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To Catherine.Glidden@stb.dot.gov
cc Paige.HoskinsonOlson@state.sd.us, "mary hopkins"
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bcc

Subject Re: DM&E Assessment of Visual Effects/Deeply Buried Sites

History:  This message has been replied to.

Hi Catherine,

While I am waiting to start a full review of these documents per A.3.2 of the PA, I did give them a quick glance and wanted to give you a heads up.

In the Assessment of Visual Effects document, Table 1.1, the Effect Recommendation for historic properties located in the Middle Ground, 1/4-3 miles from the ROW, is a "No Adverse Effect". We do not concur with this determination, and are not sure where it came from. Whether or not historic properties within this distance will be adversely affected is dependent on the property type and it's visibility etc.

Also, In the proposal for the Identification and Evaluation of Deeply Buried Archaeological Sites, as I have noted before the State of Wyoming does NOT agree with the ACHP that burial of archaeological sites is not an adverse effect. Indeed, we firmly consider this to be an adverse effect.

(as an aside, the statement in the document that "The Advisory Council on Historic Preservation (ACHP) has determined that the placement of fill over deeply buried archaeological sites situated below the construction zone is not an adverse effect for purposes of Section 106....." is, in fact, incorrect. The document from the ACHP indicates that the loss of access from archeological research is not an adverse effect (a position we disagree with) and does not mention the "construction zone". In fact, Section 29 of that same document requires that the APE also be defined vertically based on scientific and engineering analysis. It further indicates that this analysis needs to take into account compaction and changes in chemical composition. Both of these potential adverse effects may extend well below the "construction zone".)

I just wanted to make you aware that a very cursory glance over the documents had identified these issues. Hopefully the documents will be revised based on the tribal and federal agency comments and we will not need to raise them at a later date.

Sincerely,

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