

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
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January 24, 2012

EI -18789

Richard Streeter
Law Office of Richard Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Federal Agency: Surface Transportation Board ("STB")

Re: Information regarding abandonment of 3.2 miles of railroad between MP UV 0.0 and MP UV2.8 and between MP Z09.6 and MP Z010.5 (STB Docket #AB-290 [Sub-No. 286]; DHPA #1005)

Dear Mr. Streeter:

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 and received on January 9, 2012 for the above indicated project in South Bend, Portage Township, St. Joseph County, Indiana.

In terms of archaeological resources, prehistoric site, 12Sj3, is located within the proposed project area and appears potentially eligible for inclusion in the National Register of Historic Places. It does not appear that the rail removal will affect significant intact deposits of this site. However, all portions of the site outside or under the railroad must be avoided by all proposed project activities or subjected to further archaeological investigations.

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.

In regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

- Munro House at 1213 Diamond Avenue (Site #141-598-25629)
- Metcalf House at 1201 Diamond Avenue (Site #141-598-25631)
- Holy Cross R.C. Church and School at 1050 Wilbur Street (Site #141-598-25769)
- Northern Indiana College at 1600 Washington Avenue (Site #141-598-32032)

Additionally, we have identified the South Bend Brewing Association at 1636 Lincolnway West (Site #141-597-24220 per the *South Bend, St. Joseph County Interim Report*), which was listed in the National Register of Historic Places on September 16, 2001, within the probable area of potential effects.

However, based on the information provided to our office, we believe that there will not be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]).

Upon completing its own identification and evaluation efforts, it would be appropriate for the STB 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. Refer to the following comments for guidance:

- 1) If the STB 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 STB 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 STB 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 Miriam Burkett at (317) 233-3883 or mburkett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1005.

Very truly yours,



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

JAG:MLB:CDW:edw

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