

EO-1081
LD

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-369 (Sub-No. 7X)

October 29, 2008

ABANDONMENT TYPE

The time for comments on the 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

SEA served an Environmental Assessment (EA) for this proceeding on October 10, 2008 for public review and comment. In the EA, SEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. No additional comments were received during the comment period.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. Buffalo & Pittsburgh Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Prior to the commencement of any salvage activities, Buffalo & Pittsburgh Railroad, Inc. shall consult with the appropriate regional office of the New York Department of Environmental Conservation (New York DEC) regarding rare or state-listed animals and plants and other significant habitats that may be affected by the proposed abandonment and comply with New York DEC's reasonable requirements.
3. Prior to the commencement of any salvage activities, Buffalo & Pittsburgh Railroad, Inc. (BPRR) shall consult with the U.S. Environmental Protection Agency's Region 2 Office and the appropriate regional office of the New York Department of Environmental Conservation regarding wetland resources that may be affected by the proposed abandonment and shall comply with the reasonable requirements of those agencies. BPRR shall report the results of those consultations in writing to SEA.
4. Buffalo & Pittsburgh Railroad, Inc. (BPRR) shall retain its interest in and shall 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, 16 U.S.C. 470f, has been completed. BPRR shall report back to the Board's

Section of Environmental Analysis regarding any consultations with the New York State Historic Preservation Office and the public. BPRR 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, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Christa Dean 245-0299