



Indiana Department of Natural Resources

#E1-2563
vjr

Mitchell E. Daniels, Jr., Governor
Kyle J. Hupfer, Director



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October 6, 2006

Richard Streeter
Barnes & Thornburg, LLP
750 17th Street N.W., Suite 900
Washington, D.C. 20006-4675

Federal Agency: Surface Transportation Board

Re: Information regarding abandonment of 3.2 miles of railroad between MP UV 0.0 and MP UV2.8 and between MP Z09.6 and MP Z010.5 (AB-290 (Sub-No. 286))

Dear Mr. Streeter:

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 September 28, 2006 and received on October 2, 2006 for the above indicated project in St. Joseph County, Indiana.

In accordance with 36 C.F.R. 800.4(b)(1), the Federal agency official shall make a reasonable and good faith effort to carry out appropriate identification and evaluation efforts and take into account past planning, research and studies, the magnitude and nature of the undertaking as well as the extent of potential effects the identified undertaking may have on historic properties. The Indiana SHPO respectfully cites this regulation to remind the Federal agency official(s) that it is their responsibility to identify not only the undertaking but what (if any) effects said undertaking may have on historic properties.

A complete analysis of the submitted project is not possible, as the information provided is incomplete. Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) Provide an overall description of the project and its location.
 - Include address, city, and township.
 - Detail any construction, demolition, and earthmoving activities.
- 2) Define the area of potential effects¹ and provide a map or a good quality photocopy of a map containing the following:
 - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
 - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 3) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).

¹ Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R § 800. 16(d)).

- 4) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 5) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*. The Indiana SHPO recommends consulting the 2000 St. Joseph County Interim Report for this information.
- 6) List all sources checked for your historical research of the *area of potential effects*.
- 7) Provide recent, clear photographs or good quality computer-generated images (not photocopies or aerial photographs), keyed to a site plan, showing the exterior of any buildings, structures, objects, or land *that could be affected in any way by the project*.

In accordance with 36 C.F.R. 800.2(c)(ii)(F)(4), the Federal agency official shall notify the SHPO/THPO when an applicant or group of applicants is authorized to initiate consultation with the SHPO/THPO and others. Therefore, the Indiana SHPO requests that Barnes & Thornburg provide a letter or copy of a letter from the STB indicating the authorized representatives who may act on its behalf. Once this information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

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, please contact Miriam Widenhofer of our office at (317) 232-1646 or consult our website located at <http://www.in.gov/dnr/historic/106process.html>.

Very truly yours,



Miriam L. Widenhofer
Structures Review Assistant

MLW:mlw

cc: Elaine K. Kaiser, Surface Transportation Board