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OEA

SERVICE DATE – FEBRUARY 5, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

**SUPPLEMENTAL 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 (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**

On December 6, 2019, Winchester & Western Railroad Company (W&W) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking authority to abandon a segment of rail line extending approximately 0.5 miles from milepost 16.2 to milepost 16.7 in the Township of Commercial (the Line), in Cumberland County, New Jersey. By decision served on January 23, 2020, the Board imposed a coastal zone condition, 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, and a historic preservation condition for the entire Line, pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108.

On January 28, 2020, W&W submitted a response from the NJDEP Coastal Management Program. NJDEP confirmed that the proposed abandonment would not require a Waterfront Development Permit, a CAFRA Permit, or a Coastal Wetlands Permit and determined that the proposed abandonment is consistent with New Jersey's Coastal Management Program. Accordingly, the Board has satisfied its responsibilities under 16 U.S.C. § 1451 et seq. of the Coastal Zone Management Act, and OEA is recommending that the Board remove the coastal zone condition.

The Section 106 historic preservation condition imposed by the Board in its January 23, 2020, decision requires W&W to: (a) 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 Effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the New Jersey State Historic Preservation Office (SHPO) and the public; and (c) not file a 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.

On January 19, 2021, W&W submitted a letter from SHPO concurring with the information provided in the intensive-level survey form prepared by W&W's consultant. SHPO stated that the Line does not retain integrity of setting or character, having no surviving structures, catenary, or distinctive features, and having been surrounded by later sand mining ponds. Therefore, pursuant to 36 C.F.R. § 800.4(d)(1), no further Section 106 consultation is necessary unless additional resources are discovered during project implementation pursuant to 36 C.F.R. § 800.13.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with SHPO and the public, OEA has determined that W&W's proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

Conclusions

OEA recommends that the Board remove both the coastal zone condition and the Section 106 condition imposed in its January 23, 2020, decision.

OEA believes that the proposed action will not significantly affect the quality of the human environment.

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

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of W&W's Report, all relevant correspondence, the Draft 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 <https://prod.stb.gov/>.