

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (Sub-No. 775X)

April 11, 2018

RECOMMENDATION: Modify Section 106

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption to abandon a line of railroad in Clark, Floyd, Lawrence, Orange, and Washington Counties in Indiana. The line extends approximately 62.3 miles from Milepost 00Q251.7 near Bedford to Milepost 00Q314.0 near new Albany. Because the Section 106 process of the National Historic Preservation Act (NHPA) had not been completed at the time of the February 28, 2018 decision granting abandonment authority, a condition was imposed requiring CSXT to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the Section 106 process of the NHPA.

The Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) submitted correspondence dated March 19, 2018 (attached) indicating that no currently known archaeological resources eligible for inclusion in the National Register of Historic Places (NRHP) have been recorded within the area of the proposed abandonment. Archaeological site 12-Or-0618, a prehistoric campsite, is located immediately adjacent to the right-of-way and should be avoided by ground disturbing activities. It also appears that the Adkins Cemetery (CR-10-13), in Carr Township, Clark County, is adjacent to the right-of-way. CSXT's salvage activities would be confined to the existing right-of-way and would not involve ground disturbing activities. Therefore, salvage activities would have no impact on the prehistoric campsite or the cemetery.

The SHPO has indicated that three bridges on the line may meet the criteria of eligibility for inclusion in the NRHP. The bridges are located at Mileposts 282.2 (site #175-567-26148), 284.9, and 289.8. The B&O Passenger Station (CSX Railroad Office) in Mitchell (site #093-416-42067) also may meet the criteria of eligibility due to its historical and architectural significance. The Orleans Historic District and the Salem Downtown Historic District are within the probable area of potential effects and are listed in the NRHP.

CSXT has requested that the Board amend its February 28, 2018 decision to allow it to conduct salvage activities on the line in areas where no historic resources are located. Following CSXT's request, OEA consulted with the SHPO. The SHPO has indicated that it does not have concerns regarding salvage activities on the line in areas where there are no historic resources located. Accordingly, OEA recommends modifying the Section 106 condition so that CSXT can conduct salvage activities on the line in areas where no historic resources are located.

Conclusions

For the reason stated above, OEA recommends that the Board modify the Section 106 condition that was imposed in the February 28, 2018 decision as follows:

CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of the bridges located at Mileposts 282.2, 284.9, and 289.8; the B&O Passenger Station in Mitchell; and all historic properties including sites, buildings, structures, and objects (including tracks and ties) within the project right-of-way (the Area of Potential Effect) in the Orleans and Salem Downtown Historic Districts that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) and the public. CSXT may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

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

OEA CONTACT: Kenneth Blodgett





Indiana Department
of Natural Resources

Eric Holcomb, Governor
Cameron F. Clark, Director

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



March 19, 2018

Melanie Yasbin
Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, Maryland 21204

Federal Agency: Surface Transportation Board

Re: Response to request for additional project information concerning the abandonment of 62.3 miles of rail line between milepost 00Q251.7 and milepost 00Q314.0 [STB Docket No. AB-55 (Sub-No. 775X) (DHPA #21934)]

Dear Ms. Yasbin:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) 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 January 18, 2018 and received on January 22, 2018, for the above indicated project in Clark, Floyd, Lawrence, Orange and Washington Counties, Indiana.

Thank you for the additional information. We understand that, due to regular track maintenance and lack of information, it is currently unknown as to if any portions of the track are over 50 years of age.

As previously stated, in terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. However, archaeological site 12-Or-0618, a prehistoric campsite, is located immediately adjacent to the proposed project area and should be avoided by ground disturbing activities. It appears that the Adkins Cemetery (CR-10-13), in Carr Township, Clark County, Indiana is adjacent to the project area. Please be aware of the cemetery development plan requirements in Indiana Code 14-21-1-26.5 (<http://www.in.gov/legislative/ic/code/title14/ar21/ch1.html>) regarding any proposed ground disturbance within 100 feet of a cemetery.

As previously stated, in regard to buildings and structures, we have noted the following structures within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

Bridge 282.2 (site #175-567-26148)
Bridge 284.9
Bridge 289.8

Additionally, we have identified the following property within the probable area of potential effects, and we believe that it meets the criteria of eligibility for inclusion in the National Register of Historic Places due to its historical and architectural significance:

B & O Passenger Station (CSX Railroad Office) in Mitchell, (site #093-416-42067)

Furthermore, we have identified the following properties listed in the National Register of Historic Places within the probable area of potential effects:

Orleans Historic District, listed September 24, 2009
Salem Downtown Historic District, listed October 10, 1997 --[the limestone embankment constructed for the Louisville New Albany and Salem Railroad in the 1850's is the southwest boundary and is a contributing resource to the district representing some of the earliest construction in the district.]

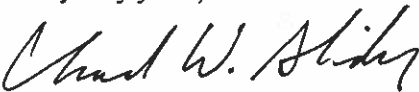
We are pleased to learn that CSXT will consider donating salvageable semaphore signals to a museum. Please see the attached email correspondence from my colleague, John Carr, with several potential locations for CSX to contact. Please provide our office with information regarding the salvaged materials and correspondence with a museum, when available.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

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 about archaeological issues please contact Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.IN.gov. If you have questions about buildings or structures please contact Kim Marie Padgett at (317) 234-6705 or kpadgett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #21934.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:RAS:ras

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board

Blodgett, Kenneth

EI-26273

From: Padgett, Kim Marie <KPadgett@dnr.IN.gov>
Sent: Thursday, April 05, 2018 11:04 AM
To: Blodgett, Kenneth
Subject: RE: AB 55 (Sub-No. 775X), DHPA #21934

Hi Ken,

I shared this with our Assistant Director of Environmental Review and we both agreed the condition appears to be appropriate. Thank you for drafting and sharing the language with us. Please let us know if we can be of further assistance.

Kim Marie Padgett
Historic Structures Reviewer
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 W. Washington St., Rm W274
Indianapolis, IN 46204

From: Blodgett, Kenneth [mailto:Kenneth.Blodgett@stb.gov]
Sent: Thursday, April 05, 2018 9:23 AM
To: Padgett, Kim Marie <KPadgett@dnr.IN.gov>
Subject: AB 55 (Sub-No. 775X), DHPA #21934

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Following further discussions with CSCT and as discussed with you, I would like to recommend that the Board modify the previously imposed Section 106 condition as follows:

CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of the bridges located at Mileposts 282.2, 284.9, and 289.8; the B&O Passenger Station in Mitchell; and all historic properties including sites, buildings, structures, and objects (including tracks and ties) within the project right-of-way (the Area of Potential Effect) in the Orleans and Salem Downtown Historic Districts that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) and the public. CSXT may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

This modification would protect historic resources while allowing CSXT to proceed to salvage materials from the line in areas where no historic resources are located.

CSXT's salvage activities would be confined to the existing right-of-way and would not involve ground disturbing activities. Therefore, salvage activities would have no impact on the prehistoric campsite or the cemetery.

With your concurrence I will move forward on this modification, which would begin with me sending the Board's Office of Proceedings (OP) a memo with the recommendation, OP drafting a decision for Board consideration, and if approved, the issuance of a Board decision imposing this new condition.

Thanks for your help. Feel free to give me a call if you would like to discuss.

Ken Blodgett
202-245-0305