



EI-17995

JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

DR. WILLIAM ANDERSON
DIRECTOR

October 27, 2008

DAVID NAVECKY
SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS
395 E STREET SW
WASHINGTON DC 20423

RE: ER99-392 STB Docket No. AB-364 (Sub-No. 12X), Kent and Ionia Counties (STB)

Dear Mr. Navecky:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. We initially reviewed this project and responded on December 1, 2003 with an opinion that the project would have an *adverse effect* on the Grand River Railroad Bridge, which appears to meet the criteria for listing in the National Register of Historic Places. More specifically, the abandonment of the rail line would result in the physical deterioration of the bridge due to neglect, as well as the transfer, lease, or sale of the bridge out of federal control without adequate, legally enforceable conditions to ensure its long-term preservation.

In response to our determination, we have received follow-up correspondence from you as well as a representative for Mid-Michigan Railroad, Inc. (MMRR), Mr. Louis Gitomer, regarding the National Trails System Act (16 U.S.C. 1247(d)) and planned "rail-banking" for this particular section of railroad. The information you sent indicates that under the Trails System Act, a voluntary arrangement can be made between a railroad and a trail sponsor to preserve a railroad right-of-way that would otherwise be abandoned for future rail use ("rail banking"), while allowing the property to be used in the interim as a trail, which; thereby retaining jurisdiction over the rail line. In addition, Mr. Gitomer related that the MMRR has negotiated an agreement with the Friends of the Fred Meijer Trail (the "Friends"), whereby the "Friends" will purchase the rail line with a quitclaim deed for the property that will include a covenant stipulating that the bridge will remain in place.

Based on this additional information, it is the opinion of the State Historic Preservation Officer (SHPO) that the effects of the proposed undertaking do not meet the criteria of adverse effect [36 CFR § 800.5(a)(1)]. Therefore, the project will have **no adverse effect** [36 CFR § 800.5(b)] on the Grand River Railroad Bridge, which appears to meet the criteria for listing in the National Register of Historic Places.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian

organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties" and 36 CFR § 800.5 "Assessment of adverse effects", and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.5(c) "Consulting party review".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,



Brian D. Conway
State Historic Preservation Officer

BDC:BGG

copy: Advisory Council on Historic Preservation
Louis Gitomer

Enclosure(s)