

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (Sub-No. 775X)

1 February 2018

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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OEA served an Environmental Assessment (EA) for this proceeding on January 12, 2018 for public review and comment. In the EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received two comments after issuance of the EA.

The Indiana Department of Natural Resources, State Historic Preservation Office (SHPO) has requested additional information from CSX Transportation, Inc. (CSXT) to assist in identification and evaluation of potential impacts related to the proposed abandonment. The previously recommended Section 106 condition protects the historic integrity of all historic properties by prohibiting CSXT from conducting salvage activities and consummating the abandonment until the Section 106 process has been completed.

The Miami Tribe of Oklahoma (Miami Tribe) has no objection to the proposed abandonment. The Miami Tribe is not aware of existing documentation directly linking a specific Miami Tribe cultural or historic site to the abandonment area. As the abandonment area is within the aboriginal homelands of the Miami Tribe, the Miami Tribe has requested immediate consultation if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during salvage activities. SHPO also expressed concern about prehistoric or historic archaeological artifacts or human remains that might be uncovered during salvage activities. Accordingly, OEA recommends a new condition to address the Miami Tribe's and SHPO's concerns.

Conclusions

The EA comment period has ended. OEA recommends that the following previously recommended condition be imposed upon any decision granting abandonment authority.

CSX Transportation, Inc. (CSXT) shall 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 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, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Indiana Department of Natural Resources, State Historic Preservation Office (SHPO) and the public. CSXT 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.

OEA recommends that the following new condition be imposed upon any decision granting abandonment authority.

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during CSX Transportation, Inc.'s (CSXT) salvage activities, CSXT shall immediately cease all work and notify the Office of Environmental Analysis (OEA), the Miami Tribe of Oklahoma (Miami Tribe), and the Indiana Department of Natural Resources, State Historic Preservation Office (SHPO). OEA shall then consult with the Miami Tribe, SHPO, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

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

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