241345
241346

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ENTERED
Office of Proceedings
August 24, 2016
Part of
Public Record

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

August 24, 2016

BY HAND DELIVERY
Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Kalamazoo, Michigan, AB-290 (Sub-No. 385X), Grand Elk Railroad, L.L.C. – Discontinuance of Service Exemption – In Kalamazoo, Michigan, AB-1246X

Dear Ms. Brown:

Enclosed are an original and eleven copies of a joint Verified Notice of Exempt Abandonment and Discontinuance to permit Norfolk Southern Railway Company ("NSR") to abandon and Grand Elk Railroad, L.L.C. ("GDLK") to discontinue its rail common carrier obligation over an approximately 0.1 mile rail line extending from milepost IJ 44.6 to milepost IJ 44.7 in Kalamazoo, Michigan.

Please acknowledge receipt and filing of this Notice by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of $7,800.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com.

Sincerely,

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company and Grand Elk Railroad, L.L.C.

FEE RECEIVED
August 24, 2016
SURFACE
TRANSPORTATION BOARD

Enclosures
cc: Greg Summy, Laura Hoag, LaWada Poarch

F I L E D
August 24, 2016
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

Greg Summy
General Attorney
NORFOLK SOUTHERN CORPORATION
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Norfolk, Virginia 23510
Tel: (757) 533-4890
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William A. Mullins
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Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway Company & Grand Elk Railroad, L.L.C.

August 24, 2016

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

Norfolk Southern Railway Company ("NSR") and Grand Elk Railroad, L.L.C. ("GDLK")[1] hereby jointly submit a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon and GDLK to discontinue its rail common carrier obligation over an approximately 0.1 mile rail line extending from milepost IJ 44.6 to milepost IJ 44.7 in Kalamazoo, Michigan (referred to herein as the "Line").[2]

---

[1] GDLK has given NSR consent to file for discontinuance of its lease operation over the 0.1 mile rail line on GDLK's behalf.

[2] The Line was part of a lease agreement between NSR and GDLK that included milepost IJ 44.3 to milepost IJ 44.7 (CK&S Industrial Track). Grand Elk Railroad, L.L.C.–Lease and Operation Exemption–Norfolk Southern Railway Company, FD 35187 (STB served Nov. 17, 2008). The small section from IJ 44.6 to IJ 44.7 is not necessary for rail operations. Thus, GDLK is seeking discontinuance authority and NSR is seeking abandonment authority over the Line.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR and GDLK provide the following information in support of this joint notice of abandonment and discontinuance of service.

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment and discontinuance under the exemption provisions of 49 C.F.R. part 1152, subpart F. See Certification of C.R. Comstock, General Manager Northern Region, Norfolk Southern Railway Company attached hereto and made part hereof as Exhibit A. During the past two years, neither GDLK nor NSR has provided local or overhead common carrier service over the Line, nor has either railroad received any requests for common carrier service over it. Furthermore, no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board ("Board") or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after October 13, 2016 (50 days after filing the Notice).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicants (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company and Grand Elk Railroad, L.L.C.

Whether applicants are common carriers by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR and GDLK are common carriers by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

GDLK and NSR have determined that the approximately 0.1-mile rail line extending from milepost IJ 44.6 to milepost IJ 44.7 in Kalamazoo, Michigan is not necessary for rail operations. Therefore, GDLK is invoking the two-year-out-of-service class exemption procedures to discontinue rail service and be relieved of its common carrier obligation over the Line; and, NSR is simultaneously invoking two-year-out-of-service class exemption procedures to abandon the Line, rather than to assume primary responsibility to provide common carrier service over it following GDLK's proposed discontinuance.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicants' representatives (49 C.F.R. § 1152.22(a)(7)):

NSR's and GDLK's representatives to whom correspondence regarding these proceedings should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line traverses United States Postal Zip Code territories 49007 and 49001.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR has fee simple title interest to the right-of-way underlying the Line proposed for abandonment. Thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it. Currently, NSR is in discussions to sell the underlying right-of-way to Treystar Holdings, LLC.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of GDLK and NSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports applicable to rail line abandonments as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a combined Environmental and Historic Report ("E&HR") in anticipation of the proposed abandonment of the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Greg Summy
General Attorney
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872



William A. Mullins
Crystal M. Zorbaugh
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Suite 300
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Tel: (202) 663-7820
Fax: (202) 663-7849

August 24, 2016

Attorneys for Norfolk Southern Railway Company and Grand Elk Railroad, L.L.C.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to file for discontinuance of Grand Elk Railroad (GDLK) operations at the same time and to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this twenty-ninth day of July, 2016.



John H. Friedmann
Vice President

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT A

NSR CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

C. R. Comstock makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the rail line between Mileposts IJ 44.6 and IJ 44.7, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

C. R. Comstock

Subscribed and sworn to before me
this 4th day of April, 2016.

Notary Public

My commission expires:

2/19/2020

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

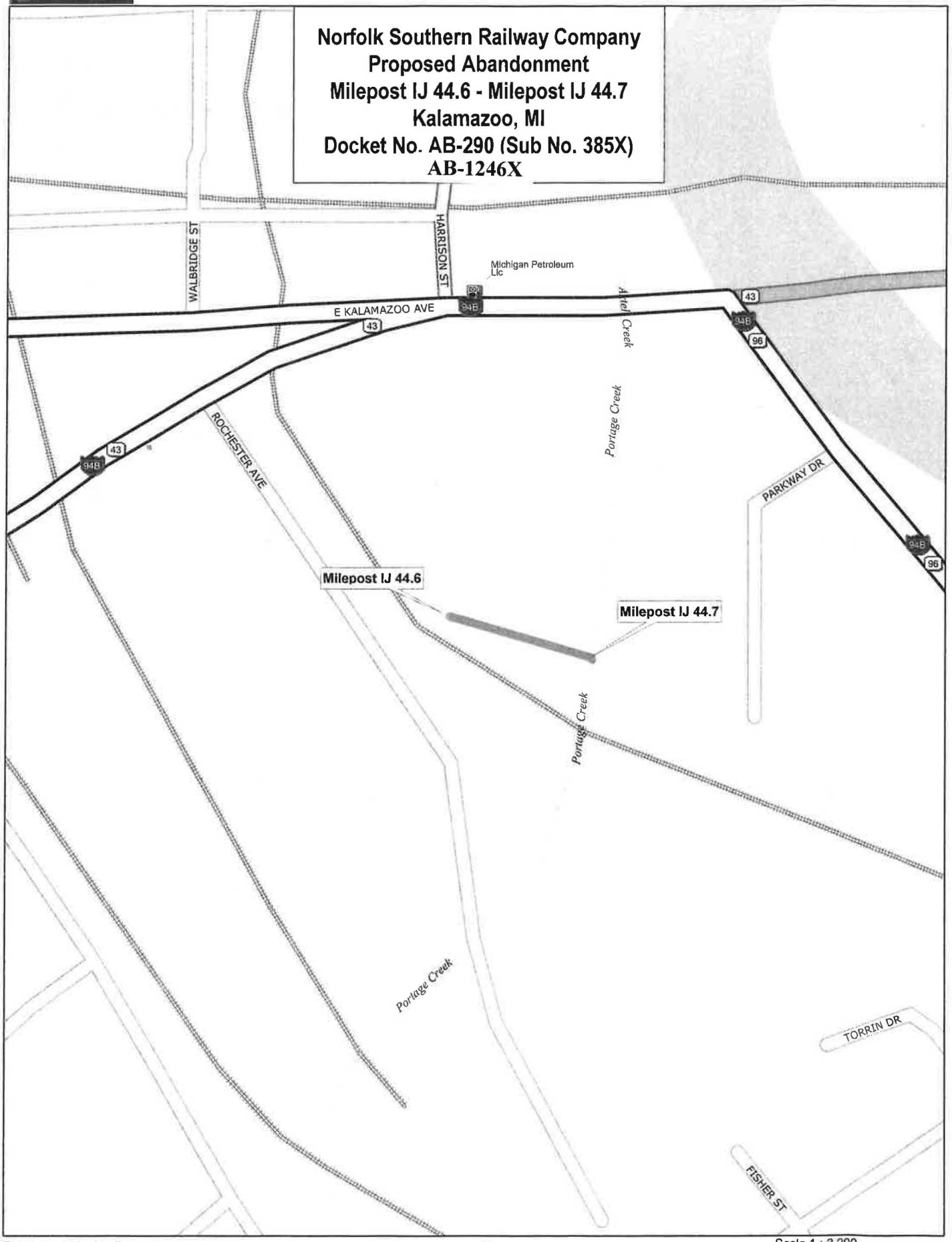
AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT B

MAP



Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2011.
www.delorme.com

TN
MN (6.7°W)

Scale 1 : 3,200
1" = 266.7 ft
Data Zoom 16-0

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on August 4, 2016, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of the intent of Norfolk Southern Railway Company ("NSR") and Grand Elk Railroad, L.L.C. ("GDLK") to invoke the Board's notice of exemption procedures for NSR to abandon and GDLK to discontinue common carrier operations over approximately 0.1 miles of rail line located in Kalamazoo, Michigan. I also certify that the Line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Michigan Department of Transportation
Office of Rail
425 West Ottawa Street
PO Box 30050
Lansing, MI 48909

Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439

August 24, 2016

Crystal M. Zorbaugh
Attorney for Norfolk Southern
Railway Company and Grand Elk Railroad, L.L.C.

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Joint Notice of Intent to Discontinue Rail Service and to Abandon Line of Railroad" was published in the form prescribed by the Board for abandonment and discontinuance notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on August 7, 2016, in The Kalamazoo Gazette, a newspaper of general circulation in Kalamazoo, Michigan.

August 24, 2016

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company
and Grand Elk Railroad, L.L.C.

Attachment 1 -

Affidavit of Publication and Tear Sheet from The Kalamazoo Gazette Paper

STATE OF MICHIGAN)
County of Kalamazoo ss Shawn Sutton

Being duly sworn deposes and say he/she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days)

August 7 A.D. 20 16

Sworn to and subscribed before me this 24th day of August 2016

Marietta Foley

MARIETTA FOLEY
Notary Public, State of Michigan
County of Kent
My Commission Expires: December 23, 2016

NOTICE OF INTENT TO ABANDON AND DISCONTINUE RAIL SERVICE
AB-290 (Sub-No. 385X)
AB-1246X

Norfolk Southern Railway Company ("NSR") and Grand Elk Railroad, L.L.C. ("GDLK") give notice that on or about August 16, 2016, NSR and GDLK intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a jointly-filed notice of exemption pursuant to 49 C.F.R Part 1152 Subpart F - Exempt Abandonments and Discontinuances of Service and Trackage Rights permitting NSR to abandon and GDLK to discontinue lease operations over approximately 0.1 miles of rail line extending from milepost IJ 44.6 to milepost IJ 44.7 in Kalamazoo, Michigan (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territories 49007 and 49001. There are no customers served on the Line, which has been out of service for over two years. These proceedings have been docketed as AB-290 (Sub-No. 385X) and AB-1246X.

The proposed action entails the abandonment and discontinuance of rail service over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFAs, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 385X) was mailed via first class mail on April 8, 2016 to the following parties:

Mayor Bobby J. Hopewell
City of Kalamazoo
Kalamazoo City Hall
241 West South Street
Kalamazoo, MI 49007

Mr. James Ritsema, City Manager
Kalamazoo City Hall
241 West South Street
Kalamazoo, MI 49007

United States Army Corps of Engineers
Detroit District Headquarters
477 Michigan Avenue
Detroit, MI 48226

United States Fish and Wildlife Service
Midwest Region 3
East Lansing Field Office
2651 Coolidge Road
East Lansing, MI 48823

Mr. Garry Lee, State Conservationist
USDA NRCS State Office
3001 Coolidge Road, Suite 250
East Lansing, MI 48823

US EPA – Region 5
77 West Jackson Boulevard
Mail Code R-19J
Chicago, IL 60604

Michigan Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

Ms. Ronda Wuycheck, Chief
Michigan Coastal Zone Management Program
Office of the Great Lakes
P.O. Box 30473
Lansing, MI 48909

Mr. Brian D. Conway, Officer
Michigan State Historic Preservation Office
P.O. Box 30740
Lansing, MI 48909

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

Laura Hoag
Laura Hoag
April 8, 2016

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED ABANDONMENT

BETWEEN MILEPOST IJ 44.6 AND MILEPOST IJ 44.7

IN KALAMAZOO, MICHIGAN

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 0.1 miles of rail line between Milepost IJ 44.6 and Milepost IJ 44.7 in Kalamazoo, Michigan.

April 8, 2016

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: NSR proposes to abandon 0.1 miles of rail line between Mileposts IJ 44.6 and IJ 44.7 (the "Line") in Kalamazoo, Michigan. There are no customers served on the Line to be abandoned.

Following abandonment, NSR will convey the right-of-way to Treystar Holdings, LLC, which will be responsible for salvaging the Line's rail and related track material and removing the only bridge on the Line. Salvage will consist of removing the rail and track material from the existing roadbed and bridge at Portage Creek. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There is one bridge on the Line located approximately at Milepost IJ 44.65 at Portage Creek.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the City of Kalamazoo ("the City"), which was asked to comment on the consistency of the proposed abandonment with existing land use plans. The City concluded this proposal will not negatively impact land use. A copy of the City's response letter is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service ("USDA NRCS"). The USDA NRCS states that this proposal will have no negative impact on prime and/or unique farmland. A copy of the USDA NRCS response letter is attached as part of **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the Michigan Coastal Zone Management Program. NSR has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan. Comments were received from Michigan Department of Environmental Quality ("MDEQ"), Water Division. Copies of MDEQ responses are attached as part of **Appendix C**.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The railroad has fee title to the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s).

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be

affected by the abandonment. There is no rail freight or passenger traffic originating or terminating on the Line.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected

increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:
(i) An incremental increase in noise levels of three decibels Ldn or more; or
(ii) An increase to a noise level of 65 decibels Ldn or greater.
If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS lists four threatened or endangered species and no critical habitats within project area. A copy of the USFWS response letter and official species list is attached as part of **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There is one

National Pollutant Discharge Elimination System permit – will be required. There is one bridge on the Line. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the MDEQ and from the regional Environmental Protection Agency office ("EPA Region 5"). EPA Region 5 had no comments. A copy of its response is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers ("USACE"). USACE states a separate authorization from the USACE is not required. Copies of its responses are attached as part of **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be

required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from EPA Region 5 and MDEQ. MDEQ is not opposed to this proposal. A copy of its response is attached as part of **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. Once abandonment authority has been granted, NSR will execute an agreement with Treystar Holdings, LLC, to assure that Treystar Holdings, LLC complies with all reasonable mitigation efforts and salvaging conditions for the Line, as imposed by the Board.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon 0.1 miles of Line between Mileposts IJ 44.6 and IJ 44.7 in Kalamazoo, Michigan. There are no customers served on the Line to be abandoned.

Following abandonment, NSR will convey the right-of-way to Treystar Holdings, LLC, which will be responsible for salvaging the Line's rail and related track material and removing the only bridge on the Line. Salvage will consist of removing the rail and track material from the existing roadbed and bridge at Portage Creek. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. There is one bridge on the Line located approximately at Milepost IJ 44.65 at Portage Creek.

This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. A map depicting the Line proposed for

abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** - Map was furnished to the Michigan State Historic Preservation Office.

(2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.

(3) **Photographs** – There is one bridge on the Line. Pictures were furnished to the Michigan State Historic Preservation Office.

(4) **Date of Construction of Structures** – The structure has two spans, with an open deck, I-Beam on framed bents with stone and concrete abutments. Length and date of construction are unknown.

(5) **History of Operations and Changes Contemplated** – The 0.1 mile line, which is the subject of this proposed abandonment extends from Milepost IJ 44.6 to Milepost IJ 44.7 in Kalamazoo, Michigan.

In 1883, the Chicago, Kalamazoo and Saginaw Railway (CK&S) was incorporated. In 1886, the construction begun on the Line from Kalamazoo to Hastings and was completed in 1888. In 1906, control of the CK&S was assigned to the Michigan Central Railroad. In 1930, the New York Central Railroad assumed control of the Michigan Central. In 1968, the Pennsylvania Railroad and the New York Central merged to form the Penn Central Transportation Company which went bankrupt in 1970. In 1976, the Penn Central, along with several other bankrupt railroads, was

reorganized into the Consolidated Rail Corporation known as Conrail. On April 1, 1976, Conrail commenced operations and assumed control of the Line following the bankruptcy of Penn Central. In 1999, NSR assumed control of the Line..

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – While plans may be available for the structure on the Line, it is most likely that any such plans are standard plans used for the construction of similar structures.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There is one structure on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line in the course of track salvage.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

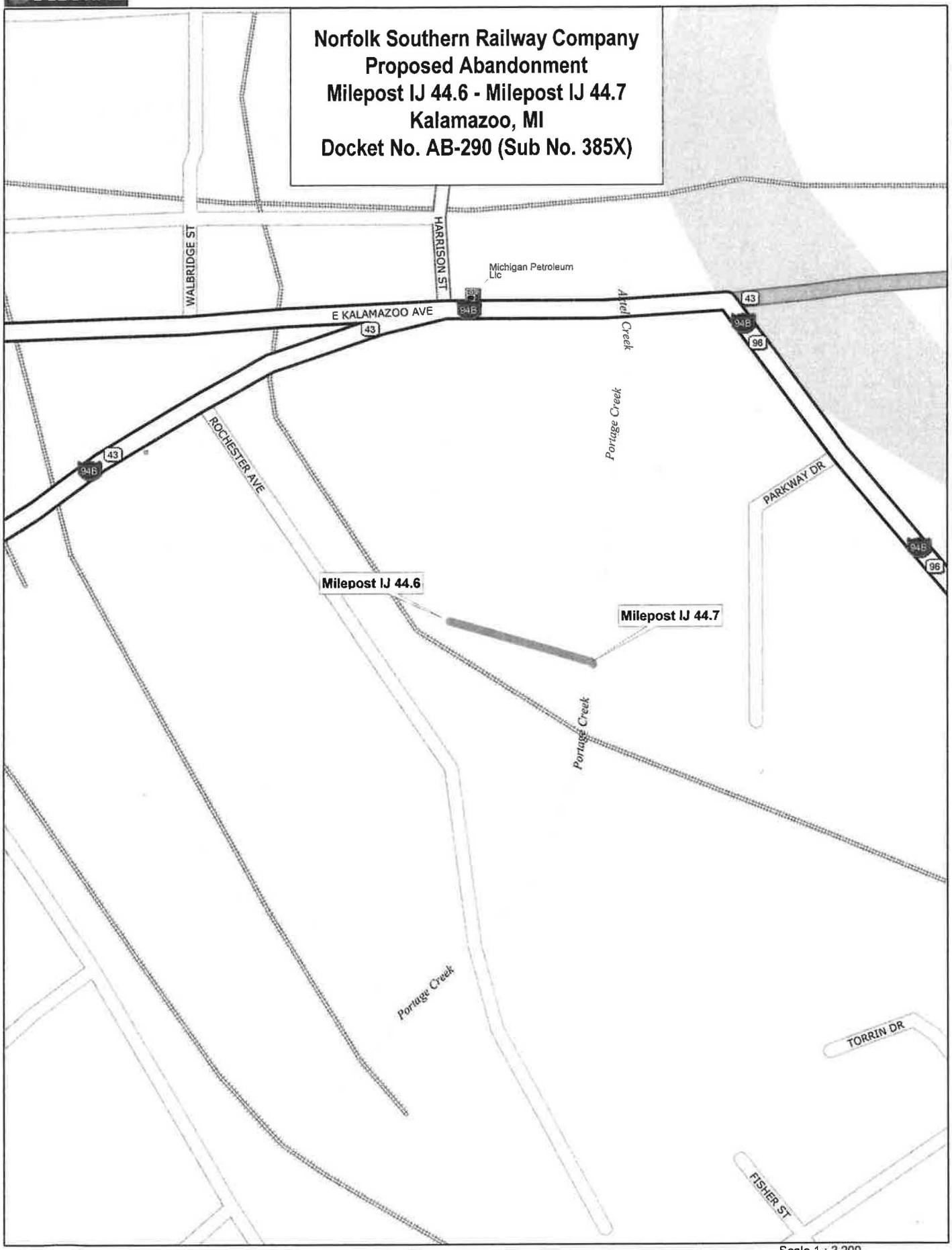
(9) Follow-Up Information - Additional information will be provided as appropriate.



Bridge at Milepost IJ 44.65

Photographs Furnished to the Michigan State Historic Preservation Office

APPENDIX A
Site Map



Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2011.
www.delorme.com

TN

Scale 1 : 3,200

0 80 160 240 320 400
0 20 40 60 80 100

1" = 266.7 ft Data Zoom 16-0

APPENDIX B
Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment on the segment of rail line between IJ 44.6 and IJ 44.7 in Kalamazoo, MI, a distance of 0.1 miles.

Mayor Bobby J. Hopewell
City of Kalamazoo
Kalamazoo City Hall
241 West South Street
Kalamazoo, MI 49007

Mr. James Ritsema, City Manager
Kalamazoo City Hall
241 West South Street
Kalamazoo, MI 49007

United States Army Corps of Engineers
Detroit District Headquarters
477 Michigan Avenue
Detroit, MI 48226

United States Fish and Wildlife Service
Midwest Region 3
East Lansing Field Office
2651 Coolidge Road
East Lansing, MI 48823

Mr. Garry Lee, State Conservationist
USDA NRCS State Office
3001 Coolidge Road, Suite 250
East Lansing, MI 48823

US EPA – Region 5
77 West Jackson Boulevard
Mail Code R-19J
Chicago, IL 60604

Michigan Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

Ms. Ronda Wuycheck, Chief
Michigan Coastal Zone Management Program
Office of the Great Lakes
P.O. Box 30473
Lansing, MI 48909

Mr. Brian D. Conway, Officer
Michigan State Historic Preservation Office
P.O. Box 30740
Lansing, MI 48909

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)

APPENDIX C
Agency Responses

Brownfield Redevelopment Authority
241 W. South Street
Kalamazoo, MI 49007
Phone 269.337.8082 | Fax 269.337.8182
COKeconomicdevelopment@kalamazoocity.org
www.kzoobiz.org

May 6, 2016

LaWanda Poarch
Abandonments Coordinator
Strategic Planning – 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

RE: Docket No. AB-290 (Sub-No.385X), Norfolk Southern Railway Abandonment – in Kalamazoo, Michigan

Dear Ms. Poarch:

The City of Kalamazoo has reviewed the proposed Norfolk Southern Railway Company Abandonment in Kalamazoo, MI. This review was conducted with respect to the effect(s) that the proposal may have on existing and future land use. We have concluded that this proposal will not negatively impact land use in the City.

Should the scope of the project change to where expansion will occur, please resubmit the proposal for our review.

Sincerely,

Jerome Kisscorni
Assistant City Manager/ED Director

USDA
United States Department of Agriculture

Natural
Resources
Conservation
Service

Michigan State Office

3001 Coolidge Road
Suite 250
East Lansing, MI
48823-6321

Telephone:
(517) 324-5270
Fax:
(855) 701-4363

www.mi.nrcs.usda.gov

February 23, 2016

LaWada Poarch
Abandonments Coordinator
Strategic Planning – 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

The Natural Resources Conservation Service (NRCS) under Part 523 of the Farmland Protection Policy Act has reviewed the proposed Norfolk Southern Railway Company Abandonment in Kalamazoo, MI. This review was conducted with respect to the effect(s) that the proposal may have on prime and/or unique farmland. Since the area of the proposed project extent is not outside the existing railroad right-of-way, we have concluded that this proposal will have no negative impact on prime and/or unique farmland.

Should the scope of the project change to where expansion will occur, please resubmit the proposal for our review.

Sincerely,

GARRY LEE
State Conservationist

cc:
Jean Gagliardo, District Conservationist, NRCS, Portage, MI
Eddie Glover, Area Conservationist, NRCS, Grand Rapids, MI

USDA is an equal opportunity provider and employer.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

March 27, 2016

Ms. LaWada Poarch
Strategic Planning – 12th Floor
Norfolk Southern Corp
3 Commercial Place
Norfolk, VA 23510

Dear Ms. Poarch:

Subject: Federal Consistency Determination, Norfolk Southern Railway Company Rail Abandonment, Docket No AB-290 (Sub No 385X), Kalamazoo, Michigan

Staffs of the Geological and Land Management Division and the Environmental Science and Services Division have reviewed this phase of the project for consistency with Michigan's Coastal Management Program (MCMP), as required by Section 307 of the Coastal Zone Management Act, PL 92-583, as amended (CZMA). Thank you for providing the opportunity to review this proposed activity.

Our review indicates that this project is located outside of Michigan's coastal management boundary. No adverse impacts to coastal resources are anticipated from this proposed activity as described in the information you forwarded to our office. Therefore, this phase of the project is consistent with MCMP.

This consistency determination does not waive the need for permits that may be required under other federal, state or local statutes. Please call me if you have any questions regarding this review.

Sincerely,

Chris Antieau
Great Lakes Shorelands Unit
Water Resources Division
517-290-5732

Poarch, Lawada G.

From: Klang, Jennifer (DEQ) <KlangJ@michigan.gov>
Sent: Friday, March 04, 2016 1:18 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 385X)

Ms. Poarch:

We are not opposed to this project and have no comment at this time.

Regards,

Jen Klang
Environmental Quality Analyst
MDEQ, Water Resources Division
7953 Adobe Road, Kalamazoo, MI 49009
Ph: 269-568-2697 | Fax: 269-567-3555
klangj@michigan.gov

United States Department of the Interior

FISH AND WILDLIFE SERVICE
East Lansing Ecological Services Field Office
2651 COOLIDGE ROAD SUITE 101
EAST LANSING, MI 48823
PHONE: (517)351-2555 FAX: (517)351-1443
URL: www.fws.gov/midwest/endangered/section7/s7process/step1.html

Consultation Code: 03E16000-2016-SLI-0279 March 21, 2016
Event Code: 03E16000-2016-E-00364
Project Name: Kalamazoo County, MI

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Fish and Wildlife Service if they determine their project may affect listed species or critical habitat.

There are several important steps in evaluating the effects of a project on listed species. Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at http://www.fws.gov/midwest/endangered/section7/s7process/index.html. This website contains step-by-step instructions to help you determine if your project may affect listed species and lead you through the section 7 consultation process.

Under 50 CFR 402.12(e) (the regulations that implement section 7 of the Endangered Species Act), the accuracy of this species list should be verified after 90 days. You may verify the list by visiting the ECOS-IPaC website (http://ecos.fws.gov/ipac/) at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project area or may be affected by your proposed project.

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see http://www.fws.gov/migratorybirds/RegulationsandPolicies.html.

Although no longer listed under the Endangered Species Act, bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html to help you avoid impacting eagles or determine if a permit may be necessary.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/BirdHazards.html.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit http://www.fws.gov/migratorybirds/AboutUS.html.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Kalamazoo County, MI

Official Species List

Provided by:

East Lansing Ecological Services Field Office
2651 COOLIDGE ROAD SUITE 101
EAST LANSING, MI 48823
(517) 351-2555
http://www.fws.gov/midwest/endangered/section7/s7process/step1.html

Consultation Code: 03E16000-2016-SLI-0279
Event Code: 03E16000-2016-E-00364

Project Type: LAND - EASEMENT / RIGHT-OF-WAY

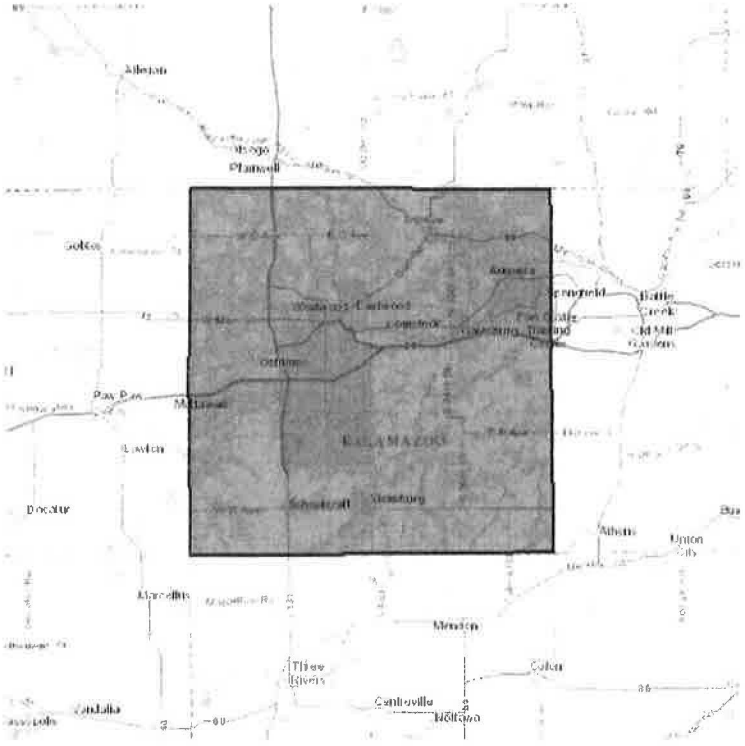
Project Name: Kalamazoo County, MI
Project Description: NSR proposed abandonment of 0.1 miles of rail line between mileposts IJ 44.6 and IJ 44.7

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

United States Department of Interior
Fish and Wildlife Service

Project name: Kalamazoo County, MI

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Kalamazoo, MI

United States Department of Interior
Fish and Wildlife Service

Project name: Kalamazoo County, MI

Endangered Species Act Species List

There are a total of 4 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Insects	Status	Has Critical Habitat	Condition(s)
Mitchell's Satyr Butterfly *(Neonympha mitchellii mitchellii)* Population: Entire	Endangered		
Mammals			
Indiana bat *(Myotis sodalis)* Population: Entire	Endangered		
Northern long-eared Bat *(Myotis septentrionalis)*	Threatened		
Reptiles			
eastern Massasauga *(Sistrurus catenatus)*	Proposed Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVE.
DETROIT, MICHIGAN 48226-2550

28 April 2016

LaWada Poarch
Norfolk Southern Corporation
Strategic Planning - 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

This is in response to your April 8, 2016, letter requesting comments on the proposed railway abandonment project on property at Norfolk Southern RR Milepost IJ 44.6 to Milepost IJ 44. 7 (Docket AB-290; Sub-No. 385X) in Kalamazoo, Michigan. This letter supplements our previous comments of March 29, 2016. Comments were also provided by our Regulatory Office on March 9, 2016.

Removal of the bridge over Portage Creek could result in increased flood elevations downstream, if the bridge is holding back flood flows. At the 1-percent-annual-chance flood event, it appears from the FEMA map we previously provided that there is some constriction at the location of the bridge. This could be from the bridge deck, creek banks, and/or rail bed constricting flow at that point. Hydraulic modeling may be required to ensure no adverse effects occur. This is important because there are structures along 1-percent-annual-chance floodplain downstream of the bridge. If there are any adverse effects from bridge removal on flood flows or the floodplain, these structures could be subject to increased flood risk. Any hydraulic modeling results for this project should be provided to FEMA for their review and so their records remain current.

Thank you for further opportunity to comment on the proposed rail abandonment Milepost IJ 44.6 to Milepost IJ 44 in Kalamazoo, Michigan. Questions regarding this supplemental information may be directed to Mr. Paul Allerding of my staff at 313-226-7590 or me at 313-226-2476.

Sincerely,

Charles A. Uhlarik, Chief
Environmental Analysis Branch

Copies furnished:

Mary Weidel, Corps Floodplain Management Services Coordinator, Detroit
Laura Garrett, Corps Regulatory Office, Detroit

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVE.
DETROIT, MICHIGAN 48226-2550

March 29, 2016

LaWada Poarch
Norfolk Southern Corporation
Strategic Planning - 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

This is in response to your February 17, 2016, letter requesting comments on the proposed railway abandonment project on property at Norfolk Southern RR Milepost IJ 44.6 to Milepost IJ 44. 7 (Docket AB-290; Sub-No. 385X) in Kalamazoo, Michigan. You note that Norfolk Southern is required to consult with the U.S. Army Corps of Engineers regarding the need for permits under Section 404 of the Clean Water Act and whether any designated wetlands or 100 year flood plains will be affected. In accordance with our responsibilities, the following comments are provided under our regulatory, civil works, and floodplain management programs.

Section 404 permitting for wetlands/waterways has been assumed by the State of Michigan for the area of the proposed railway abandonment. Our Regulatory Office has provided a separate response on this matter, which includes a State point of contact for permit considerations (Enclosure 1).

Our civil works program does not include any current plans to develop waterways in the vicinity of your project; nor do we have any current or proposed flood risk management studies for the area described in your letter.

Review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicates the presence of Federally mapped floodplains in the project site (Enclosure 2). Effects on floodplains could occur during deconstruction if the activity changes the ground surface elevation anywhere within a floodplain. However, if the proposed abandonment is limited to the rails and cross ties with minimal disturbance to the existing roadbed and bridge, then the project would not be expected to impact floodplains. We recommend that the project be coordinated with county officials and with the State of Michigan regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with county and state floodplain management regulations and acts. If you obtain information that any

part of your project would impact the flood plain, you should consider other sites. This would be consistent with current Federal policy to formulate projects that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed railway abandonment project on property at Norfolk Southern RR Milepost IJ 44.6 to Milepost IJ 44. 7 in Kalamazoo, Michigan. Questions regarding our regulatory program should be directed to Mr. Don Reinke, Regulatory Office, at 313-226-6812. Any other questions may be directed to Mr. Paul Allerding of my staff at 313-226-7590 or me at 313-226-2476.

Sincerely,

Charles A. Uhlarik, Chief
Environmental Analysis Branch

Enclosures (2)

Copies furnished:

Laura Garrett, Corps Regulatory Office, Detroit
Mary Weidel, Corps Floodplain Management Services Coordinator, Detroit



MAP SCALE 1" = 500'

50 0 500 1000 FEET

0 150 300 METERS

NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0187D

FIRM

FLOOD INSURANCE RATE MAP

KALAMAZOO COUNTY, MICHIGAN

(ALL JURISDICTIONS)

PANEL 187 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KALAMAZOO, CITY OF	260315	0187	D
KALAMAZOO, CHARTER TOWNSHIP OF	260429	0187	D

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
26077C0187D

EFFECTIVE DATE
February 17, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100 year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard may include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside of the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 10)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

A — A	Cross section line
23 - - - - - - - 23	Transect line
85° 03' 45.0", 41° 24' 22.5"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
4587000 M	1000-meter Universal Transverse Mercator grid values, zone 16
2250000 FT	5000-foot grid ticks: Michigan State Plane South Coordinate System, 6401 zone (FIPSZONE 2113), Lambert Conformal Conic projection
KA0015 X	Bench mark (see explanation in Notes to Users section of this FIRM panel)
M1.5	River Mile

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 11 2016

REPLY TO THE ATTENTION OF:

E-19J

LaWada Poarch
Abandonments Coordinator
Strategic Planning Department
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Re: Norfolk Southern Railway Abandonment in Kalamazoo, Michigan. Docket Number AB-290 (Sub-number 385X)

Dear Ms. Poarch:

Thank you for your letter of April 8, 2016, in which you notified EPA of your company's plans to abandon 0.1 miles of rail line between Milepost IJ 44.6 and Milepost IJ 44.7 in Kalamazoo, Michigan. In that letter, you solicited any information EPA may have pertaining to any adverse environmental effects associated with your proposed action. EPA has no substantive comments to offer on your proposed action.

Sincerely,

Kenneth A. Westlake, Chief
National Environmental Policy Act Implementation Section
Office of Enforcement and Compliance Assurance

Cc: Victoria Rutson, Surface Transportation Board, Washington, DC

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DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT MI 48226-2550

March 9, 2016

REPLY TO
ATTENTION OF:
Engineering & Technical Services
Regulatory Office
File No. LRE-2016-00135-239-A16

LaWada Poarch
Norfolk Southern Corporation
Strategic Planning - 12th Floor
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

This is in response to your February 17, 2016 letter regarding the Corps of Engineers' (Corps) jurisdiction over a railway abandonment project on property at Norfolk Southern RR Milepost IJ 44.6 to Milepost IJ 44.7 (Docket AB-290; Sub-No. 385X) in Kalamazoo, Michigan.

In 1984 a portion of the Corps' regulatory responsibilities was assumed by the Michigan Department of Environmental Quality (MDEQ). This project site is within the assumed area. Unless otherwise notified, a separate authorization from the Corps is not required; however, you may need to obtain a permit from the MDEQ. Therefore, we recommend that you contact the Kalamazoo District Office at 269-567-3500 for a determination of State permit requirements.

Should you have any questions, please contact me at the above address, by E-Mail at Laura.A.Garrett@usace.army.mil, or by telephone at 313-226-1327. In all communications, please refer to File Number LRE-2016-00135-239-A16.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site athttp://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,

Laura A. Garrett
Regulatory Project Manager
Compliance & Enforcement Branch

STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

KEVIN ELSENHEIMER
EXECUTIVE DIRECTOR

June 21, 2016

VICTORIA RUTSON
OFFICE OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
395 E ST SW RM 1106
WASHINGTON DC 20423-0012

RE: ER07-93 Docket No. AB-290 (Sub-No.385X), Norfolk Southern Railway Abandonment, Sec. 14 & 23, T2S, R11W, Kalamazoo, Kalamazoo County (STB)

Dear Ms. Ball-Johnson:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties," and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected." **If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.**

We remind you that federal agency officials or their delegated authorities are required to involve the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties per 36 CFR § 800.2(d). The National Historic Preservation Act also requires that federal agencies consult with any Indian tribe and/or Tribal Historic Preservation Officer (THPO) that attach religious and cultural significance to historic properties that may be affected by the agency's undertakings per 36 CFR § 800.2(c)(2)(ii).

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at 517-335-2721 or by email at GrennellB@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Management Specialist

for Brian D. Conway
State Historic Preservation Officer

BGG

Copy: Lawada Poarch, Norfolk Southern Railway Company

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

RICK SNYDER
GOVERNOR

KEVIN ELSENHEIMER
EXECUTIVE DIRECTOR

April 19, 2016

LAURA HOAG
NORFOLK SOUTHERN RAILWAY COMPANY
STRATEGIC PLANNING DEPARTMENT
THREE COMMERCIAL PLACE
NORFOLK VA 23510-9207

Re: Docket No. AB-290 (Sub-No.385X), Norfolk Southern Railway Abandonment - in Kalamazoo Michigan

Dear Ms. Hoag:

The State Historic Preservation Officer (SHPO) received your request. It appears that you are initiating consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. It is the responsibility of the federal agency, *not the SHPO,* to fulfill the requirements of Section 106.

The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. The information that you have sent is incomplete. The SHPO cannot initiate the Section 106 review process until we receive complete project information. The mandatory application form and instructions for submitting projects for review under Section 106 may be downloaded in MS Word format from our website at http://www.michigan.gov/shposection106. Please read each requirement carefully in its respective field, and respond in full. In addition, please ensure that future project submissions will utilize the application form. Incomplete applications and projects not submitted on the application forms will be sent back to the applicant without comment. We will hold the project information you have already submitted for ninety (90) days, after which the SHPO will dispose of it, unless otherwise notified.

Once the required information is received in full by the SHPO, we can proceed with the review. **The Section 106 process for this project is not complete.** If you have any questions, please contact the Cultural Resource Management section of the SHPO at (517) 335 2721 or by e-mail at GrennellB@michigan.gov.

Thank you for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Protection Specialist

for Brian D. Conway
State Historic Preservation Officer

Enclosure(s)

Equal Housing Lender

State Historic Preservation Office
Michigan Library and Historical Center • 702 West Kalamazoo Street • PO BOX 30740 • Lansing, Michigan 48909-8240
www.michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

STATE OF MICHIGAN
RICK SNYDER
GOVERNOR
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE
KEVIN ELSENHEIMER
EXECUTIVE DIRECTOR

June 21, 2016

VICTORIA RUTSON
OFFICE OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
395 E ST SW RM 1106
WASHINGTON DC 20423-0012

RE: ER07-93 Docket No. AB-290 (Sub-No.385X), Norfolk Southern Railway Abandonment, Sec. 14 & 23, T2S, R11W, Kalamazoo, Kalamazoo County (STB)

Dear Ms. Ball-Johnson:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

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If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at 517-335-2721 or by email at GrennellB@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Management Specialist

for Brian D. Conway
State Historic Preservation Officer

BGG

Copy: Lawada Poarch, Norfolk Southern Railway Company

Equal Housing
State Historic Preservation Office
Michigan Library and Historical Center • 702 West Kalamazoo Street • PO BOX 30740 • Lansing, Michigan 48909-8240
www.michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 385X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN KALAMAZOO, MICHIGAN

AB-1246X

GRAND ELK RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN KALAMAZOO, MICHIGAN

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT AND DISCONTINUANCE

DRAFT NOTICE OF EXEMPTION [CAPTION SUMMARY]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 385X), and AB 1246X]

Norfolk Southern Railway Company – Abandonment Exemption – In Kalamazoo, Michigan;

and

Grand Elk Railroad, L.L.C. – Discontinuance of Service Exemption – In Kalamazoo, Michigan

On August 24, 2016, Norfolk Southern Railway Company ("NSR") and Grand Elk Railroad, L.L.C. ("GDLK") jointly filed a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon and Grand Elk Railroad, L.L.C. ("GDLK") to discontinue its rail common carrier obligation over an approximately 0.1 mile rail line extending from milepost IJ 44.6 to milepost IJ 44.7 in Kalamazoo, Michigan. The Line traverses United States Postal Zip Code territories 49007 and 49001. The entirety of the Line is located in Kalamazoo, Michigan.

NSR and GDLK certified that (1) no local traffic has moved over the Line for at least 2 years; (2) that no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be re-routed over other lines; and (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period. NSR also has certified that the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October __, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),[2] and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2016. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2016, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR and GDLK's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

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[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. See 49 C.F.R. § 1002.2(f)(25).

NSR has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2016. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.