

EI-20099
Rec'd 1/17/13

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

January 17, 2013

Brian G. Grennell
Cultural Resources Specialist
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240

RE: *West Michigan Railroad Co. – Abandonment Exemption – In Van Buren
County, MI, STB Docket No. AB-1107X*

Dear Mr. Grennell:

I am writing on behalf of the West Michigan Railroad Co. ("WMI") in response to your letter dated January 4, 2013, in which you provide instructions concerning compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, in connection with WMI's recently-initiated rail line abandonment proceeding before the U.S. Surface Transportation Board ("STB"). As you know, WMI is required as part of the STB's abandonment procedures to circulate to various consulting agencies such as the State Historic Preservation Office a consolidated Environmental and Historic Report ("E&HR"). In response to receiving the subject E&HR, you instructed WMI to complete an "Application for Section 106 Review" form available from <http://www.michigan.gov/shpossection106>. On behalf of WMI, I have completed the form as directed, and it is attached hereto for your consideration.

As is reflected in the attached form, and as is also reflected in the E&HR you received previously, WMI does not believe that the proposed rail line abandonment will have any adverse impact upon historic resources. The proposed abandonment will *not* result in the removal or alteration of any historic resources, including two railroad bridges – the only structures within the defined Area of Potential Effect that are believed to be 50 years old or older – that will remain in place. Neither of the two bridges, incidentally, is listed in the National Register of Historic Places.

You have indicated that you have retained for your records the copy of the E&HR that we supplied to you, which contained original photographs responsive to Section V of the prescribed

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Section 106 Form. In the interest of avoiding unnecessary duplication of effort and cost, I request that you consult those photographs in connection with the enclosed form.

If you have any questions concerning the enclosed materials or if you wish to obtain additional information concerning the proposed rail line abandonment, please contact me at your earliest convenience. My contact information is set forth atop this letter. Should you have any questions concerning STB environmental and historic impacts review associated with the subject abandonment proceeding, I encourage you to contact Mr. David Navecky of the STB's Office of Environmental Analysis, to whom I am supplying a copy of this letter and its attachments. Mr. Navecky's contact information is included in the enclosed state-supplied form.

Sincerely,



Robert A. Wimbish
Counsel for West Michigan Railroad Co.

Enclosures

Cc: David Navecky (STB-OEA)

**STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review**

SHPO Use Only				
☐ IN	Received Date	____ / ____ / ____	Log In Date	____ / ____ / ____
☐ OUT	Response Date	____ / ____ / ____	Log Out Date	____ / ____ / ____
	Sent Date	____ / ____ / ____		

Submit one copy for each project for which review is requested. This application is required. Please type. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.

I. GENERAL INFORMATION

☒ THIS IS A NEW SUBMITTAL ☐ THIS IS MORE INFORMATION RELATING TO ER#

- a. Project Name: West Michigan Railroad Co. -- [Rail Line] Abandonment Exemption -- In Van Buren County, MI
- b. Project Address (if available):
- c. Municipal Unit: Lawrence and Paw Paw, MI County: Van Buren County
- d. Federal Agency, Contact Name and Mailing Address (If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.): Dave Navecky, Surface Transportation Board -- Office of Environmental Analysis, 395 E Street, SW, Washington, DC 20423-0001; tel. (202) 245-0294.
- e. State Agency (if applicable), Contact Name and Mailing Address: None
- f. Consultant or Applicant Contact Information (if applicable) including mailing address: Robert Wimbish, Baker & Miler PLLC, 2401 Pennsylvania Ave., NW, Washington, DC 20037, tel. (202) 663-7824

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? ☐ YES ☒ NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name:
- b. Township: Range: Section:
- c. Description of width, length and depth of proposed ground disturbing activity:
- d. Previous land use and disturbances:
- e. Current land use and conditions:
- f. Does the landowner know of any archaeological resources found on the property? ☐ YES ☐ NO
Please describe:

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. cannot be substituted for the written description): The subject "project" calls for the West Michigan Railroad Co. to obtain authority from the U.S. Surface Transportation Board (STB) to abandon a roughly 10.67-mile line of railroad extending from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). Upon obtaining such authority, the railroad intends to undertake to remove (salvage) rail, track material, and any other track items with a positive salvage value along the length of the rail line segment. Such salvage activities would take place upon the existing railroad right-of-way exclusively, and will not entail any soil/ground disturbance. There will also be no removal of trees or any structures on or adjacent to the right-of-way. Following salvage activities, the railroad's right-of-way will either be sold, converted to a trail, or if

the right-of-way consists of an easement(s) and there is no trail use, the easements will be extinguished consistent with state or federal property law. The railroad is aware of only two structures that are 50 years old or older located within the designated APE. Both are railroad bridges located along the subject rail line. (These two structures were identified with particularity in the materials already supplied to you -- the STB-required Environmental & Historic Report and supplements to that Report. This project does NOT entail the removal or alteration of either of these bridges.

- b. Provide a localized map indicating the location of the project; road names must be included and legible.
- c. On the above-mentioned map, identify the APE.
- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen. In this case, we have determined that an appropriate APE would be roughly 25 feet on either side of the existing railroad right-of-way. The subject railroad right-of-way for the line segment slated for abandonment is generally 50 feet in width (25 feet on either side of the centerline of the single track). This is, in our view, a more than adequate APE, given that the proposed abandonment involves only the planned removal of track along the length of the line segment, and given that such track removal will take place within existing right-of-way boundaries. Our general experience with railroad abandonments in other states is that the State Historic Preservation Offices in those states may regard the area "immediately adjacent" to the railroad right-of-way as generally appropriate for inclusion in the APE, if they presume that the proposed rail line right-of-way proposed for abandonment is not sufficient to constitute the full extent of the APE. Thus, we have determined that an area roughly 25 feet on either side of the right-of-way is more than adequate to account for areas immediately adjacent to the project area. In sum, the APE for this linear project is as follows: Approximately 10.67 miles of rail line extending from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI), including the subject line segment right-of-way (generally 50 feet in width), and 25 feet on either side of the subject line's right-of-way, thus forming an APE "corridor" generally 100 feet in width.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date all properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district: West Michigan Railroad Company is aware of only two structures within the APE that are likely 50 years old or older. Both of these structures are bridges, and are described herein as follows: (1) a roughly 37' steel and wood trestle at milepost 22.54; and (2) a roughly 67' wooden span at milepost 29.8. Construction dates for both structures are unknown.
 - b. Describe the steps taken to identify whether or not any historic properties exist in the APE and include the level of effort made to carry out such steps: Sample field investigation, site visit, and online research.
 - c. Based on the information contained in "b", please choose one:
☐ Historic Properties Present in the APE
☒ No Historic Properties Present in the APE
 - d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE: The two structures are standard railroad bridges of unremarkable engineering and design, and are in poor condition, owing to the fact the the rail line upon wich they are located has been out of use for more than two years. Thus, the bridges have neither needed to be maintained nor have they been maintained during the time that the line has been out of service. West Michigan Railroad Co. is not the original owner of the bridges, and so the railroad has no information concerning whether there may have been any previous disturbance or substantial modification of the bridges in the past.
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V. PHOTOGRAPHS

Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.
 - b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).
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VI. DETERMINATION OF EFFECT

- ☒ No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.
- ☐ No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- ☐ Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

Please print and mail completed form and required information to:

***State Historic Preservation Office, Environmental Review Office, Michigan Historical Center, 702
W. Kalamazoo Street, P.O. Box 30740, Lansing, MI 48909-8240***

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