

From: [Lou Gitomer](#)
To: [Gosselin, Danielle](#)
Cc: [Tabachnick, Alan](#); [Assenza, Adam](#)
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO
Date: Tuesday, October 10, 2023 9:50:09 AM

Danielle – Good luck. Lou

Louis E. Gitomer
 600 Baltimore Avenue, Suite 301
 Towson, MD 21204
 (410) 296-2250
Lou@lgraillaw.com

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From: Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Sent: Tuesday, October 10, 2023 9:48 AM
To: Lou Gitomer <lou@lgraillaw.com>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Thanks, Lou. We plan to explain the same thing if they still have issues. I will join any call we have with them. But hopefully our letter will be enough because there are no historic resources and therefore no conditions are required.

Danielle Gosselin
 Director
 Office of Environmental Analysis
 Surface Transportation Board
 (202) 245-0300

From: Lou Gitomer <lou@lgraillaw.com>
Sent: Tuesday, October 10, 2023 9:44 AM
To: Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Danielle – As I understand the SHPO's position, they want conditions imposed on the trail. We and Alan and Adam have explained that the STB cannot

impose conditions on the trail pursuant to precedent that goes back almost 40 years. Let me know if there is anything we can do to help. Lou

Louis E. Gitomer

600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

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From: Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Sent: Tuesday, October 10, 2023 9:40 AM
To: Lou Gitomer <lou@lgraillaw.com>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi Lou,

The SHPO has 30 days to respond and if they don't respond, we can take that as concurrence. We plan to follow up with them this week though. They seemed to have some questions/concerns about the trail in their earlier letter.

Thanks,
Danielle

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
(202) 245-0300

From: Lou Gitomer <lou@lgraillaw.com>
Sent: Tuesday, October 10, 2023 9:34 AM
To: Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Danielle – Thanks for the guidance. Is there any time limit for the SHPO to act?
Lou

Louis E. Gitomer

600 Baltimore Avenue, Suite 301

Towson, MD 21204

(410) 296-2250

Lou@lgraillaw.com

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From: Gosselin, Danielle <Danielle.Gosselin@stb.gov>

Sent: Tuesday, October 10, 2023 9:19 AM

To: Lou Gitomer <lou@lgraillaw.com>

Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>

Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi Lou,

We need to wait for concurrence from the SHPO and then the Board has to issue a decision removing the 106 condition before salvage can occur. Let us know if you have any further questions.

Thanks,

Danielle

Danielle Gosselin

Director

Office of Environmental Analysis

Surface Transportation Board

(202) 245-0300

From: Lou Gitomer <lou@lgraillaw.com>

Sent: Monday, October 9, 2023 12:06 PM

To: Gosselin, Danielle <Danielle.Gosselin@stb.gov>

Subject: FW: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Danielle – Does the attached letter remove the historic condition, or does CSXT need to wait for a decision from the STB before proceeding with salvage? Thanks. Lou

Louis E. Gitomer

600 Baltimore Avenue, Suite 301

Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

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From: Assenza, Adam <Adam.Assenza@stb.gov>
Sent: Friday, October 6, 2023 5:25 PM
To: Ley, Daniel <Daniel.Ley@arcadis.com>
Cc: Lou Gitomer <lou@lgrailaw.com>; Melanie Yasbin <melanie@lgrailaw.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>
Subject: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi Daniel,

Please find attached OEA's determination letter for this case. Please include this as a transmittal letter and upload the August 22 report and related updated application form to the MI SHPO portal at your earliest convenience.

Thank you for your patience.

Adam Assenza

Environmental Protection Specialist (he/him)
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
P: 202-245-0301

From: [Lou Gitomer](#)
To: [Ley, Daniel](#); [Tabachnick, Alan](#)
Cc: [Melanie Yasbin](#); [Assenza, Adam](#); [Gosselin, Danielle](#); coley_j_campbell@csx.com
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO
Date: Wednesday, October 11, 2023 12:06:07 PM
Attachments: [image001.png](#)
[image002.png](#)

Daniel – Thanks for the update. Lou

Louis E. Gitomer

600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

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From: Ley, Daniel <Daniel.Ley@arcadis.com>
Sent: Wednesday, October 11, 2023 11:59 AM
To: Tabachnick, Alan <alan.tabachnick@stb.gov>
Cc: Lou Gitomer <lou@lgrailaw.com>; Melanie Yasbin <melanie@lgrailaw.com>; Assenza, Adam <Adam.Assenza@stb.gov>; Gosselin, Danielle <Danielle.Gosselin@stb.gov>; coley_j_campbell@csx.com
Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi Alan,

Thank you for following up with the MI SHPO. We uploaded the letter you provided as well as the final additional historical documentation the MI SHOP requested Monday at 1:40 PM. Below is a snippet to confirm the upload.



Thank you for submitting your additional materials for Section 106 consultation with the Michigan State Historic Preservation Office. A copy is included below for your records.

Michigan SHPO Section 106 Consultation

Project ER Number ER22-802
Project Name CSX CGC Line Abandonment Project
Project County Muskegon
Project Municipal Unit Muskegon
Your Name and Agency Tegan Baiocchi, Arcadis U.S., Inc.
Your Email Address tegan.baiocchi@arcadis.com

File Attachments

 AB-55-807-X SHPO Transmittal Letter and Determination.pdf (205k)
 ER22-802_Additional Information_CSX CGC Line Abandonment.pdf (11590k)

Please let us know if you need anything else.

Thank you!

Dan

Daniel Ley | Principal Environmental Scientist | Daniel.Ley@arcadis.com

Arcadis | Arcadis U.S., Inc.

2100 Georgetown Dr. | Suite 402 | Sewickley, PA | 15143 | USA

T. +1 724 742 9180 | M. +1 412 225 1981

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Be green, leave it on the screen.

From: Tabachnick, Alan <alan.tabachnick@stb.gov>

Sent: Tuesday, October 10, 2023 10:15 AM

To: Ley, Daniel <Daniel.Ley@arcadis.com>

Cc: Lou Gitomer <lou@lgrailaw.com>; Melanie Yasbin <melanie@lgrailaw.com>; Assenza, Adam <Adam.Assenza@stb.gov>; Gosselin, Danielle <Danielle.Gosselin@stb.gov>

Subject: RE: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi. Please let us know when you have submitted all of these materials. We will then reach out to the SHPO to follow up and see if there are any remaining questions. Thanks very much.

Alan Tabachnick

Federal Preservation Officer
Surface Transportation Board
Office of Environmental Analysis
395 E St SW
Washington, DC 20423

202-245-0367 (o)
202-934-8469 (c)
alan.tabachnick@stb.gov

From: Assenza, Adam <Adam.Assenza@stb.gov>
Sent: Friday, October 6, 2023 5:25 PM
To: Ley, Daniel <Daniel.Ley@arcadis.com>
Cc: Lou Gitomer <lou@lgrailaw.com>; Melanie Yasbin <melanie@lgrailaw.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>
Subject: AB 55 (Sub-No. 807X) Determination and Transmittal Letter to MI SHPO

Hi Daniel,

Please find attached OEA's determination letter for this case. Please include this as a transmittal letter and upload the August 22 report and related updated application form to the MI SHPO portal at your earliest convenience.

Thank you for your patience.

Adam Assenza

Environmental Protection Specialist (he/him)
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
P: 202-245-0301

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 6, 2023

Katlyn M. B. Yancho
Historian
Michigan State Historic Preservation Office
Lansing, MI 48913

Re: Docket No. AB 55 (Sub-No. 807X), CSX Transportation, Inc. —Abandonment
Exemption — In Muskegon County, Mich.; SHPO ID ER-22-802 Finding of No
Historic Properties Affected

Dear Ms. Yancho:

Thank you for your August 11, 2023 letter requesting additional information in the above-referenced proceeding. CSX Transportation, Inc. (CSXT) has filed for authority from the Surface Transportation Board (Board) to abandon a line of railroad in Muskegon County, Michigan. The CSXT-owned rail line proposed for abandonment extends approximately 3.81 miles from milepost CGCS 56.35 just east of 11th Street to milepost CGCS 60.16 near Keaton Court on the South Horn Spur (the Line). The City of Muskegon plans to use a segment of the Line between milepost CGCS 56.35 and milepost CGCS 58.35 (2 miles) as a recreational trail.

After reviewing the additional research materials covering the entire 3.81-mile rail line proposed for abandonment provided by CSXT and its contractor, Arcadis U.S., Inc. (Arcadis), the Board's Office of Environmental Analysis (OEA) has determined that there is only one resource within the Area of Potential Effects (APE). As stated in the information provided by Arcadis and documented in the included Michigan State Historic Preservation Office (SHPO) Architectural Properties Identification Form, the survey identified the former C&MW/Pere Marquette South Horn Spur (ARC-01), which does not meet any of the criteria for listing in the National Register of Historic Places. The C&MW/Pere Marquette South Horn Spur retains integrity of location, but no longer retains integrity of design, materials, workmanship, setting, feeling, or association because the industrial complexes in the surrounding area at the time of the resources functioning, have either been removed, or are now largely vacant.

Arcadis's documentation also evaluated the potential for archeological resources within the APE and indicated that the railroad corridor has likely been disturbed over its decades of rail operation, that there are no previously recorded archaeological sites, and that there is a low potential for intact soils within the APE. OEA has reviewed the documentation and agrees with these findings.

Because there are no historic properties within the APE, OEA has made a finding of No Historic Properties Affected. This finding applies to the entire 3.81-rail line proposed for abandonment including the 2-mile portion of the Line to be used as a recreational trail. OEA requests SHPO concurrence on this determination.

OEA will follow up with your office in the coming days to answer any additional questions you may have. In the meantime, please feel free to contact Adam Assenza of my staff at adam.assenza@stb.gov or 202-245-0301.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Cc: Louis Gitomer, Melanie Yasbin

Attachment(s): CSX CGC Line Abandonment Project SHPO Application
ER-22-802 Arcadis Report