

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 336X)

October 15, 2012

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on September 28, 2012 for public review and comment. In the EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

OEA received two comments after issuance of the EA. On September 27, 2012, Norfolk Southern Railway Company (NSR) submitted a letter from the Indiana Department of Natural Resources, Division of Historic Preservation & Archeology (State Historic Preservation Officer or SHPO) dated September 14, 2012, stating that the SHPO has not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the area of the proposed abandonment. SHPO also stated that no archeological investigations appear necessary. Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act (NHPA) at 36 C.F.R. § 800.4(d)(1), and following consultation with the Illinois and Indiana SHPOs and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Therefore, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

On October 12, 2012, NSR submitted electronic correspondence from the National Geodetic Survey (NGS) stating that NGS had identified one geodetic station marker that may be located in the area of the proposed abandonment. Accordingly, OEA recommends that a condition be imposed upon any decision granting abandonment authority requiring NSR to

consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Conclusions

For the reasons stated above, OEA recommends that the Board: (1) remove the Section 106 condition that was imposed in the September 28, 2012 decision, and (2) impose a new condition requiring Norfolk Southern Railway Company to consult with the National Geodetic Survey. Condition 1, which requires consultation with the Illinois Environmental Protection Agency, Division of Pollution Control, remains unchanged. Accordingly, the conditions are as follows:

1. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the Illinois Environmental Protection Agency, Division of Pollution Control regarding National Pollutant Discharge Elimination System permit requirements.
2. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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