

DNR

Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director

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November 19, 2013

EI-20484

Britta A. Rees
Butler, Fairman and Seufert, Inc.
8450 Westfield Boulevard, Suite 300
Indianapolis, Indiana 46240

Federal Agency: Surface Transportation Board

Re: Historic documentation for Bridge MP 40.19 regarding CSX Transportation, Inc.'s acquisition of an operating easement to allow joint use for CSXT trains to operate over 106.5 miles of the Louisville and Indiana Railroad Company (L&I) rail lines between Indianapolis, IN, MP 4.0, and Louisville, KY, MP 110.5 (STB Docket No. FD 35523; DHPA #11979)

Dear Ms. Rees:

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 November 13, 2013 and received by our office on November 14, 2013 for the above indicated project from Indianapolis to the state line in multiple counties of Indiana.

Thank you for providing the Indiana SHPO with copies of historic documentation for the bridge at MP 40.19, which carries the Louisville & Indiana Railroad over the Flatrock Creek near Columbus, Indiana, as suggested in our October 3, 2013 letter to David Navecky and Melanie Yasbin. We have reviewed the material and believe that it is consistent with the DHPA Minimum Architectural Documentation Standards.

In terms of archaeological resources, multiple archaeological sites and cemeteries have been recorded adjacent to the existing railroad, including but not limited to sites 12Ma310, 12Jo200, 12Jo201, 12Jo227, 12B362, 12S23, 12S59, 12Cl333, Jonesville Cemetery, Old Franklin Cemetery, Riverview Cemetery, Seymour City Cemetery, Pigeon Roost Memorial Cemetery, and a cemetery in Scottsburg. It is our understanding that proposed ground disturbance will be limited to areas within the disturbed ROW and, therefore, no archaeological investigations appear necessary for this project. If any impacts are to occur within 100 feet of a cemetery, a development plan will need to be submitted to and approved by this office.

If any archaeological artifacts or human remains are uncovered during 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.

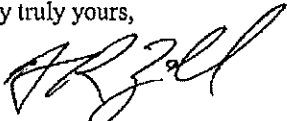
In regard to buildings and structures, we previously noted that the bridge at MP 40.19 retains sufficient integrity to be considered eligible for inclusion in the National Register of Historic Places. Since rehabilitation of the existing structure does not appear to be feasible, based on engineer Garry Shook's evaluation, we agreed with CSXT's recommendation that the bridge be documented prior to its removal, as mitigation for the loss of this historic resource.

At this time, the Indiana SHPO has not received notice of the Surface Transportation Board's finding of effect for the removal of the bridge at MP 40.19. Assuming the Surface Transportation Board believes that a finding of adverse effect is appropriate for this undertaking, it will be necessary for the Surface Transportation Board to notify the Advisory Council on Historic Preservation of their finding by providing documentation in 36 C.F.R. § 800.11(e) and proceed to consult with the Indiana SHPO and all consulting parties to develop and evaluate alternatives or modifications to the project that could avoid, minimize, or mitigate effects on historic properties as stated in 36 C.F.R. § 800.6(a)(1).

Once an opportunity has been had to take into account the views on the effects as provided by the Indiana SHPO and other consulting parties, it would be appropriate to prepare a draft memorandum of agreement, and then we will be happy to continue with consultation on this project.

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 #11979.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:CWS:cws

emc: David C. Navecky, Surface Transportation Board
Melanie Yasbin, Law Offices of Louis E. Gitomer