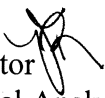


SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

MEMORANDUM

November 22, 2010

TO: Rachel Campbell, Director
Office of Proceedings

FROM: Victoria Rutson, Director 
Office of Environmental Analysis

SUBJECT: **Docket No. AB 1043 (Sub No. 1), Montreal, Maine & Atlantic Railway, Ltd. –
Discontinuance of Service and Abandonment – In Aroostook and Penobscot
Counties, ME.**

**RECOMMENDATION: Removal of all 9 mitigation measures previously
recommended for imposition in the Final Environmental
Assessment**

In the Final Environmental Assessment (EA) issued July 19, 2010, the Office of Environmental Analysis (OEA)¹ recommended that the Board impose 9 conditions in any decision approving abandonment authority because at that time, it appeared that rail operations would cease over the MMA rail segments and MMA would then salvage the 233 miles of rail line. Since then, new developments have occurred. It now appears that the State of Maine will purchase the 233-mile rail line and select a new operator to provide rail service over the line.² The rail line would be rehabilitated, rail service would continue, no diversion to truck would occur, and no salvage activities would take place. Because of these new developments, 8 of the 9 salvage conditions recommended by OEA are now moot. Since no salvage will occur, no salvage conditions are necessary to minimize the adverse environmental impacts that could occur because of salvage.

¹ OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The change from SEA to OEA became effective on September 1, 2010.

² If the sale of the rail line should not go forward and the line is abandoned, then OEA recommends that the Board impose the 9 conditions set forth in the Final EA in any decision granting abandonment authority.

The new developments have also affected the Section 106 historic preservation condition recommended in the Final EA. Following receipt of information that the MMA rail line would continue to be operated, OEA determined that the proposed undertaking would no longer have the potential to cause effects on historic properties. The Maine Historic Preservation Commission concurred (see attached correspondence from November 12, 2010) with OEA on this finding, pursuant to 36 C.F.R. § 800.3(a)(1), which states: "If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 of this part."

Therefore, OEA recommends that no environmental conditions be imposed by the Board if it should decide to grant this abandonment and discontinuance proposal.

Attachment

OEA Chron



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

November 12, 2010

Ms. Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W., Room 1110
Washington, DC 20423

Project: MHPC# 0199-10 - purchase and maintenance of the Montreal, Maine &
Atlantic Railway (MMA) by the State of Maine
Town: Penobscot and Aroostook Counties, ME

Dear Ms. Wood:

In response to your recent request, I have reviewed the information received November 1 and 2, 2010 to continue consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed revised undertaking (purchase of the rail line by the State of Maine and continuation of rail service), as defined by Section 106.

As we conveyed in our email correspondence earlier this month, we previously issued the attached memorandum to the Maine Department of Transportation regarding Section 106.

Please contact Robin Stancampiano of my staff if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohnhey
Deputy State Historic Preservation Officer

enc.



PRINTED ON RECYCLED PAPER

STATE OF MAINE

MEMORANDUM

July 7, 2010

To: David Gardner, ENV/Maine Department of Transportation

From: Kirk F. Mohny, Deputy State Historic Preservation Officer *KFM*

Subject: PIN 17643.04; purchase and maintenance, Montreal, Maine and Atlantic Railway (MMA), Penobscot and Aroostook counties; MHPC #0199-10

In response to your recent request, I have reviewed the information received June 16, 2010 to continue consultation on the above referenced undertaking pursuant to the Maine Programmatic Agreement and Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information submitted, as well as the provision of Stipulation 2.B. of the PA that exempts from SHPO, FHWA and FTA review the replacement of "Rail: track structure, ballasts, ties," I concur with the MDOT's finding that there will be no historic properties [archaeological or architectural] affected by the proposed undertaking. However, the Commission notes that the MDOT did not conduct architectural surveys in the area of potential effect or evaluate the National Register eligibility of the railway and its constituent elements, because it concluded that the "undertaking has no potential to cause effect to any properties...." Although it is unclear whether the MDOT considered the MMA Railway itself as being potentially eligible, we assume that future Section 106 undertakings involving the Railway that are not exempt from review under the PA will address the National Register status of this resource pursuant to Stipulation 4.B.

Please contact Robin Stancampiano of our office if we can be of further assistance in this matter.