

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-295 (Sub No. 7X)

March 10, 2010

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on February 4, 2010, for public review and comment. In the EA, SEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

In a letter dated February 23, 2010 (attached), the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (IN-SHPO) states that it has reviewed and conducted an analysis of the available information and determined that the characteristics that would qualify the previously identified historic properties for inclusion in the National Register of Historic Places would not be diminished if certain stipulations were put in place that would preserve the existing historic characteristics of the properties affected by the proposed abandonment. The IN-SHPO further advises that the Board should evaluate the potentially historic properties, make a determination of "effect", and provide documentation of its findings to the IN-SHPO and other interested parties.

Conclusions

Based on the information received in this proceeding, SEA recommends that four previously recommended conditions be imposed upon any decision granting abandonment authority:

1. The Indiana Rail Road Company, shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of

the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The Indiana Rail Road Company shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology and the public. The Indiana Rail Road Company may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

2. The Indiana Rail Road Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any of the three geodetic station markers.
3. The Indiana Rail Road Company shall consult with the U.S. Fish and Wildlife Service, Bloomington Field Office, prior to the commencement of any salvage activities to ensure that any reasonable concerns are addressed.
4. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the Indiana Rail Road Company's (INRD) salvage activities, INRD will immediately cease all work and notify the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology pursuant to 36 CFR 800.13(b). SEA shall then consult with the SHPO, interested Federally recognized tribes, INRD, and any other consulting parties, if any, to determine whether any mitigation measures are necessary.

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Indiana Department of Natural Resources

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Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director



February 23, 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 January 22, 2010 and received on January 25, 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, we do not believe the characteristics that qualify the previously identified historic properties for inclusion in the National Register will be diminished as a result of this project with the following conditions:

1. It is our understanding that the rail line (Monon Railroad) adjacent to the Monon Railroad Depot (#093-038-27083) is not part of this proposed abandonment and that this line will be left in its current condition.
2. The rail line (Bedford Industrial Track) adjacent to the Milwaukee Road Depot (#093-038-27082) must remain intact and its current condition.
3. Archaeological site 12Mn693 (19th century tunnel) in Martin County must be avoided by all project activities. Rails and ties must remain intact.
4. The rails and ties may be removed along the section of line through archaeological sites 12Lr275 and 12Lr457. However, the removal of the ballast may impact potentially undisturbed archaeological deposits underneath the rail line. We would advise using smaller, less invasive equipment that would minimize ground disturbance to any soil underneath the existing rail line.

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.

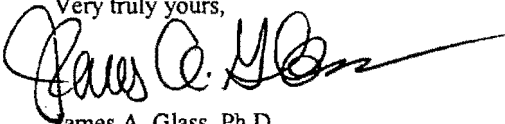
Upon completing its own identification and evaluation efforts, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

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- 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,



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

JAG:CWS:CDW:cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board
cmc: Nancy Albertson, Cultural Resource Program Manager
Norm West, EPA Chicago Office
Angie Krieger, Hoosier National Forest