justin Kockritz last summer seemed to indicate that the SHPO would not raise objections and HAER documentation was the most likely mitigation. It seems to be different with Lydia Woods.

Finally, I want to reiterate that time is of the essence because the Texas DOT wants to move forward with a related project and has offered to fund the removal of the bridge. Significant delays by the SHPO could cost UP a significant amount of money.

Thanks,
Andrew

From: Lydia Woods [<mailto:Lydia.Woods@thc.texas.gov>]
Sent: Friday, December 2, 2016 3:52 PM
To: Justin Kockritz; Andrew Schmidt

Cc: Kitty Henderson
Subject: RE: UP RR abandonment, THC #201606144

Mr. Schmidt,

At this point in the process you should not be moving forward with mitigation plans seeing as though the Section 106 process has not been completed and no type of mitigation has been approved or formally discussed. I sent the following email to Joshua Wayland at the Surface Transportation Board, who we were under the understanding was heading the project communication, on October 4, 2016:

Mr. Wayland,

Thank you for the clarification of your involvement with 4(f). As you requested this morning, here is the exact wording from Section 106 discussing the additional information we require before we can move forward to mitigation.

36 CFR Part 800-Protection of Historic Properties § 800.6 – Resolution of adverse effects states: (a) *Continue consultation*. The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effect on historic properties.

We understand that due to the abandonment of the rail line that a replacement bridge is not proposed at this time. However, this still means that you or Union Pacific need to provide information showing that you have considered alternative solutions that could avoid and solutions that could minimize the adverse effect, which is the demolition of the bridge. For example, in other Section 106 projects that we have seen where rail lines are being decommissioned, the railroad will look into removing the rail line approaches, while leaving the bridge in place. Rail lines have also been turned into walking trails and the bridges are repurposed for walking traffic. If needed, a consulting party can be brought in to look into possible alternatives for avoiding and minimizing the adverse effect. We need to understand how UP and the STB came to the conclusion that demolishing the bridge would be the best solution to the abandonment of the bridge before we move forward to mitigation possibilities.

If you have any additional questions please let me know.

Thank You,

Lydia Woods

In addition, it is our understanding that an Army Corps of Engineers permit will need to be obtained. As far as we know, this has yet to be done. Once the CORPS is involved they may want to be the lead communication with our office due to their position in the project. I am happy to talk with you about possible mitigation once we are at that step in the Section 106 process however, there is documentation that we still need to receive before that can happen. If you have any questions regarding the current state of the project or how to move forward in the Section 106 process please do not hesitate to contact me by phone or email.

Thank You,

Lydia Woods

East Texas Project Reviewer
Architecture Division
Texas Historical Commission
PO Box 12276
Austin, Texas 78711-2276
512-463-9122
www.thc.texas.gov

<image002.png>

From: Justin Kockritz
Sent: Friday, December 02, 2016 3:42 PM
To: Andrew Schmidt <aschmidt@summite.com>; Lydia Woods <Lydia.Woods@thc.texas.gov>
Subject: RE: UP RR abandonment, THC #201606144

Hi Andrew,

I am forwarding your message on to Lydia Woods, or Division of Architecture reviewer for this project. She would know more about the review status of the project and may have some local contacts.

Thanks!

Justin Kockritz
Historian, Federal Programs
History Programs Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
512-936-7403
www.thc.texas.gov

<image001.jpg>

From: Andrew Schmidt [<mailto:aschmidt@summite.com>]
Sent: Thursday, December 01, 2016 5:13 PM
To: Justin Kockritz <Justin.Kockritz@thc.texas.gov>
Subject: UP RR abandonment, THC #201606144

Hi Justin,

In planning for mitigation of the removal of Cedar Bayou Bridge in Baytown, I want to engage a HABS/HAER photographer so we can get going on the photography. Does your office have a list of qualified photographers, or could you give me some names of who has been working in the state?

Thanks,
Andrew

Andrew Schmidt
Director of Cultural Resources
Summit Envirosolutions

Sent from my Verizon, Samsung Galaxy smartphone

**

This email and any attachments may contain information that is confidential and/or privileged for the sole use of the intended recipient. Any use, review, disclosure, copying, distribution or reliance by others, and any forwarding of this email or its contents, without the express permission of the sender is strictly prohibited by law. If you are not the intended recipient, please contact the sender immediately, delete the e-mail and destroy all copies.

**