

#E1-1410
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Preserving America's Heritage

January 19, 2005

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

REF: STB Finance Docket No. 34284, Southwest Gulf Railroad Company – Construction and Operation Exemption, Medina County, Texas.

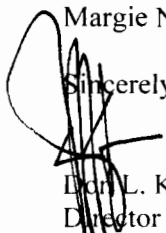
Dear Ms. Rutson:

On January 7, 2005, we received the Board's notification that it is developing a Programmatic Agreement pursuant to 36 CFR 800.14(b) for the referenced undertaking. Transmitted with your notification letter were the Draft Environmental Impact Statement for the undertaking and several pertinent letters. Additionally, we have received a packet of materials from Mr. David Coburn, attorney for the SW Gulf Railroad since receiving your letter and documentation. The purpose of this letter is to inform you that the ACHP has chosen to participate in the consultation to develop the Programmatic Agreement for this undertaking.

Our decision to participate in this consultation is made pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Section 106 requires Federal agencies to take historic properties into account as they plan and carry out their projects, programs, and undertakings and to provide the ACHP an opportunity to comment on those undertakings. We believe that the criteria in Appendix A of the ACHP regulations are met because of the considerable public interest regarding effects of this undertaking to historic properties. We are providing a copy of our notice to the Secretary of Transportation, as required by 36 CFR Section 800.6(a)(1)(iii).

We look forward to working with the Board and other parties to address the adverse effect of this undertaking. If you have any questions or wish to discuss this matter further, please contact Ms. Margie Nowick of the ACHP's Denver office at 303/ 969-5110 or e-mail at mnowick@achp.gov.

Sincerely,


Dan L. Klima
Director
Office of Federal Agency Programs

Enclosure

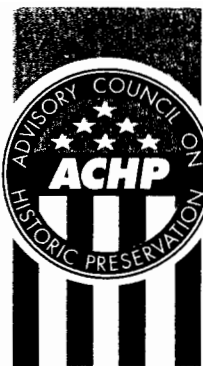
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Executive Director



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Preserving America's Heritage

January 19, 2005

Honorable Norman Mineta
Secretary of Transportation
Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

REF: STB Finance Docket No. 34284, Southwest Gulf Railroad Company – Construction and Operation Exemption, Medina County, Texas.

Dear Secretary Mineta:

On January 7, 2005, we received the Surface Transportation Board's notification that it is developing a Programmatic Agreement for the referenced undertaking. The purpose of this letter is to inform you that the ACHP has chosen to participate in the consultation to develop this Programmatic Agreement.

Our decision to participate in this consultation is made pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, "*Protection of Historic Properties*" (36 CFR Part 800). Section 106 requires Federal agencies to take historic properties into account as they plan and carry out their projects, programs, and undertakings and to provide the ACHP an opportunity to comment on those undertaking. We believe that the criteria in Appendix A of the ACHP regulations are met because of the considerable public interest regarding effects of this undertaking on historic properties. We are providing this notice as is required by 36 CFR Section 800.6(a)(1)(iii).

We look forward to working with the Surface Transportation Board and other parties to address the adverse effect of this undertaking. If you have any questions or wish to discuss this matter further, please contact Ms. Margie Nowick of the ACHP's Denver office at (303) 969-5110 or via email at mnowick@achp.gov.

Sincerely,

John M. Fowler
Executive Director

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