

#EO-2815

**SURFACE TRANSPORTATION BOARD  
OFFICE OF ENVIRONMENTAL ANALYSIS**

**FINAL ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN  
DOCKET NO. AB 6 (SUB-NO. 493X)

August 2, 2016

**ABANDONMENT TYPE**

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

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

( ) **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, BNSF Railway Company (BNSF) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 0.89 miles of rail line on the Lumber District Lead in Cook County, Illinois. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on July 1, 2016 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 on the EA**

OEA received one comment during the 31-day comment period. By e-filing dated July 18, 2016, the Miami Tribe of Oklahoma commented that it has no record of cultural or historic resources within the area of the proposed abandonment, but did request to be immediately notified if any unanticipated archaeological sites, human remains, or Native American cultural items are discovered during the salvage process, as the area is part of its ancestral homeland. Accordingly, OEA has recommended condition 3 in response to this request.

**Conclusions**

The EA comment period has ended. Accordingly, OEA recommends that the following three conditions should be imposed upon any decision granting abandonment authority. The conditions are:

1. BNSF Railway Company (BNSF) shall contact the U.S. Fish and Wildlife Service (USFWS) to discuss potential impacts to any federally listed endangered, threatened, or candidate species that may occur in the vicinity of the right-of-way. Should any protected species be identified that may be affected by salvage activities, BNSF shall identify the species, potential impacts, and consult with the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and USFWS to develop appropriate mitigation measures to avoid or reduce impacts to the protected species. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the consultation process with USFWS and OEA is complete and the Board has removed this condition.
2. To address the U.S. Army Corps of Engineers' concerns regarding the use of sediment and erosion control measures during salvage operations, BNSF shall use best management practices during salvage operations. These measures may include, but not be limited to, the installation and maintenance of erosion and sediment control devices in any areas involving the removal of vegetation.
3. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, BNSF shall immediately cease all work and notify OEA and the Illinois Historic Preservation Agency (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, BNSF, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

Attachment

OEA CONTACT: Diana Wood   
202-245-0302  
[woodd@stb.dot.gov](mailto:woodd@stb.dot.gov)

Distribution: Office of Proceedings  
OEA Chron  
ECT

# Surface Transportation Board

## Incoming Correspondence Record



#EI-25184

| E-Filing Correspondence Information |                         | Status: In Process                                 |                                                               |
|-------------------------------------|-------------------------|----------------------------------------------------|---------------------------------------------------------------|
| * Required Fields                   |                         | Recorded by <i>Diana Wood</i> on <i>07/18/2016</i> |                                                               |
| *Docket #:                          | AB 6 493 X              | Affiliation:                                       | Tribal Official/Member                                        |
| *Name of Sender:                    | Diane Hunter            | Letter Type:                                       | E-filing                                                      |
| Group:                              | Miami Tribe of Oklahoma |                                                    |                                                               |
| Attention Of:                       | Diana Wood              |                                                    |                                                               |
| *Date Received:                     | 07/18/2016              | NEPA Type:                                         | EA Comment                                                    |
| Date of Letter:                     | 07/18/2016              | In Public Docket?                                  | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| Group's Address:                    | P.O. Box 1326           |                                                    |                                                               |
|                                     |                         | Phone Number:                                      | 9185418966                                                    |
| Group's City:                       | Miami                   | Email Address:                                     | dhunter@miamination.com                                       |
| Group's State:                      | OK                      | Group's Zip Code:                                  | 74355-                                                        |

### Submitter's Comments

July 18, 2016

Re: Docket No. AB 6 (Sub-No. 493X)

Dear Ms. Wood:

Aya, kikwehsitoole. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966, or by email at [dhunter@miamination.com](mailto:dhunter@miamination.com) to initiate consultation.

The Miami Tribe requests to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter  
Tribal Historic Preservation Officer  
Miami Tribe of Oklahoma  
P.O. Box 1326  
Miami, OK 74355

### STB's Comments

### Image Attachment(s)

An attachment has not been added.