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**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 290 (Sub-No. 335X)
AND
DOCKET NO. AB 290 (SUB-NO. 340X)

September 27, 2013

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**

RECOMMENDATION: Remove Section 106 Condition and Add New Condition

In this proceeding, the Alabama Great Southern Railroad Company and the Tennessee, Alabama and Georgia Railway Company (jointly Applicants) filed a notice to abandon approximately 4.25 miles of interconnected rail line located in Gadsden, Etowah County, Alabama. Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), had not been completed at the time of the Board's April 3, 2013 decision, the Board imposed a condition requiring Applicants to: (a) retain their interest in, and take no steps to alter, the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Alabama Historical Commission (the State Historic Preservation Office or SHPO) and the public; and (c) not file a consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition.

New Comments On the Abandonment

Section 106 Condition

In a letter dated September 19, 2013, the SHPO submitted comments stating that the proposed abandonment should not affect any cultural resources that are listed or eligible for

listing on the National Register of Historic Places. Based on consultations with the SHPO and the Applicants, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places.¹ Accordingly, 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.

New Condition To Address Unanticipated Discoveries Of Archaeological Resources

In its September 19, 2013 letter, the SHPO also stated that if any artifacts or archaeological resources are uncovered during salvage activities, work in the area of the discovery should stop and further consultations should be undertaken. In response to the SHPO's concern regarding unanticipated discoveries of these resources, OEA is recommending that the Board impose the following new condition:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the Alabama Great Southern Railroad Company and the Tennessee, Alabama and Georgia Railway Company (jointly Applicants) shall immediately cease all work and notify the Board's Office of Environmental Analysis (OEA), appropriate federally-recognized tribes, and the Alabama Historical Commission (the State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether mitigation measures are necessary.

Conclusions

For the reasons stated above, OEA recommends that the Board: (1) remove the Section 106 condition that was imposed in the April 3, 2013 decision and (2) impose a new condition to address the SHPO's concerns regarding unanticipated discoveries of artifacts and archaeological resources. Condition 1, which requires consultation with the Alabama Department of Environmental Management and the City of Gadsden, remains unchanged. Accordingly, the conditions are as follows:

1. The Alabama Great Southern Railroad Company and the Tennessee, Alabama and Georgia Railway Company (collectively, Applicants) shall, prior to commencement of any salvage activities, consult with Alabama Department of Environmental Management and the City of Gadsden regarding their stormwater requirements and shall comply with their reasonable requirements.

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroads' Historic Report, all relevant correspondence, and the February 13, 2013 Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the Alabama Great Southern Railroad Company and the Tennessee, Alabama and Georgia Railway Company (collectively, Applicants) shall immediately cease all work and notify the Board's Office of Environmental Analysis (OEA), appropriate federally-recognized tribes, and the Alabama Historical Commission (the State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether 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.

OEA CONTACT: Diana Wood *DW*
202-245-0302
woodd@stb.dot.gov

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DW



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

September 19, 2013

TEL: 334-242-3184
FAX: 334-240-3477

Marcellus C. Kirchner
Norfolk Southern
Strategic Planning Department
Three Commercial Place
Norfolk, Virginia 23510-9207

Re: AHC 13-0200
STB Docket No. AB-290 (Sub-No. 335X)
STB Docket No. AB-290 (Sub-No. 340X)
Abandonments in Gadsden
Etowah County, Alabama

Dear Mr. Kirchner:

Upon review of the additional information provided by your office, we have determined that the proposed project should not affect any cultural resources listed on or eligible for the National Register of Historic Places (NRHP). Therefore, we concur with this project. However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately.

We appreciate your efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662 or by e-mail at Greg.Rhinehart@preserveala.org. Please have the AHC tracking number referenced above available and include it with any correspondence.

Sincerely,

Frank W. White
State Historic Preservation Officer

FWW/GCR/gcr