

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290-394X, AB 1257

February 9, 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 December 8, 2017 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. OEA received no new comments during the comment period and issued a Final EA on December 28, 2017.

In a letter dated January 16, 2018 and submitted after the comment period ended, the Miami Tribe of Oklahoma (Miami Tribe) stated that it has no objection to the proposed abandonment. However, the Miami Tribe requested immediate consultation if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archeological evidence is discovered during any phase of the proposed abandonment. Accordingly, OEA is recommending that an unanticipated discovery condition be imposed upon any decision granting abandonment authority.

Conclusions

For the reasons stated above, OEA recommends that the following new environmental condition, along with the condition recommended in the EA, be imposed upon any decision granting abandonment authority. The combined conditions are:

1. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NSR shall report back to the Office of Environmental Analysis regarding any consultations with the State Historic Preservation Officer, any other Section 106 consulting parties, and the public. NSR 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 .

2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, Norfolk Southern Railway Company (NSR) will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, the Ohio State Historic Preservation Officer (SHPO) and the Miami Tribe of Oklahoma Tribal Preservation Officer (THPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO (or THPO), interested federally recognized tribes, NSR, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

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

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