



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

Joshua Wayland to: RWimbish

02/21/2014 01:02 PM

Rob,

Thank you for passing along the NGS response. As you know, the condition is self-executing and does not require an formal action on behalf of the Board to remove. Since there appear to be no markers in the vicinity of the Line, OEA will remove the condition from the Final EA.

I have not heard anything from DHR for a couple of weeks; last time I spoke with Andrea Kampinen, on February 7, she had not yet received the requested information from NSR. I was unable to follow up with you before the issuance of the EA due to your and my travel schedules. I am still hopeful, however, that any historic concerns can be addressed prior to the issuance of the Final EA.

Regarding the new abandonment, what is DHR asking for at this point?

Best regards,

Josh Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
Tel: (202) 245-0330

RWimbish

Josh - I hope you had a productive trip out to Mo...

02/19/2014 06:02:23 PM

From: RWimbish@bakerandmiller.com
To: Joshua.Wayland@stb.dot.gov
Date: 02/19/2014 06:02 PM
Subject: Fw: NGS Response, STB Docket AB-290 (SUB NO. 351X)

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 form 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

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Rob,

Is this what you're looking for from NGS?

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-----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.

