

E1-4022 Putson



January 11, 2008

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 "K" Street N.W.  
Washington, D.C. 20423-0001

Re: Request to Participate as a Consulting Party  
Section 106 Review and Compliance  
STB Docket # AB-33 (Sub-No. 255)

Dear Secretary Williams:

The City of Carver hereby requests to be a Consulting Party during the Section 106 Review process for Docket # AB-33 (Sub No. 255). It is our understanding that under the provisions of Section 106 of the National Historic Preservation Act that representatives of local governments with jurisdiction over the area in which the effects of an undertaking may occur are entitled to participate as a consulting party.

The City of Carver is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota. The central portion of the proposed abandonment traverses through the City of Carver and immediately adjacent to the Carver Historic District, which is listed on the National Register of Historic Places.

The City has the following historic resource interests that may be impacted by the proposed abandonment and does not believe that the impacts to the historic resources have been adequately documented by the information contained within the draft environmental documents prepared by Union Pacific for the abandonment:

1. A 2007 historic resources survey prepared by The 106 Group, Inc. indicated that both the railroad corridor and the bridge located at Milepost 36.17 may be eligible for individual listing in the National Register of Historic Places. They may also be eligible as an expansion to the Carver Historic District listing. These resources have been inventoried as Minnesota SHPO numbers CR-CVC-146 and CR -CVC-165.

2. The Carver Historic District is located immediately adjacent to the Union Pacific rail corridor. The railroad, formerly known as the Minneapolis and St. Louis Railroad, played an integral role in the development of the City.
3. The City purchased property from Union Pacific in the 1990's that included the railroad water tower which provided water to the steam engines. It is our understanding that there are very few of these tanks remaining within the country. The City has rehabilitated that tower and maintains this former railroad property as a city park. The rail corridor runs adjacent to the water tower. The subject tower is the one that is a part of the City logo, located at the top of this letterhead.
4. The embankment of the rail corridor as it makes its approach to the Minnesota River serves as a part of the City's protective levee system. Improvements to this part of the levee system were made following flooding in 1997 utilizing funding from a number of different agencies. The City has a public safety interest in ensuring that the levee system continues to protect the Carver Historic District.
5. The bridge at Milepost 36.17 has a history of creating logjams in the Minnesota River. Union Pacific maintains responsibility for clearing those logjams from the River and essentially completes this maintenance work by utilizing a piece of equipment that is essentially a crane attached to a railcar. To date, the City has been unable to identify any alternative method of clearing the logjams from the bridge, regardless of cost. If Union Pacific is permitted to abandon the rail corridor and leaves the Minnesota River crossing bridge in place and there is not a feasible and fiscally-responsible management and operation plan in place for the maintenance of this bridge, then a dam of logs may form at the bridge, raising water levels upriver and increasing the potential for a breach or overtopping of the City's levee system. In short, the logjams have potential to result in a negative impact on either the Carver Historic District, or the Bridge at Milepost 36.17 or both.
6. Removal of the track and ties should not be permitted to be completed until the following have occurred:
  - a. Section 106 process completed.
  - b. A management plan is in place for removal of debris at the Bridge at Milepost 36.17 in the Minnesota River or the bridge is removed and mitigated. The only known way to remove the debris is the use of Union Pacific's rail equipment.
  - c. Coordination with the Army Corps of Engineers to ensure that removal of railroad equipment in the areas that are a portion of the levee does not cause harm to the levee.

The City of Carver is committed to preserving the integrity of its historic resources. The operation of the Union Pacific line through this area has not had a negative impact on the historic district. However, the abandonment has the potential to have multiple large negative consequences on the historic district unless suitable programmatic agreements can be arranged.

Please add the City of Carver as a consulting party to the Section 106 review process. Correspondence should be addressed to the following individuals:

Jim Elmquist  
City Administrator  
City of Carver  
PO Box 147  
Carver, MN 55315  
952-448-5353  
952-448-6199 (fax)

Cindy Olness  
City Planner  
Collaborative Planning  
17215 33<sup>rd</sup> Ave N.  
Plymouth, MN 55447  
763-473-0569  
763-473-0659 (fax)

Larry Harris  
City Attorney  
Melchert Hubert Sjodin  
121 Main Street W, Suite 200  
Waconia, MN 55387  
952-442-7744  
952-442-6166 (fax)

Cindy Olness will serve as the direct liaison between the City, the City's Historic Preservation Commission, SHPO and the STB during this process.

If you require additional information, please contact Cindy Olness at 763-473-0569. Thank you for your consideration of these matters.

By my signature below, I certify that I have caused this Request to Participate as a Consulting Party in the Section 106 Review and Compliance Process to be served on the entities listed in the service list as of 9:00 a.m Central Time on January 11, 2008. The attached document lists the parties served a copy of this Request.

Sincerely,



James T. Elmquist  
City Administrator

Cc: Dennis Gimmestad, Minnesota SHPO  
Carver Historic Preservation Commission  
Cindy Olness, Collaborative Planning  
Larry Harris, Melchert Hubert Sjodin

## CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008, the foregoing Request to Participate as a Consulting Party in the Section 106 Review and Compliance Process is being served by first-class mail, postage prepaid, on the following:

Gabriel Meyer  
Union Pacific Railroad Company  
1400 Douglas Street, Stop 1580  
Omaha, NE 68179

Audrey Bennett  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, MN 55089

Minnesota Pollution Control Agency  
Stormwater Program  
520 Lafayette Road North  
St. Paul, MN 55155-4194

Roger Trudell  
Santee Sioux Nation  
108 Spirit Lake Avenue West  
Niobrara, NE 68760

U.S. Army Corps of Engineers, St. Paul  
District  
Sibley Square at Mears Park  
190 Fifth Street East, Suite 401  
St. Paul, MN 55101-1638

Stanley Crooks  
Shakopee Mdewakanton Sioux  
Community  
2330 Sioux Trail NW  
Prior Lake, MN 55372

U.S. Environmental Protection Agency  
Region 5 Metcalf Building Office of  
Strategic Analysis  
77 West Jackson Boulevard Mailcode:  
B-19J  
Chicago, IL 60604-3590

James "Jc" Crawford  
Sisseton-Wahpeton Oyate of The Lake  
Traverse Reservation  
PO Box 509  
Agency Village, SD 57262

Mark Allen  
Flandreau Santee Sioux Executive  
Committee  
P.O. Box 283  
Flandreau, SD 57028

Myra Pearson  
Spirit Lake Tribal Council  
P.O. Box 359  
Fort Totten, ND 58335

Sheldon Wolfchild  
Lower Sioux Indian Community Council  
Lower Sioux Indian Community of  
Minnesota  
P.O. Box 308  
Morton, MN 56270

Kevin Jensvold  
Upper Sioux Community of Minnesota  
P.O. Box 147  
Granite Falls, MN 56241-0147

Minnesota Department of Natural  
Resources  
South Minnesota Regional Office  
261 Highway 15 South  
New Ulm, MN 56073

By: 