

**SURFACE TRANSPORTATION STB
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-1033X

June 22, 2009

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**

☒ (X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition in AB-1033X - Murray-Calloway Economic Development Corporation - Abandonment Exemption - In Marshall and Calloway Counties, Kentucky

By decision served on May 21, 2009, the Board imposed a condition requiring Murray-Calloway Economic Development Corporation (MCEDC) to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments on the EA

In a letter dated May 18, 2009, the Kentucky Heritage Council (State Historic Preservation Office or SHPO) stated that the proposed abandonment would have no adverse effect on historic properties or cultural resources located within the Area of Potential Effect for the project.

Pursuant to the Section 106 regulations of the NHPA, and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of MCEDC's Historic Report, all relevant correspondence, and the April 27, 2009 Environmental Assessment, which have been provided to the SHPO and

made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Accordingly, we recommend that the Section 106 condition imposed by the Board in this proceeding be removed. Please contact Christa Dean if you need further information or justification.

SEA CONTACT: Christa Dean 245-0299



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CD

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ELECTRONIC FILING

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

June 17, 2009

Re: Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
In Marshall and Calloway Counties, KY
STB Docket No. AB-1033 (X)

Dear Secretary Quinlan:

The Board's decision served May 21, 2009, imposed certain conditions (conditions 3(a) - (c)) pending completion of the Section 106 historic review process.

Enclosed is a letter from the Kentucky State Historic Preservation Officer ("SHPO") dated May 18, 2009, concluding that the proposed abandonment and salvage of the track and ties will have "no adverse effect" on historic properties. The Applicant will consult with the SHPO further before taking any actions that would impact the structures on the abandoned line that are over 50 years of age.

Based on the enclosed letter, the Applicant requests that the Board remove conditions 3(a) - (c) so that Applicant can promptly proceed with the proposed salvage of the tracks and ties, subject to consultation with the National Geodetic Survey and the Army Corps of Engineers.

Respectfully,

Eric M. Hocky

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EMH/e
Enclosure

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MARK DENNEN
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

May 18, 2009

Eric M. Hocky
Thorp Reed & Armstrong, LLP
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Philadelphia, PA 19103

Re: Proposed Rail Line Abandonment by the Murray-Calloway Economic Development Corporation in Marshall and Calloway Counties, Kentucky (STB Docket No. AB 1033 (X))

Dear Mr. Hocky:

Thank you for resubmitting information on the above referenced project to the State Historic Preservation Office on behalf of your client, the Murray-Calloway Economic Development Corporation. It is understood that the Murray-Calloway Economic Development Corporation (EDC) intends to abandon 7.34-miles of rail line in Marshall and Calloway Counties. The area of potential effect (APE) for this undertaking has been proposed as the existing right-of-way. Given the nature of the project, we agree that the APE as proposed is appropriate. It is further understood that the salvage work proposed by the applicant will be surface work only and will not disturb subsurface resources. No potential to affect archaeological sites therefore exists. With regard to above-ground, cultural historic properties, it is understood that no less than 20 structures over 50 years of age (bridges and culverts) are located along the proposed line abandonment. According to the applicant, these structures will remain in their current state. While some or all of these bridges and culverts have the potential for consideration to the National Register of Historic Places, we do not believe that the undertaking as proposed will impact them in an adverse way.

It is therefore the determination of this office that the project as proposed will have **No Adverse Effect** on Historic Properties. Provided that no changes to the project are made that impact structures over 50 years of age, no further consultation with this office will be required. If you have questions regarding these comments, please contact Craig Potts of my staff at (502) 564-7005, extension 123.

Sincerely,

Mark Dennen
Executive Director and
State Historic Preservation Officer

Cc: Brad Davis (Purchase Area Development District)