

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 390X)

April 28, 2017

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**

OEA served an Environmental Assessment (EA) for this proceeding on April 7, 2017, for public review and comment. In the EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received one comment after issuance of the EA from the Miami Tribe of Oklahoma. The Miami Tribe offered no objection to the proposed project, but requested that if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archeological evidence are discovered during any phase of this project, the Norfolk Southern Railway Company immediately consult with the entity of jurisdiction for the location of the discovery and notify the Miami Tribe by call or email. Accordingly, OEA is recommending an additional condition that in the event of such discovery, Norfolk Southern Railway Company will immediately cease all work and notify OEA, the Ohio State Historic Preservation Officer (SHPO), and the Miami Tribe of Oklahoma Tribal Historic Preservation Officer (THPO) to determine whether appropriate mitigation measures are necessary.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the conditions recommended in the EA, as well as the additional conditions recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

- 1. The Norfolk Southern Railway Company shall consult with the City of Dayton, Ohio, prior to beginning any salvage activities regarding the removal of at-grade crossings within the Line.**
- 2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the Norfolk Southern Railway Company will immediately cease all work and notify the OEA, interested Federally recognized tribes, the**

Ohio SHPO, and the Miami Tribe of Oklahoma's THPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the Ohio SHPO, Miami Tribe of Oklahoma THPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

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

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