

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 434 (Sub-No. 4X)

**Winchester & Western Railroad Company – Abandonment Exemption –
in Cumberland County, N.J.**

ABANDONMENT TYPE

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

(X) NO NEW COMMENTS WERE RECEIVED

() NEW COMMENTS WERE RECEIVED

OEA served a Draft EA for this proceeding on December 31, 2019, for public review and comment. In the Draft EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Modifications to the Draft EA

Upon further independent review, OEA believes that the Coastal Zone Management Act condition recommended in the Draft EA should be modified. The condition recommended that the Board require Winchester & Western Railroad Company (W&W) to consult with the New Jersey Department of Environmental Protection's (NJDEP) Coastal Zone Management Program to obtain state coastal management consistency certification. However, the condition should have recommended that the Board require W&W to consult with the NJDEP Coastal Zone Management Program to determine whether coastal zone consistency certification is required. Accordingly, OEA has modified the Coastal Zone Management Act condition below to reflect this change.

Additionally, the Section 106 process of the National Historic Preservation Act is codified at 54 U.S.C. § 306108, and the typo referencing the old citation has been corrected.

Conclusions

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

1. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, Winchester & Western Railroad Company (W&W) shall consult with the New Jersey Department of Environmental Protection's Coastal Management Program to determine whether state coastal management consistency certification is required. W&W may not file its

consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

2. Winchester & Western Railroad Company (W&W) 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. W&W shall report back to the Office of Environmental Analysis regarding any consultations with the New Jersey State Historic Preservation Office and the public. W&W 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, Victoria Rutson, Director, Office of Environmental Analysis.