

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB 32 (Sub-No. 85X) and AB 355 (Sub-No. 37X)

Recommendation to Remove Section 106 Condition

April 24, 2012

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:**

Background

OEA¹ served an Environmental Assessment (EA) for this proceeding on November 18, 2008 for public review and comment. In the EA, OEA recommended that two environmental conditions be imposed on any decision granting abandonment authority to the Boston & Maine Corporation (B&M). The two recommended conditions are as follows:

- 1. The Boston & Maine Corporation shall retain its 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 (the Area of Potential Effect) 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, 16 U.S.C. 470f, has been completed. The Boston & Maine Corporation shall report back to the Section of Environmental Analysis regarding any consultations with the Massachusetts State Historic Preservation Office and the public. The Boston & Maine Corporation may not file its 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 this condition.**
- 2. The Boston & Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

No comments were received during the comment period for the EA, and OEA issued a Final EA (then, Post EA) on December 8, 2008, in which it restated its recommendation that the two above conditions, previously recommended in the EA, be included in any decision granting

¹ OEA was then known as the Section of Environmental Analysis or SEA.

abandonment authority. Both conditions were subsequently imposed in the Board's decision served on December 10, 2008.

Resolution of Section 106 Condition:

The Massachusetts Historical Commission (MHC) wrote to the Applicants on May 12, 2008 instructing that they needed to identify any known historic or archaeological properties that could be affected by the proposed project using the "Inventory of Historic and Archaeological Assets" of the Commonwealth. Pan Am Railways, acting on behalf of B&M, conducted the inventory survey requested by MHC. The results of the survey were inconclusive, thus MHC suggested that Pan Am Railways contact the Lowell Historic Board to better determine if there would be any potential adverse effects from the proposed abandonment to any historic properties. MHC also recommended that B&M contact the Lowell National Historical Park regarding any historic preservation concerns it may have due to the park's close proximity to the subject line.

Pan Am Railways complied with MHC's recommendations and contacted both the Lowell Historic Board and the Lowell National Historical Park (see attached correspondence EI-18761). In its response, the Lowell Historic Board advised Pan Am Railways that the proposed abandonment was not located within any of 11 districts under its jurisdiction and that it had no concerns regarding the proposed action (see attached correspondence EI-18761). In a March 13, 2012 e-mail to Pan Am Railways, Peter J. Aucella, Acting Superintendent of Lowell National Historical Park, indicated that the area of the proposed abandonment was located well outside the confines of the National Park and not within an area of interest to the park (see attached correspondence EI-18855). Pan Am Railways forwarded copies of the above correspondence to MHC and OEA.

On March 29, 2012, OEA received a letter from MHC, in which it advised the Board to make a finding of "no historic properties affected" (36 CFR 800.4)(d)(1) based on the above findings as well as the results of the inventory research conducted by Pan Am Railways (see attached, EI-18864)." OEA subsequently sent a letter to MHC on March 26, 2012, affirming its decision to make a "no historic properties affected" finding for the proposed undertaking (see attached, EO-1880). MHC returned a copy of OEA's letter with a stamp of concurrence signed on April 5, 2012 (see attached, EI-18879).

Based on the above, OEA recommends that the Section 106 condition, currently imposed in this proceeding, be removed.

Recommendations:

OEA recommends that the following environmental condition be removed from the Board's decision granting abandonment authority:

The Boston & Maine Corporation shall retain its 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 (the Area of Potential Effect) 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, 16 U.S.C. 470f, has been completed. The Boston & Maine Corporation shall report back to the Section of Environmental Analysis regarding any consultations with the Massachusetts State Historic Preservation Office and the public. The Boston & Maine Corporation may not file its 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 this condition.

OEA also recommends that the National Geodetic Survey (NGS) condition, shown below, remain attached to any decision granting abandonment authority:

The Boston & Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

If the above recommendations are implemented, OEA believes that the proposed action will not significantly affect the quality of the human environment.

OEA CONTACT: Catherine Glidden 245-0293



PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

EI-18761

LEGAL DEPARTMENT (978) 663-1215

December 8, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Attn: Cathy Glidden, OEA
395 E Street, S.W.
Washington, DC 20024

**Re: Notice of Exemption Abandonment and Discontinuance - Boston and
Maine Corp. and Springfield Terminal Railway Company - Lowell
Industrial Track - AB 32 (Sub No. 85X) and AB 355 (Sub No. 37X)**

Dear Ms. Glidden:

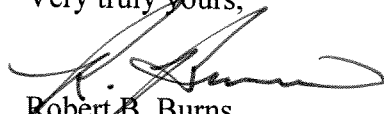
Pursuant to STB Decision dated December 10, 2008, in the above captioned matter, kindly consider this correspondence to serve as B&M's report considering its consultations with various historical boards regarding the above track.

On or about November 18, 2011, I visited the Massachusetts Historical Commission's ("MHC") office in Boston, Massachusetts and met with Mr. Edward L. Bell, Senior Archaeologist. After some brief investigation into the subject line, it was determined that due to the nature of the layout of the track and the way in which the historical sections/sites were delineated on the maps, it was impractical, if not impossible, to ascertain the effect, if any, that the track had within any historical zone. Therefore, Mr. Bell suggested I contact the Lowell Historical Board ("LHB"), and request any information they might have to assist in determining any effect the track might have within any historical zone.

Upon contacting the LHB, I was informed by Mr. Stephen Stowell, Administrator of the Lowell Historic Board that the subject track does not traverse through any of the 11 review districts in which the LHB has jurisdiction in. Mr. Stowell then referred me to consult with the MHC for sign-off purposes of Section 106. (See Attached Email from S. Stowell). I have also copied this letter to the MHC for further comment.

Should you have any questions in regard to this filing, please do not hesitate to contact the undersigned at (978) 663-1215. Thank you in advance for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Burns", written over the printed name.

Robert B. Burns
Corporate Counsel
Boston and Maine Corporation

Encls.

Cc: Edward L. Bell, Massachusetts Historical Commission
Stephen Stowell, Lowell Historic Board

Burns, Robert

From: Stowell, Stephen <Sstowell@lowellma.gov>
Sent: Thursday, December 08, 2011 9:51 AM
To: Burns, Robert
Subject: Local Historic Review - Lowell Industrial Track

Mr. Burns –

Thank you for your inquiry regarding the historic status of the Lowell Industrial Track. Please note that the track is not located within any of the 11 review districts that this agency has design review, approval, and permitting jurisdiction in. The Massachusetts Historical Commission would be able to provide guidance with regard to any National or State Register designations or eligibility. These comments do not represent a sign-off for purposes of Section 106 as the final determination regarding eligibility and effect must be made by the Massachusetts Historical Commission.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Preserve America Community

National Trust for Historic Preservation, National Preservation Honor Award

National Trust for Historic Preservation Distinctive Destination Community

Stephen Stowell
Administrator
Lowell Historic Board
Lowell City Hall
375 Merrimack Street
Lowell, MA 01852
(978) 674-1443
(978) 970-4262 fax
Sstowell@lowellma.gov
www.historiclowell.net

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The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

May 12, 2008

Michael Q. Geary, Esq.
Springfield Terminal Railroad Company
Boston & Maine Corporation
1700 Iron Horse Park
Springfield, MA 01862

RE: Lowell, MA: Abandonment & Discontinuance of Service Over Lowell Industrial Track AB 32 (Sub No. 85X) AB 355 (Sub No. 37X). MHC #RC.44156.

Dear Mr. Geary:

Thank you for your inquiry to the Massachusetts Historical Commission concerning the proposed undertaking referenced above.

You are welcome to visit the MHC during business hours to conduct your research concerning the presence of any inventoried historic and archaeological properties in the area of potential effect, using the Inventory of Historic and Archaeological Assets of the Commonwealth. Directions and hours are on MHC's website (URL at the bottom of this page).

MHC also recommends that you provide the project information and the results of your research to the Lowell Historic Board for their review and comment, and provide the Surface Transportation Board and MHC with copies of any comment.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800), MGL c. 9, ss. 26-27C (950 CMR 71), and MEPA (301 CMR 11).

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward L. Bell", written over a circular stamp or seal.

Edward L. Bell
Senior Archaeologist
Massachusetts Historical Commission

xc:

Surface Transportation Board
Lowell Historic Board

**FW: Lowell Industrial Track Map****Burns, Robert** to: Catherine.Glidden@stb.dot.gov

03/13/2012 03:09 PM

From: "Burns, Robert" <rburns@panam.com>

To: "Catherine.Glidden@stb.dot.gov" <Catherine.Glidden@stb.dot.gov>

History: This message has been replied to.

1 attachment



Lowell Indstrl Track MAP.pdf

Dear Catherine:

Below, please see Peter Aucella's (Superintendent of Lowell National Historical Park) response regarding the Lowell Industrial Track.

I suspect this should wrap things up with regard to the 106 process. Please let me know as soon as possible if you need anything further from me as my client views this abandonment to be a top priority.

Thank you,

Bob

Robert B. Burns
Corporate Counsel
Pan Am Railways
1700 Iron Horse Park
No. Billerica, MA 01862
978-663-1215
rburns@panam.com

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

From: Peter_Aucella@nps.gov [mailto:Peter_Aucella@nps.gov]

Sent: Tuesday, March 13, 2012 1:41 PM

To: Burns, Robert

Subject: Re: Lowell Industrial Track Map

Bob:

Now that I see the location, it is evident that the locations to be abandoned are entirely outside of the Lowell National Historical Park and Preservation District and does not involve any known historic properties of interest to the National Park.

Please let me know if you have further questions.

Peter J. Aucella
Acting Superintendent

Lowell National Historical Park
67 Kirk Street
Lowell, MA. 01852
978-275-1722 tel.

"Burns, Robert"
<rburns@panam.com
>

03/13/2012 01:22
PM

"peter_aucella@nps.gov"
<peter_aucella@nps.gov>

To

cc

Subject

Lowell Industrial Track Map

Dear Peter:

I received your v-mail message and appreciate your prompt response. I have attached a map of the Lowell Industrial Track that we are attempting to abandon for your review and comment.

Thank you again for your assistance.

Best Regards,

Bob

Robert B. Burns
Corporate Counsel
Pan Am Railways
1700 Iron Horse Park
No. Billerica, MA 01862
978-663-1215
rburns@panam.com

(Embedded image moved to file: pic27372.jpg)Description: smPAAlogo

(See attached file: Lowell Indstrl Track MAP.pdf)



EI-18864

CG

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

March 20, 2012

Catherine Glidden
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Lowell, MA: Abandonment & Discontinuance of Service Over Lowell Industrial Track AB 32 (Sub No. 85X) AB 355 (Sub No. 37X). MHC #RC.44156.

Dear Ms. Glidden:

The Massachusetts Historical Commission (MHC), office of the State Historic Preservation Officer, received additional information concerning the proposed undertaking referenced above. The information indicates that the Lowell National Historic Park has no concerns about the undertaking.

The MHC recommends that the Surface Transportation Board make a finding of "no historic properties affected" (36 CFR 800.4(d)(1)) for this federal undertaking.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Bell", written over a horizontal line.

Edward L. Bell
Technical Services Division
Massachusetts Historical Commission

xc:

Robert B. Burns, PanAm Railways
Peter J. Aucella, NPS
Lowell Historic Board



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

March 26, 2012

Edward L. Bell
Technical Services Division
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125

RE: Abandonment and Discontinuance of Service in STB Finance Docket No. AB 32 (Sub-No. 85X) and AB 355 (Sub-No. 37X) – Boston and Maine Corporation and Springfield Terminal Railway Company, Lowell Industrial Track

Dear Mr. Bell

The Surface Transportation Board's Office of Environmental Analysis (OEA) has made a finding of "no historic properties affected" (36 CFR 800.4(d)(1)) in the above proceeding. The proposed action consists of the abandonment and discontinuance of service of a 1.27-mile rail line located in Lowell, Massachusetts. The Board's approval of the proposed action is an undertaking subject to Section 106 of the National Historic Preservation Act.

The Board's "no historic properties affected" finding is based on research conducted by the applicant(s), and the opinions of the Lowell Historical Society, the Lowell National Historical Park, and your office, who find that the undertaking would not affect historic properties.

If you have any questions or need additional information to support our finding, please feel free to contact me at 202-245-0293.

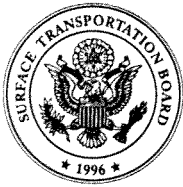
Sincerely,

Catherine Glidden
Environmental Protection Specialist

Cc: Robert B. Burns

APR 23 2012

MAR 28 2012



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

MASS. HIST. COMM

44156

Office of Environmental Analysis

March 26, 2012

Edward L. Bell
Technical Services Division
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125

RE: Abandonment and Discontinuance of Service in STB Finance Docket No. AB 32 (Sub-No. 85X) and AB 355 (Sub-No. 37X) – Boston and Maine Corporation and Springfield Terminal Railway Company, Lowell Industrial Track

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If you have any questions or need additional information to support our finding, please feel free to contact me at 202-245-0293.

Sincerely,

Catherine Glidden
Environmental Protection Specialist

Cc: Robert B. Burns

CONCURRENCE:

BRANA SIMON
STATE HISTORIC
PRESERVATION OFFICER
MASSACHUSETTS
HISTORICAL COMMISSION

4/5/12