



INDNR-DHPA feedback for abandonment of rail lines -- AB-290 (Sub-No. 326X)

RWimbish

to:

joshua.wayland

09/05/2013 10:09 AM

Hide Details

From: RWimbish@bakerandmiller.com

To: joshua.wayland@stb.dot.gov

1 Attachment



DHPA13536 - SHPO Response.pdf

Josh -

Thanks for the call. The attached letter is dated July 2, 2012 (as you will see), and was in response to the E&HR when it was originally circulated for this undertaking.

But, as I said, I never received a copy from the client, and it is possible that NSR never actually received the letter either. And, although "David C. Navecky" was ostensibly copied on the letter, I can see that the correspondence never made its way into the OEA files, suggesting that the intended copy probably didn't make it to the STB.

As I read the letter, I gather that the INDNR-DHPA feedback resolves the Section 106 issue, and that the STB-imposed condition regarding historic impact review can now be lifted, although a salvage-specific condition may be warranted for any archaeological "finds" that might occur in the process of track removal.

I wish we were both aware of the letter a bit sooner.

Please let me know if you need anything else in connection with this element of the proposed rail line abandonment.

- Rob

Robert A. ("Rob") Wimbish

Attorney at Law

Baker & Miller PLLC

Suite 300

2401 Pennsylvania Ave., NW

Washington, D.C. 20037

202.663.7824 (direct) / 202.663.7849 (fax)

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Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



July 2, 2012

Kearston Comegys
Coordinator- Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, Virginia 23510

Federal Agency: Surface Transportation Board

Re: Project information regarding Norfolk Southern railway abandonment between Milepost R 0.00- R 1205, R 1.1629 - R 1.92, and Milepost CB 4.80 - CB 5.41 [Docket no. AB-290 (Sub-no. 326x)] (DHPA #13536)

Dear Mr. Comegys:

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 May 31, 2012 and received on June 4, 2012 for the above indicated project in Fayette, Henry and Wayne counties, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction. It is our understanding that ballast will not be removed as a result of this abandonment.

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.

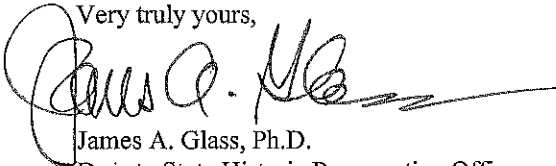
At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 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-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 #13536.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass", followed by a long horizontal flourish.

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

JAG:CWS:CDW:cdw

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