

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
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June 8, 2021

Crystal M. Zorbaugh
Counsel, Indiana Southwestern Railway Co.
Baker & Miller PLLC
2401 Pennsylvania Avenue NW, Suite 300
Washington, DC 20037

Federal Agency: Surface Transportation Board

Re: Project information for the abandonment of 20.367 miles of interconnecting rail lines (AB-1065 Sub-No. 4X; DHPA #27507)

Dear Ms. Zorbaugh:

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 May 10, 2021 and received on May 17, 2021, for the above indicated project in Smith and Robb townships of Posey County, and Armstrong and German townships of Vanderburgh County, Indiana.

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 all project activities remain within areas of previous disturbance. There is currently insufficient evidence to indicate that any portion of the rail line retains integrity related to the original construction of the railroad. Should evidence suggest the contrary, those portions of the line with integrity should be archaeologically documented prior to removal.

If any prehistoric or historic 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, including but not limited to 36 C.F.R. 800.

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:

Railroad Trestle, site #129-146-00017
Poseyville Historic District, site# 129-178-07001-178

We note that the proposed project, in addition to abandoning the line, intends to remove rail and salvageable track material but will not disturb sub-grade features or structures and will leave all bridges in place. Therefore, based on the information provided to our office, we do not believe the characteristics that qualify the above identified historic properties for inclusion in the National Register will be diminished as a result of this project.

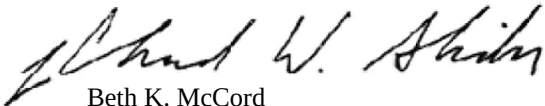
Upon completing its own identification and evaluation efforts, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and

make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believe 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 Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #27507.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:RAS:ras

emc: Crystal M. Zorbaugh, Baker and Miller PLLC
David Navecky, Surface Transportation Board