

Your request for comment by the State Historic Preservation Officer has been received.

Date Received: **5/29/2018**

Projected end of Review Period based on date received: **6/28/2018**

Agency: **STB**

SHPO Review & Compliance Number (R&C#): **171077036**

**BNSF RAILWAY COMPANY - DOCKET NO. AB 6 - SUB-NO. 496X - AMANDONMENT
EXEMPTION - TO ABANDON APPROX. 0.48 MILES OF TRACK BETWEEN MP 67.38 AND MP
66.9 IN CITY OF DES MOINES - POLK CO - DOCKET NO. AB 290 - SUB-NO 400X -
ENVIRONMENTAL ASSESMENT**

In accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004), the 30-day comment period under a formal review begins when the SHPO has received a submittal containing full documentation in support of an agency's finding and determination of effect.

The SHPO is under no time restraints but will provide a technical assistance response when:

- A. The SHPO concludes that the documentation provided does not support the agency's definition of the Area of Potential Effects (APE) for the undertaking OR
- B. The SHPO concludes that the project documentation provided does not support the agency's determination of a property's eligibility for listing in the National Register of Historic Places OR
- C. The SHPO concludes that the documentation provided does not support the agency's finding of an undertaking's effects on a historic property OR
- D. The agency has determined that the undertaking will have "Adverse Effects" on historic properties and is actively consulting with SHPO on resolution of those effects.

If the documentation submitted to the SHPO for review meets the basic standards set forth at 36 CFR Part 800.11 and the SHPO fails to respond within 30 days, then the SHPO has waived its opportunity to comment and the agency may either (1) proceed to the next step in the process based upon the agency's finding and determination, or (2) consult directly with the Advisory Council on Historic Preservation. In order to determine the next step in the process, we advise the agency to review the applicable sections of 36 CFR Part 800 or the programmatic agreement under which your undertaking is being reviewed.

Be advised that the successful conclusion of consultation with the SHPO does not fulfill the agency's responsibility to consult with other parties who may have an interest in properties that may be affected by an undertaking. Nor does it override the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.

We have made these comments and recommendations according to our responsibilities defined by Federal law pertaining to the Section 106 process. The responsible federal agency does not have to follow our comments and recommendations to comply with the Section 106 process. It also remains the responsible federal agency's decision on how to proceed from this point for this undertaking.

Should you have any questions please contact me at the email below, referencing the R&C# above.

SHPO Review & Compliance Coordinator

SHPO106@iowa.gov