



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

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December 31, 2008

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Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 "E" Street SW
Washington, DC 20423

Federal Agency: Surface Transportation Board

Re: Final Environmental Impact Statement (EIS) concerning the acquisition of Elgin, Joliet and Eastern Railway Company (EJ&E) by the Canadian National Railway Corporation and Grand Trunk Corporation resulting in increases in rail traffic and the necessity for future rail construction (Docket #35087; DHPA #3488)

Dear Ms. Rutson:

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 December 5, 2008 and received on December 8, 2008, for the above indicated project in Calumet and North townships, Lake County, Indiana.

Thank you for providing a copy of the final EIS. As stated in our previous letter, the staff of the Indiana SHPO has not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects. No archaeological investigations appear to be necessary provided that all project activities remain within areas disturbed by previous construction.

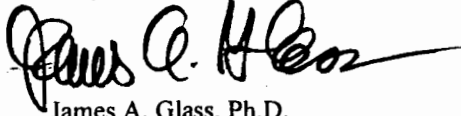
If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please 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.

We look forward to receiving notice of the Surface Transportation Board's Section 106 finding. 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 at (317) 234-3791 or cdraeger@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 #3488.

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:cws

cc: Barry Wharton, HDR Engineering, Inc.