

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

**ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 6 (Sub-No. 499X)**

August 20, 2019

RECOMMENDATION: Remove Existing Section 106 Condition and Impose a New Unanticipated Discoveries Condition

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption to abandon its freight rail easement over approximately 5.93 miles of rail line in Los Angeles County, California (the Line). The right-of-way and physical assets of the Line, which extends from approximately Milepost 2.10 to Milepost 7.95, are owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA). Because the Section 106 process of the National Historic Preservation Act (NHPA) had not been completed at the time of the August 13, 2019 decision granting abandonment authority, the Board imposed a condition requiring BNSF and LACMATA to retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process is completed.

On August 15, 2019, the Office of Environmental Analysis (OEA) received a copy of an August 13, 2019 letter to BNSF from the California Office of Historic Preservation State Historic Preservation Office or SHPO) (attached). In the letter, the SHPO stated that the Line is ineligible for the National Register, and that the proposed abandonment would not affect historic properties. The SHPO advised, however, that unanticipated discoveries could impose future responsibilities under Section 106.

Accordingly, OEA recommends that the Section 106 condition imposed in August 13, 2019 decision be removed, and a new condition pertaining to unanticipated discoveries be imposed.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that, if the recommended condition is imposed, the proposed abandonment and related salvage activities would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, the EA,

the Final EA, and this Supplemental Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the existing Section 106 condition imposed in the August 13, 2019 decision, and impose the following condition:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, BNSF Railway Company (BNSF) and Los Angeles County Metropolitan Transportation Authority (LACMTA) shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the California Office of Historic Preservation (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, BNSF, LACMTA, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

If the above condition is imposed, OEA believes that the proposed action would not significantly affect the quality of the human environment.

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Attachment: August 13, 2019 Letter from CA Office of Historic Preservation

Distribution: CA Office of Historic Preservation (SHPO Reference No.: STB_2019_0610_001)
Andrea Pope-Matheson, Office of Proceedings
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ECT

ATTACHMENT



**DEPARTMENT OF PARKS AND RECREATION
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August 13, 2019

Reply In Reference To: STB_2019_0610_001

Sally Mordi
Attorney
BNSF Railway Company
1330 Connecticut Ave., NW
Washington, DC 20036-1795

RE: STB Docket No. AB (Sub-No 49XX) BNSF Railway Company-Abandonment
Exemption-Los Angeles County, California

Dear Ms. Mordi:

OHP is in receipt of BNSF's July 23, 2019 letter that includes *Volume I & II of the Rail to Rail Active Transportation Corridor* Documentation for a Categorical Exclusion by the Federal Transit Administration (Metro), April 2017 continuing consultation for the above action.

You are continuing to seek my comments, on behalf of the Surface Transportation Board (STB). The STB has evaluated the environmental and and/or historic preservation impacts for the above contemplated action, an Abandonment Exemption for a freight rail easement over 5.93 miles of track on the Harbor Subdivision between approximately milepost 2.1 and approximately milepost 7.95 in Los Angeles County, California (the "Line").

OHP has reviewed the documentation provided and is offering the following comments.

Based on the DPR 523 form, the LACMTA (Metro) rail line – Harbor Subdivision, Los Angeles, Los Angeles County a determination of ineligibility was made by the consultants for the Federal Transportation Department – Federal Transit Administration (FTA) for the Los Angeles County Metropolitan Transportation Authority (Metro). The subject property, that consists of a portion of the former Harbor Subdivision line of Atchison, Topeka and Santa Fe (ATSF) railroad, from milepost 2 through 9, does not meet National Register Criteria A through D because of a loss of integrity. The historic property has lost integrity of design, materials, and workmanship, and has only diminished integrity of setting, feeling and association.

I agree with the above determination of ineligibility under all four National Register Criteria for the subject property, the ATSF segment in Los Angeles, Los Angeles County.

I concur that the undertaking as described will not affect historical properties.

Be advised that under certain circumstances, such as an unanticipated discovery or a Change in project description, you may have additional future responsibilities for this undertaking under 36 CFR Part 800.

For future undertakings such as this, please submit the required documentation with the initial Environmental Report when seeking my comments in order to facilitate a more expeditious Section 106 review process.

If you have any other questions, please contact Michelle C. Messinger of my staff at (916) 445-7005 or by e-mail at Michelle.Messinger@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer