



Fw: NGS Response, STB Docket AB-290 (SUB NO. 351X)

RWimbish

to:

Joshua.Wayland

02/19/2014 06:02 PM

Hide Details

From: RWimbish@bakerandmiller.com

To: Joshua.Wayland@stb.dot.gov

History: This message has been replied to.

Josh -

I hope you had a productive trip out to Montana, and that your travels were safe/uneventful.

I noticed the draft EA that STB-OEA issued last Friday for the infamous NS Botetourt County abandonment case -- AB 290 (Sub-No. 351X).

Of the two recommended conditions, one pertained to the lack of National Geodetic Survey feedback. Turns out that NS had received a response from NGS, but had forgotten to send it along to me. Forwarded to you for appropriate action is an email from NGS (below), indicating that no geodetic survey markers are threatened by the proposed abandonment.

As to the Section 106 condition, I understand why that had to be included in your recommended conditions, and we had discussed this as it bore on the timing of the EA. As you may know, we submitted to VA-DHR all of the requested information on the Wednesday following our Monday, 12/27 conference call, including a completed application form and shape file. We've not heard anything since, although my legal assistant called over to VA-DHR offices this morning for an update. No response yet. I understand from the VA-DHR website that the sort of archives search that VA-DHR says it has to undertake can take up to 3-4 weeks. We are three weeks in, which is no cause for alarm, and the snow events are a plausible excuse, but I thought that Andrea Kampenen said that she would give this some added priority in exchange for our compliance with the SHPO's informational requirements. Besides the APE here is pretty limited in scope.

I'd like to think that we could get back a response from VA-DHR prior to the issuance of the Board's decision on the merits, with the hope that perhaps the Section 106 condition recommendation in the draft EA can be rescinded in the mean time. I think we've got a couple of weeks left for that to happen, which would be nice if it could. Am I right about the timing going forward?

Also, I don't want to be any more antagonistic with VA-DHR than I have to be, as I think they're already trying to take retribution in a new Virginia abandonment by asking for even more information there than they have demanded in the Sub No. 351X case, but I'd like your thoughts about whether (and at what time) you might consider reaching out to Andrea (I am a little afraid to do so myself for fear that I will spark an unnecessary feud or keep the axe grinding) for a status update.

Let's talk at your convenience, if you are amenable: 202-663-7824.

- Rob

Robert A. ("Rob") Wimbish
Attorney at Law
Baker & Miller PLLC
Suite 300
2401 Pennsylvania Ave., NW
Washington, D.C. 20037
202.663.7824 (direct) / 202.663.7849 (fax)

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Rob,

Is this what you're looking for from NGS?

LaWada Poarch
Abandonments Coordinator
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2803 (office)
(757) 533-4884 (facsimile)

-----Original Message-----

From: Simon Monroe [<mailto:simon.monroe@noaa.gov>]
Sent: Thursday, December 19, 2013 6:11 PM
To: Kirchner, Marc C.
Cc: lawada.poarch@nscorp.com; Surface Transportation Board; Lucy Hall - NOAA Federal; Simon Monroe
Subject: NGS Response, STB Docket AB-290 (SUB NO. 351X)

Thank you for sharing your railroad abandonment environmental report for
LONE STAR, Botetourt County, VIRGINIA.

Approximately 00 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic station
marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

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No Stations Found.