

DNR

Indiana Department of Natural Resources

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Michael R. Pence, Governor
Cameron F. Clark, Director

#E1-25758



December 6, 2016

Thomas W. Wilcox
GKG Law
1055 Thomas Jefferson Street NW Suite 500
Washington, D.C. 20007

Federal Agency: Surface Transportation Board

Re: Project information concerning the proposed abandonment of 6.4 mile of railroad by HC Railroad
(DHPA #20125)

Dear Mr. Wilcox:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) 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 October 31, 2016 and received on November 7, 2016, for the above indicated project in Jackson and Rushville Townships, Rush County, Indiana.

In regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

Sexton Christian Church, 600N, Site #139-391-05061

J. Kiser House, 600N, Site #139-391-20004

However, based on the information provided to our office, we do not believe that there will be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]).

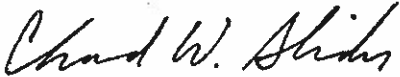
At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 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 Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Burkett at (317) 233-3883 or mburkett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #20125.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:RAS:MLB:mlb

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