

SERVICE DATE – AUGUST 5, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

**Docket No. AB 55 (Sub-No. 807X)
CSX Transportation, Inc. – Abandonment Exemption –
In Muskegon County, Mich.**

and

**Docket No. AB 364 (Sub-No. 17X)
Michigan Shore Railroad Division, Mid-Michigan Railroad, Inc. –
Discontinuance of Service –
In Muskegon County, Mich.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon and for Michigan Shore Railroad Division, Mid-Michigan Railroad, Inc. (MMRR) to discontinue a line of railroad in Muskegon County, Michigan. The rail line proposed for abandonment extends approximately 3.81 miles from milepost CGCS 56.35 just east of 11th Street to milepost CGCS 60.16 near Keaton Court on the South Horn Spur (the Line). The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on July 15, 2022, for public review and comment. In the Draft EA, OEA recommended five environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received two comments after issuance of the Draft EA.

The National Geodetic Survey (NGS) commented that potential conflicts related to geodetic survey markers within the rail right-of-way have been resolved and, therefore, no further action is necessary. Accordingly, OEA no longer recommends mitigation requiring CSXT to consult with NGS prior to beginning salvage-related activities.

By letter dated July 14, 2022, the Michigan Department of Environment, Great Lakes, and Energy, Water Resources Division (EGLE) certified that the proposed abandonment would be consistent with Michigan's Coastal Management Program provided that CSXT obtains and

complies with all required permits. OEA has considered EGLE's comments and has determined, pursuant to the Coastal Zone Management Act (16 U.S.C. §§ 1451-1464), that the proposed abandonment would not adversely affect coastal resources. Accordingly, OEA no longer recommends mitigation requiring CSXT to consult with EGLE regarding coastal zone consistency.

No comments were received that would warrant modification of the remaining three conditions previously recommended in the Draft EA.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the following conditions previously recommended in the Draft EA should be imposed upon any decision granting abandonment authority:¹

1. CSX Transportation, Inc. shall require salvage personnel to receive Eastern Massasauga Rattlesnake (EMR) safety training prior to the commencement of any abandonment-related salvage activities and report observations of EMRs and any other threatened and endangered species during salvage to the U.S. Fish and Wildlife Service.
2. CSX Transportation, Inc. shall consult with the Michigan Department of Environment, Great Lakes, and Energy and the Muskegon County Water Resources Commissioner's office prior to commencement of any abandonment-related salvage activities regarding potential impacts to the 100-year floodplain and shall comply with the reasonable requirements of each agency.
3. CSX Transportation, Inc. (CSXT) 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, 54 U.S.C. § 306108, has been completed. CSXT shall report back to OEA regarding any consultations with the Michigan State Historic Preservation Office and the public. CSXT 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.

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

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.