

EO-2012



AB-32 (Sub-No. 104X): Supplemental Final EA
David Navecky to: RBurns

01/09/2013 02:50 PM

Bob -

Please find attached the Supplemental Final EA for AB-42 (Sub-No. 104X) and AB-355 (Sub-No. 40X).
The document recommends removal of the Section 106 Condition.

Thanks,

Dave
202-245-0294



AB-32_104X_Supp_FinalEA&Attachments.pdf

EO-2011

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

**ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB-32 (Sub-No. 104X) and
DOCKET NO. AB-355 (Sub-No. 40X)**

January 9, 2013

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**

In this proceeding, Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, railroads) filed a notice with the Surface Transportation Board (Board) seeking authority for B&M to abandon and ST to discontinue service over approximately 10 miles of rail line (the Hampton Branch) in Rockingham County, New Hampshire.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on October 4, 2011. In the EA, OEA stated that the railroads submitted an historic report to the New Hampshire Division of Historic Resources (State Historic Preservation Office or SHPO) as required by 49 C.F.R. § 1105.8. In response, the SHPO stated that the Hampton Branch was previously determined to be eligible for listing in the National Register of Historic Places (National Register), and requested continued consultation with OEA and the railroads and additional information about the proposed abandonment. Accordingly, pending the outcome of those consultations, OEA recommended a condition be imposed on any decision granting abandonment authority requiring B&M to: (1) 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 until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed; (2) report back to

OEA any consultations with the SHPO and the public; and (3) refrain from filing 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.

By decision served on October 28, 2011, the Board granted the railroads' request to abandon and discontinue the Hampton Branch subject to the Section 106 condition recommended by OEA.

New Comments

In a December 10, 2012 letter from the railroad to the SHPO (attached¹), the railroad stated an intention to convey title of the Hampton Branch to the State of New Hampshire. In the correspondence, B&M agreed to the SHPO's recommendations to include in the sales documents a statement of significance for the National Register-eligible Hampton Branch and the following language: "Any future undertakings shall enter into consultation with the Division [i.e., SHPO] and concerned Towns in order to identify possible adverse effects to the line, if changes to the line are proposed."

In reply correspondence from the SHPO (attached), dated December 18, 2012, the SHPO stated that with the statement of significance and the recommended language in the sales documents, it views this undertaking (i.e., the proposed abandonment) as a "No Adverse Effect," pursuant to 36 C.F.R. Part 800.5, on any properties or districts that are listed in or may be eligible for the National Register, or on properties of known or potential architectural, historical, or archaeological or cultural significance.

Conclusions

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment 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.dot.gov>.

This completes the Section 106 process and OEA recommends that the Section 106 condition imposed by the Board in this proceeding be removed at this time.

Attachments

¹ The subject letter is signed by Robert B. Burns of Pan Am Railways. B&M is owned by Pan Am Railways.

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naveckyd@stb.dot.gov

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ECT

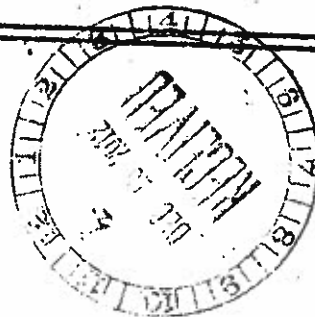


PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

DAVE

LEGAL DEPARTMENT
(978) 663-1215



December 10, 2012

Ms. Laura S. Black
NH Division of Historical Resources
19 Pillsbury Street
Concord, NH 03301-3570

Re: **Abandonment and Discontinuance of Hampton Branch
Dkt. No. AB 32 (Sub-No. 104X) and AB 355 (Sub-No. 40X)**

Dear Ms. Black:

Pursuant to our recent telephone conversation, I am providing this letter to NHDR in response to NHDR's letter dated June 13, 2012, and in regard to B&M's Abandonment project.

As noted in earlier correspondence, B&M intends to convey title to the abandoned branch property to the State of New Hampshire. NHDR has recommended that a statement of significance be included in the record of Abandonment and that the following language be included in the purchaser documents upon any future sale of the property: **"any future undertakings shall enter into consultation with the Division and concerned Towns in order to identify possible adverse effects to the line, if changes to the line are proposed"**.

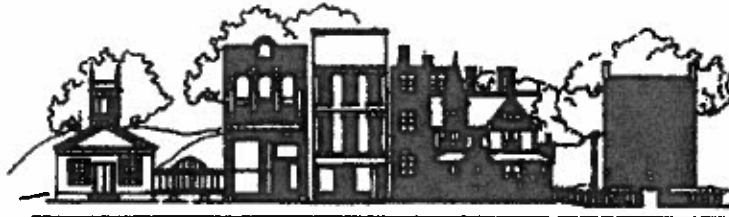
Per our above referenced phone conversation, B&M/ST are agreeable to NHDR's proposal to include the above language in the purchaser documents.

As always, if you have any questions or comments, please feel free to contact me.

Very truly yours,

Robert B. Burns, Esq.

Cc: David Navecki, Surface Transportation Board



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources 603-271-3483
19 Pillsbury Street, Concord, NH 03301-3570 FAX 603-271-3433
www.nh.gov/nhdhr preservation@dcr.nh.gov

December 18, 2012

Mr. Robert Burns
Legal Department
Pan Am Railways
Iron Horse Park
North Billerica, MA 01862
978-663-1215

Re: Abandonment and Discontinuance of Hampton Branch
Dkt. No. AB 32 (Sub-No. 104X) and AB 355 (Sub-No. 40X)

Dear Mr. Burns:

The Division of Historical Resources (Division) is in receipt of the December 10, 2012 correspondence continuing consultation regarding the abovementioned project.

Thank you for sharing Boston & Maine's (B&M) intension to convey title of the abandoned branch property to the State of New Hampshire and B&M's agreement to include in the record of abandonment and purchaser documents a Statement of Significance for the National Register-eligible Hampton Branch of the B&M line and the language, "Any future undertakings shall enter into consultation with the Division and concerned Towns in order to identify possible adverse effects to the line, if changes to the line are proposed."

With the inclusion of the above, the Division views this undertaking as a "No Adverse Effect," pursuant to 36 CFR Part 800.5, on any properties or districts that are listed in or may be eligible for the National Register, or on properties of known or potential architectural, historical, archaeological or cultural significance.

Sincerely,

Richard A. Boisvert, State Archaeologist
Deputy State Historic Preservation Officer
New Hampshire Division of Historical Resources

Cc: David Navecky (Surface Transportation Board)

