



**RE: Cates Landing / Lake County**   
**Joshua Wayland** to: Joseph Garrison

02/16/2016 02:27 PM

Dr. Garrison,

Thank you for providing the Initial Review Request Checklist in your recent email. I believe there may be some confusion regarding the status of this proposed undertaking. It was our understanding that the Section 106 process had been completed for this project, as we had received concurrence from the Tennessee Historical Commission that no historic properties would be affected. We recently received a letter that appears to contradict this and we are trying to get more information regarding that letter.

Consultation with your office has been ongoing for well over a year. The initial letter requesting consultation was sent to your office on July 24, 2014. The response from your office requesting additional information was received by us in August 2014. The requested information was subsequently provided to you directly and to the Tennessee Division of Archaeology. An archeological survey was conducted of the project area in August 2014 and the final version of the survey report was accepted by your office on June 15, 2015. On July 10, 2015, a letter was sent to your office requesting concurrence within thirty days with the Surface Transportation Board's Finding of No Historic Properties Affected pursuant to 36 C.F.R. 800.4(d). No response was received to that letter; however, on October 1, 2015, I requested by email that you confirm that the SHPO did not have any new concerns regarding the proposed undertaking. By email dated October 2, 2015, you responded that the SHPO had concurred with the Board's finding of No Historic Properties Affected. Your office was provided with a copy of the Draft Environmental Assessment for the proposed project on December 28, 2015.

On January 19, 2016, we received a letter indicating that your office's review of the Draft Environmental Assessment had concluded that the proposed project would adversely affect properties eligible for listing in the National Register of Historic Places. No additional information was provided with that letter regarding the historic properties that would be affected. Because the proposed project would not affect any structures and because the archeological survey did not indicate the presence of any historically significant historical or prehistorical artifacts in the Area of Potential Effect, we remain unaware of any historic properties that could be affected and how they could be affected. Any information you can provide would be greatly appreciated and would allow the Board to incorporate the appropriate mitigation into any final decision granting authority for the proposed project.

Thank you as always for your guidance,

Joshua Wayland  
 Environmental Protection Specialist  
 Office of Environmental Analysis  
 Surface Transportation Board  
 Tel: (202) 245-0330

Joseph Garrison

TENNESSEE STATE HISTORIC PRESERVATI...

02/16/2016 09:48:04 AM

From: Joseph Garrison <Joseph.Garrison@tn.gov>  
 To: "Joshua.Wayland@stb.dot.gov" <Joshua.Wayland@stb.dot.gov>  
 Date: 02/16/2016 09:48 AM  
 Subject: RE: Cates Landing / Lake County

TENNESSEE STATE HISTORIC PRESERVATION OFFICE  
 REVIEW AND COMPLIANCE SECTION  
 INITIAL REVIEW REQUEST CHECKLIST

2015

Federal Agency Officials and applicants for Federal assistance must determine whether their projects, programs, or activities are undertakings subject to Section 106 review by using the definitions found at 36 CFR 800.16(y) and 36 CFR 800.3(a). If they determine this to be the case, they must submit the following documentation to the Tennessee State Historic Preservation Office to initiate consultation pursuant to the requirements of Section 106 of the National Historic Preservation Act and the 36 CFR 800.3 through.7 regulation.

Beginning October 1, 2014, all Agency Officials and applicants for Federal assistance must submit a copy of this Checklist with their review request package. The Tennessee State Historic Preservation Office Review and Compliance staff will return any review request that fails to contain all the required documentation. Agencies and applicants who submit cultural resources survey reports will continue to do so using the Reporting Standard found on the Tennessee SHPO Section 106 web page.

#### CHECKLIST

- A SIGNED LETTER ON CONTACT INFORMATION LETTERHEAD requesting Section 106 review of the undertaking \_\_\_\_\_
- The FULL NAME OF THE FEDERAL AGENCY funding, licensing, or permitting the undertaking, the name and/or position title of the "Agency Official" as defined at 36 CFR Part 800.2(a), and the name, address, and telephone number of the agency staff person who may be contacted regarding the undertaking \_\_\_\_\_
- If applicable, the IDENTITY OF THE APPLICANT for Federal funding, licensing, or permitting and the name, address, and telephone number of the staff person employed by the applicant organization that may be contacted regarding the undertaking. Please include documentation generated by the Federal agency that authorizes the applicant to act as the Federal agency's representative in the initial Section 106 review process as delineated at 36 CFR Part 800.2(c)(5) \_\_\_\_\_
- The location (ADDRESS, CITY, AND COUNTY) of the undertaking; and a description of the undertaking's Area of Potential Effects as defined at 36 CFR Part 800.16(d) \_\_\_\_\_
- The IDENTITIES OF ALL OTHER CONSULTING PARTIES invited to participate in consultation relative to the undertaking and the names, addresses, and telephone numbers of authorized representatives of these additional Consulting Parties who may be contacted regarding the undertaking. Consulting Parties are enumerated at 36 CFR Part 800.2(c). Please include copies of all invitation letters to Consulting Parties and copies of any responses \_\_\_\_\_
- A description of the agency's or applicant's formal PROCEDURE FOR INVOLVING THE PUBLIC in the Section 106 review process as delineated at 36 CFR Part 800.2(d) \_\_\_\_\_
- If applicable, a description of the formal PROCESS BY WHICH SECTION 106 REVIEW IS TO BE MELDED INTO OTHER APPROPRIATE FEDERAL AND STATE ENVIRONMENTAL REVIEWS as delineated at 36 CFR Part 800.2(a)(4), 800.3(b), and 800.8 \_\_\_\_\_
- A USGS 7 1/2 MINUTE, 1-24000 SCALE TOPOGRAPHIC MAP to scale (be

sure to include the name) clearly indicating the boundary of the undertaking, the location of all undertaking elements, and the undertaking's Area of Potential Effects \_\_\_\_\_

- OTHER SUITABLY SCALED MAPS OR SITE PLANS as necessary to depict the extent of the undertaking and its locational relationship to its surroundings and environment \_\_\_\_\_

- A PROJECT NARRATIVE that clearly describes the undertaking in sufficient detail to enable a reader unfamiliar with the undertaking or its location to gain a full understanding of the undertaking and all of its elements and their potential to affect directly and indirectly any historic properties within the Area of Potential Effects \_\_\_\_\_

- Original chemical or digital GROUND-LEVEL (NOT AERIAL) PHOTOGRAPHS of the undertaking's Area of Potential Effects that are numbered and clearly keyed to one of the above maps or site plans \_\_\_\_\_

- Any available information including DATES OF CONSTRUCTION of buildings either inside the undertaking footprint or within view or sound of the undertaking / be sure to include photographs of buildings within the undertaking's Area of Potential Effects DO NOT LIST THE DATE AT WHICH NEW CONSTRUCTION IS PLANNED \_\_\_\_\_

- A discussion of the RESULTS OF AGENCY OR APPLICANT PRE-CONSULTATION REVIEW of architectural, historical, or archaeological studies that have been previously produced \_\_\_\_\_

- A LIST OF HISTORIC PROPERTIES located within the Area of Potential Effects that are either National Register of Historic Places listed or have been determined eligible for such listing. This list should include any above ground properties that appear marked on SHPO survey file site maps \_\_\_\_\_

- LOCATIONS OF SUCH PROPERTIES shown on one of the maps or site plans that are submitted \_\_\_\_\_

- If pre-consultation review has not discovered eligible or listed properties, a statement to that effect should be included. Properties identified and evaluated as not eligible for listing in the National Register should be listed and mapped \_\_\_\_\_

- A discussion of any PRE-CONSULTATION FIELDWORK, e.g., reconnaissance survey, which may have been undertaken \_\_\_\_\_

- Written results of any INTERNAL FEDERAL AGENCY CULTURAL RESOURCES STAFF REVIEW (for undertakings planned by land- or structure-controlling agencies with qualified cultural resources staffs) \_\_\_\_\_

- Written RESULTS OF THE OUTCOME OF ANY PRE-CONSULTATION with all Consulting Parties including the SHPO \_\_\_\_\_

- Additional documentation produced because of a written request from the Tennessee State Historic Preservation Office to the agency or applicant. This documentation must be prepared by a person or persons in the appropriate field who meets applicable professional standards and in consultation with this office (see "Standards and Guidelines for Archaeological and Architectural Resource Identification Studies") and definitions codified at 36 CFR Part 800.2(a)(1) and 800.2(a)(3) \_\_\_\_\_

- Historic/Architectural Survey and Inventory \_\_\_\_\_
- Archaeological Site Survey and Inventory \_\_\_\_\_
- Notice of any executed and ratified Memorandum of Agreement or Programmatic Agreement that may bear upon the undertaking \_\_\_\_\_

SUBMIT CHECKLIST AND SUPPORTING DOCUMENTATION TO:

Joseph Y. Garrison, PhD  
Review and Compliance Coordinator  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, Tennessee 37243-0442

Joseph Y. Garrison, PhD  
Review and Compliance Coordinator  
Tennessee State Historic Preservation Office  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, Tennessee 37243-0442

Joseph.Garrison@tn.gov

(615)770-1092

"I can explain it to you, but I can't understand it for you"

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From: Joshua.Wayland@stb.dot.gov [Joshua.Wayland@stb.dot.gov]  
Sent: Friday, February 12, 2016 2:06 PM  
To: Joseph Garrison  
Subject: Re: Cates Landing / Lake County

\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. \*\*\*

Dr. Garrison,

Thank you for following up to my recent email. The link you provided does not seem to be working. Can you please provide me with any information regarding the letter that we received from your office last month about the proposed rail construction case at Cates Landing in Lake County? The

letter states that the project would adversely affect properties that are eligible for listing in the National Register of Historic Places (see attached). Based on our survey of the project area and our consultations with your office last year, we are not aware of any historic properties in the project area. We had previously received concurrence from you that no historic properties would be affected. If the SHPO's opinion has changed based on new information, we would like to be able to incorporate that opinion into the Final Environmental Assessment that we are preparing for this proposal.

At this point, I believe your office is already in possession of all of the available information regarding this case, including the Cultural Resources Survey, the Draft Environmental Assessment, and applicable correspondence. If you need additional documentation, please let me know what you need and I will do my best to provide it to you immediately.

(See attached file: SHPO Letter January 2016.pdf)

As always, thank you for your time and assistance,

Josh Wayland  
Environmental Protection Specialist  
Office of Environmental Analysis  
Surface Transportation Board  
Tel: (202) 245-0330

From: Joseph Garrison <Joseph.Garrison@tn.gov>  
To: "Joshua.Wayland@stb.dot.gov" <Joshua.Wayland@stb.dot.gov>  
Cc: Jennifer Barnett <Jennifer.Barnett@tn.gov>  
Date: 02/12/2016 01:56 PM  
Subject: Cates Landing / Lake County

Mr. Wayland,

Thank you for your recent email. Please link to the following URL:

<http://www.tn.gov/environment/history/docs/check12.pdf>

...and submit hard copies of the requested documentation to this office at the address listed below for Section 106 review. Upon receipt of this documentation, we will respond promptly.

Best

Joseph Y. Garrison, PhD  
Review and Compliance Coordinator  
Tennessee State Historic Preservation Office  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, Tennessee 37243-0442

Joseph.Garrison@tn.gov

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