

DNR

Indiana Department of Natural Resources

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



June 14, 2016

David C. Navecky
Surface Transportation Board
Docket No. FD 35952
395 E. Street SW
Washington, D.C. 20423-0001

Federal Agency: Surface Transportation Board ("STB")

Re: STB Docket No. FD 35952; DHPA No. 19071)

Dear Mr. Navecky:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108); 36 C.F.R. Part 800; and the National Environmental Policy Act of 1969 (42 U.S.C § 4321, *et seq.*), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the draft scoping information for the proposed construction by Great Lakes Basin Transportation, Inc., of a rail line in Lake, LaPorte, and Porter counties in Indiana, as well as in Illinois and Wisconsin.

Because this project will involve two states in addition to Indiana, our comments during the course of the upcoming NEPA and Section 106 reviews of this federal undertaking should be understood to apply to only to historic properties that are located entirely or partly within Indiana and to effects on those historic properties that would occur entirely or partly within Indiana. We defer to our counterpart state historic preservation officers in Illinois and Wisconsin regarding historic properties that exist and effects that would occur entirely within one or both of their states.

During the April 7, 2016, webinar about the STB's scoping of this federal undertaking, the state historic preservation officers were asked to provide a list of contacts for their offices. Please send any mailings of paper documents addressed to me at the following address:

Mitchell K. Zoll
Deputy State Historic Preservation Officer
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204

Although more than one of my staff members typically reviews projects, it should be sufficient to send *one* copy of each paper submission to my office. Also, we are not set-up to receive and process formal submissions (*e.g.*, letters, reports, or findings) by e-mail, so we ask that all formal submissions be sent to us as paper documents.

However, when you send e-mail messages or notices regarding this project, please sent them to *both* of the following staff members:

Wade T. Tharp, Archaeologist, wtharp1@dnr.in.gov
and
John Carr, Team Leader for Historic Structures Review, jcarr@dnr.in.gov

Although we realize that this project will be regulated by STB and will not be funded by the Federal Highway Administration ("FHWA") or the Indiana Department of Transportation ("INDOT"), we recommend that STB and ICF International use as a model for the Section 106 process Part II, chapters 4, 5, 6, and 7, of INDOT's *Cultural Resources Manual*, which can be found at <http://www.in.gov/indot/crm/>. The *Cultural Resources Manual* provides specific guidance on applying the Advisory Council on Historic Preservation's 36 C.F.R. Part 800 regulations to highway and vehicular bridge projects, which we think are similar enough to this freight rail construction project to be useful to STB and ICF International in working through the Section 106 process for this Federal undertaking. Obviously, references in the that manual to contacting or obtaining approval from FHWA and INDOT and to programmatic agreements for FHWA-funded projects would not be applicable to the NEPA and Section 106 reviews of this project.

Part II, Chapter 4, of the *Cultural Resources Manual* includes tribal contact information for Indiana. John Carr of my staff recently has made informal recommendations to you regarding local governments and historical and historic preservation organizations that potentially should be invited to participate in the Section 106 review as consulting parties.

Regarding the area of potential effects ("APE"), we have recommended for new-terrain highway projects in Indiana that one begin with an APE of one-mile to either side of the proposed corridor, on the assumption that visual effects typically can occur in a wider area than most other effects. The initial APE should be reduced in width based on factors that are actually observed in the field, such as wooded areas, hills, and areas of extensive residential, commercial, or industrial development. We realize that a railroad track is narrower than a four-lane interstate highway, but it is our understanding that the Indiana part of this line would be double-tracked in most places in Indiana, and the typical right-of-way width for this project would be about 200 feet, which is similar to that of new terrain interstate highways we have reviewed in recent years. Also, except when they are constructed through a hill-cut, railroads, like interstate highways, tend to be built on a roadbed that elevates them at least a few feet above the grade and even higher through low-lying areas, such as flood plains. We would consider the trains themselves—and not just the roadbed, ballast, crossties, and rails—to contribute to the potential visual effects, just as we consider cars and trucks traveling on an interstate highway to contribute to the visual effects of the highway construction. Another reason for starting with a fairly wide APE is that there will need to be highway overpasses built above the tracks, and such bridge structures can extend 25 feet or more above grade. Accordingly, we recommend that the historical consultants begin with a roughly two-mile-wide APE, reduced where appropriate due to hills, forests, and man-made structures that would block the view of the rail line, while still allowing for elevated structures that would result from this project, such as highway overpasses and railroad bridges over rivers or across valleys, which could be visible a considerable distance to either side of the bridge.

It was requested during the webinar that advice on available, cultural resources data sources be provided. Our office's webpage (<http://www.in.gov/dnr/historic/>) contains access points to our State Historic Architectural and Archaeological Research Database ("SHAARD"; <http://www.in.gov/dnr/historic/4505.htm>). The database includes both text and geographic information about National Register of Historic Places-listed and surveyed properties in Indiana. The most recent, available archaeological and structures information has been entered into SHAARD for Lake County, Indiana. However, SHAARD is a work in progress, so the structures survey information for Lake County is somewhat dated, because it is based mostly on the survey that preceded the 1996 *Indiana Historic Sites and Structures Inventory: Lake County Interim Report*.

For LaPorte and Porter counties, it will be necessary for your archaeological and historical consultants to visit our office in order to research our survey records and archaeological reports. In order to do so, your consultants will need to arrange in advance to review those documents with Rachel Sharkey of our office, who can be contacted at (317) 234-5254 or rsharkey@dnr.in.gov. For structures in LaPorte and Porter counties, it will be necessary to view at our office the 2002 *Indiana Historic Sites and Structures Inventory: LaPorte County Interim Report* and the 1991 *Indiana Historic Sites and Structures Inventory: Porter County Interim Report* and the more-detailed survey cards on which the interim report entries were based. The Lake, LaPorte, and Porter county interim reports—but not the survey cards—can be searched and read online through the IUPUI University Library's website at <http://www2.ulib.iupui.edu/digitalscholarship/collections/IHSSI>.

Given the ages of all those interim reports, in all three Indiana counties there will be buildings and structures that were not yet 40 years old at the time of the survey but have since turned 50 and may now be eligible for the NRHP, and those properties can be identified only by current field work by your consultants. Even the previously-surveyed properties

identified in those interim reports would need to be field-checked regarding their integrity and historical and architectural significance.

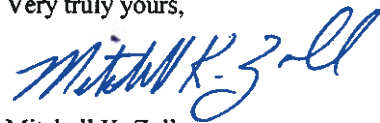
In regard to the identification of archaeological resources within the proposed project area, please see the guidance in the *Draft Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites* <<http://www.in.gov/dnr/historic/files/hp-ArchaeologyDraftGuidebook.pdf>> regarding methodologies that should be used during fieldwork, and information that should be included in the archaeological reconnaissance survey report.

We were initially advised during the April 7 webinar that comments would be due on May 15, 2016. However, near the end of the webinar, we recall that you said a letter would be sent the following day that would extend the comment period to June 15. We do not recall having received that letter, but we have relied on your oral statement that the state historic preservation officers would have until Jun 15 to comment.

Please direct questions about our comments on above-ground properties, such as buildings and structures, to John Carr at (317) 233-1949 or jcarr@dnr.in.gov. Questions about archaeological issues should be directed to Wade Tharp (317) 232-1650 or wtharp1@dnr.in.gov.

In all future correspondence regarding the proposed construction by Great Lakes Basin Transportation, Inc., of a rail line in Indiana, Illinois, and Wisconsin (STB Docket No. FD 35952), please refer to DHPA No. 19071.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC.WTT:wtt

emc: David Navecky, Surface Transportation Board
Jeffrey Irwin, Surface Transportation Board
Adam Assenza, Surface Transportation Board
Alan Summerville, ICF International
Rachel Leibowitz, Ph.D., Illinois Deputy State Historic Officer
Joe Phillippe, Chief Archaeologist, Illinois Historic Preservation Agency
Illinois Historic Preservation Agency
Chip Harry L. Brown III, Wisconsin Historical Society
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Christie Stanifer, Indiana Department of Natural Resources, Division of Fish and Wildlife
Wade T. Tharp, Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology
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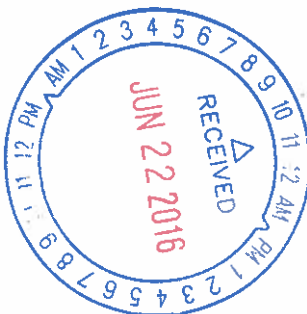
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