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OEA

SERVICE DATE – NOVEMBER 15, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 411X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in the City of Evansville, Ind.**

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**

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in the City of Evansville (Evansville), Vanderburgh County, Indiana. The rail line proposed for abandonment extends approximately 0.24 miles from Milepost +/- 0.00 EB to Milepost +/- 0.24 EB in Evansville (the Line). The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on October 21, 2022 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.

Comments on the Draft EA

Following the issuance of the Draft EA, OEA received comments from the Quapaw Nation Historic Preservation Program (the Tribal Historic Preservation Officer or THPO). The Quapaw Nation THPO states that they do not anticipate that the proposed abandonment would adversely impact any cultural resources. However, if artifacts or human remains are discovered during project activities, the Quapaw Nation THPO states that work should cease immediately and the Quapaw Nation THPO should be contacted.

Modifications to the Draft EA

Upon further independent review, OEA believes that condition 2 in the Draft EA should be modified to specifically require NSR to notify and consult with the Quapaw Nation THPO in

the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during abandonment-related salvage activities.

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 combined conditions are:

1. Prior to undertaking any abandonment-related salvage activities, Norfolk Southern Railway (NSR) shall consult with the City of Evansville, Indiana (Evansville) regarding the City's plans for street improvements. NSR shall coordinate with Evansville to avoid potential work conflicts.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during Norfolk Southern Railway's (NSR) abandonment-related salvage activities, NSR shall immediately cease all work and notify the Office of Environmental Analysis (OEA), the Quapaw Nation Historic Preservation Program (the Tribal Historic Preservation Officer or THPO), other interested federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (the State Historic Preservation Officer or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, the Quapaw Nation THPO, other interested federally recognized tribes, the railroad, and other consulting parties to determine whether appropriate mitigation measures are necessary.

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

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