



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



May 3, 2010

John H. Broadley
John H. Broadley & Associates, P.C.
Canal Square
1054 Thirty-First Street, N.W.
Washington, D.C. 20007

Federal Agency: Surface Transportation Board

Re: Response to request for additional project information regarding the abandonment of a rail line from milepost 241.35 at Crane to milepost 262.5 in Bedford and abandonment of the Bedford Industrial Track from milepost 0.00 to milepost 1.65 (Docket No. AB 295 [Sub-No. 7X]; DHPA #7321)

Dear Mr. Broadley:

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 April 8, 2010 and received on April 12, 2010 for the above indicated project from Crane to Bedford, Martin and Lawrence counties, Indiana.

Thank you for submitting the requested information concerning the proposed abandonment and salvage of the old Chicago, Milwaukee, St. Paul and Pacific Railroad line between Crane and Bedford by the Indiana Railroad Company. Based on the information provided to our office, the rails and ties in the tunnel are not historic and may be removed provided that the other components of archaeological site 12Mn693 (19th century tunnel) are avoided. Please refer to our letter dated February 23, 2010 regarding other conditions and comments.

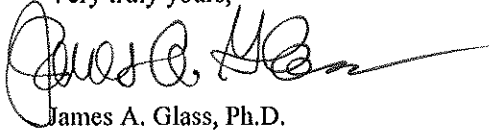
If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please 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.

Upon completing its own identification and evaluation efforts, 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. Refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a finding of "no adverse effect" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.5[b-c] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board believes that a finding of "adverse effect" accurately reflects its assessment, then it shall provide notification to the Advisory Council on Historic Preservation by providing the documentation in 36 C.F.R. § 800.11(e) as stated in 36 C.F.R. § 800.6(a)(1). Additionally, the Surface Transportation Board may proceed to provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, all consulting parties, and make the documentation available for public inspection and proceed to seek ways to avoid, reduce and mitigate effects as stated in 36 C.F.R. § 800.6 (a)(2-5).

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 #7321.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass", with a long horizontal flourish extending to the right.

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

JAG:CWS:CDW:cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board
emc: Nancy Albertson, Cultural Resource Program Manager
Norm West, EPA Chicago Office
Troy Brady, Surface Transportation Board