

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

EO-3070

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (SUB-NO. 779X)

May 3, 2019

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

Recommendation: Remove Section 106 Condition and Add an Unanticipated Discoveries Condition

In this proceeding, CSX Transportation, Inc. (CSXT) filed a verified notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance of service of approximately 13.9 miles of rail line on its Newton Falls Subdivision, located between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio.

By decision served on July 6, 2018, the Surface Transportation Board (Board) imposed two conditions that require CSXT to do the following: (1) prior to commencement of any salvage activities, CSXT shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps; and (2) 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 are listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act (NHPA), report back to OEA regarding any consultations with the Ohio History Connection (State Historic Preservation Office or SHPO) and the public, and 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.

Comments

By the attached letter dated July 6, 2018, the Miami Tribe commented that it has no objection to the proposed abandonment because it is not aware of any documentation directly linking a specific Miami cultural or historic site to the project area. However, because the proposed abandonment is located within Miami Tribe's aboriginal homelands, the tribe requested that salvage operations immediately cease and that it be notified, should any human

remains or artifacts be discovered during salvage. Accordingly, OEA is recommending a new condition that addresses unanticipated discoveries.

By the attached letter dated April 16, 2019, OEA notified the SHPO that no historic properties would be affected as a result of the proposed abandonment, pursuant to 36 C.F.R. § 800.4(d)(1). OEA requested that the SHPO concur with this finding within the specified 30 days. By the attached reply dated April 22, 2019, the SHPO commented that it concurred with OEA's determination that no historic properties would be affected as a result of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the attached SHPO Project Summary Form and supporting maps and photographs, as well as CSXT's Historic Report, the Environmental Assessment, the Board decision, and all relevant correspondence which have been made available to the public on the Board's website at www.stb.gov. Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition (condition 2).

Conclusion

OEA recommends that the two conditions (one existing and one new) should be imposed on any decision granting abandonment authority. The conditions are:

1. Prior to commencement of any salvage activities, CSXT Transportation, Inc. (CSXT) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, CSX Transportation, Inc. (CSXT) shall immediately cease all work and notify OEA and the Ohio History Connection (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, CSXT, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

Attachments

OEA CONTACT: Diana Wood
 202-245-0302
 Diana.Wood@stb.gov

Distribution: **Office of Proceedings**
 CSX Transportation, Inc.
 ECT



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 • Fax: (918) 542-7260
www.miamination.com



July 6, 2018

Danielle Gosselin
Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

Re: Docket No. AB 55 (Sub-No. 779X) CSX Transportation, Inc. Abandonment Exemption –
Comments of the Miami Tribe of Oklahoma

Dear Ms. Gosselin:

Aya, kikwehsitoole – I show you respect. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe, 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 any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at dhunter@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter

Diane Hunter
Tribal Historic Preservation Officer

HEI-26433



In reply, refer to
2018-TRU-41827

April 22, 2019

Diana Wood
Surface Transportation Board
Washington DC 20423
Diana.wood@stb.gov

RE: CSX Transportation, Inc. Abandonment Exemption, Trumbull County, Ohio
Docket No. AB 55 (Sub-No. 779X)

Dear Ms. Wood,

This is in response to the correspondence, received on April 19, 2019, regarding the proposed CSX Transportation, Inc. Abandonment Exemption, Trumbull County, Ohio. We appreciate the opportunity to comment on this project. The comments of the Ohio State Historic Preservation Office (SHPO) are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

The proposed undertaking involves the abandonment of the approximately 13.9 miles of rail line on the CSX Transportation, Inc. Newton Falls Subdivision, located between milepost BGA 86.1 and milepost BGA 100.00 in Trumbull County. Our office previously coordinated this project with Gene Payne of CSX Transportation, Inc. on May 23, 2018 and determined, "no properties listed or eligible for listing on the National Register of Historic Places will be affected by the proposed undertaking."

Based on the information provided, our office still agrees the project will have no effect on historic properties. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. In such a situation, this office should be contacted as per 36 CFR 800.13. Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs.

If you have any questions, please contact me at (614) 298-2022, or by e-mail at khorricks@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Krista Horricks, Project Reviews Manager
Resource Protection and Review

RPR Serial No. 1078872



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

#ED-3062

Office of Environmental Analysis

April 16, 2019

Burt Logan
State Historic Preservation Officer
Ohio History Connection
800 E. 17th Ave.
Columbus, Ohio 43211-2474

Re: Docket No. AB 55 (Sub-No. 779X) – CSX Transportation, Inc. – Abandonment
Exemption – in Trumbull County, Ohio; No Historic Properties Affected
Determination

Dear Mr. Logan:

On May 10, 2018, CSX Transportation, Inc. (CSXT) filed a notice with the Surface Transportation Board (Board) to abandon approximately 13.9 miles of rail line on its Newton Falls Subdivision, located between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio. The Board's Office of Environmental Analysis (OEA) prepared an Environmental Assessment (EA) for this proceeding, pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) (NHPA) and served it for public review and comment on June 4, 2018. No comments were received from the Ohio History Connection (State Historic Preservation Office or SHPO) during the 15-day comment period, and OEA was not able to consider the SHPO's opinion before determining if the rail line may potentially be eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA recommended that the Board impose a Section 106 condition to give the parties time to consult.

On July 6, 2018, the Board issued a decision imposing a Section 106 condition. Specifically, the condition requires CSXT to 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 or APE) eligible for listing or listed in the National Register until completion of the Section 106 process. In the decision, the Board also issued a Notice of Interim Trail Use permitting the parties to negotiate an interim trail use/rail banking agreement for the Line within 180 days pursuant to § 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. The Board's decision regarding trail use essentially stayed the abandonment process. However, these negotiations have since failed, and CSXT is now ready to satisfy the Board-imposed Section 106 condition so that it may salvage the track, ties and other rail appurtenances, and consummate the abandonment.

OEA has reviewed your web site, which includes tools for accessing National Register maps and data bases, as well as a site review form. OEA was granted access to the GIS mapping

April 16, 2019

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system and was also able to view the publicly available data base to determine if any Section 106 resources are within the APE, which is also the rail line right-of-way. Based on our review, and pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the NHPA at 36 C.F.R. § 800.5 and 36 C.F.R. § 800.8, OEA finds that no historic properties listed in or eligible for inclusion in the National Register would be affected by the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the Project Summary Form, CSXT's Historic Report, the Environmental Assessment, the Board decision, supporting maps and photographs, and all relevant correspondence, which have been provided to your office and made available to the public. OEA believes that our environmental review meets the intent and goals of NEPA, including 36 C.F.R. § 800.11 and 36 C.F.R. § 800.2(d) (See 49 C.F.R. § 1105.8), and that the Section 106 process has been properly completed for this case.

If you concur, the Board will make the finding that there are **No Historic Properties Affected** for this undertaking in accordance with 36 C.F.R. § 800.4(d)(1) and remove the condition, which is the only barrier for consummating this abandonment. Please inform OEA within the 30-day specified time frame if you concur or object to this finding.

Thank you for your assistance in this matter. Please feel free to contact Diana Wood of my staff at 202-245-0302 or by email at Diana.Wood@stb.gov, if you have any questions. We look forward to receiving your response at your earliest convenience, but no later than May 16, 2019.

Sincerely,



Victoria Rutson
Director, Office of Environmental Analysis

cc: Melanie Yasbin, Legal Counsel for CSX Transportation, Inc.
Enclosures (14)



**OHIO HISTORIC PRESERVATION OFFICE:
RESOURCE PROTECTION AND REVIEW**

Section 106 Review - Project Summary Form

For projects requiring a license from the Federal Communications Commission, please use FCC Forms 620 or 621. DO NOT USE THIS FORM.

SECTION 1: GENERAL PROJECT INFORMATION

All contact information provided must include the name, address and phone number of the person listed. Email addresses should also be included, if available. Please refer to the Instructions or contact an OHPO reviewer (mailto:Section106@ohiohistory.org) if you need help completing this Form. Unless otherwise requested, we will contact the person submitting this Form with questions or comments about this project.

Date: April 16, 2019

Name/Affiliation of person submitting form: Diana Wood

Mailing Address: Surface Transportation Board, Office of Environmental Analysis,
395 E Street S.W., Washington D.C. 20421

Phone/Fax/Email: Diana.Wood@stb.gov; 202-245-0302

A. Project Info:

1. This Form provides information about:

New Project Submittal:

YES NO

Additional information relating to previously submitted project:

YES NO

OHPO/RPR Serial Number from previous submission:

**2. Project Name (if applicable): CSX Transportation, Inc.—Abandonment
Exemption—in Trumbull County, OH**

**3. Internal tracking or reference number used by Federal Agency, consultant,
and/or applicant to identify this project (if applicable): Surface Transportation
Docket No. AB-55 (Sub-No. 779X)**

B. Project Address or vicinity: Approximately 13.9-mile rail line on its Newton Falls

Subdivision, between milepost BGA 86.1 and railroad milepost BGA 100.0

C. City/Township: Newton Falls, Warren, and Niles

D. County: Trumbull County

E. Federal Agency and Agency Contact. *If you do not know the federal agency involved in your project, please contact the party asking you to apply for Section 106 Review, not OHPO, for this information. HUD Entitlement Communities acting under delegated environmental review authority should list their own contact information.*

Diana F. Wood
Office of Environmental Analysis
U.S Surface Transportation Board
395 E Street SW
Washington, DC 20423.
Email Diana.Wood@stb.gov.
Phone: (202) 245-0302

F. Type of Federal Assistance. *List all known federal sources of federal funding, approvals, and permits to avoid repeated reviews.*

STB

G. State Agency and Contact Person (if applicable):

N/A

H. Type of State Assistance:

N/A

I. Is this project being submitted at the direction of a state agency solely under Ohio Revised Code 149.53 or at the direction of a State Agency? *Answering yes to this question means that you are sure that no federal funding, permits or approvals will be used for any part of your project, and that you are seeking comments only under ORC 149.53.*

YES NO

J. Public Involvement- Describe how the public has been/will be informed about this project and its potential to affect historic properties. Please summarize how they will have an opportunity to provide comments about any effects to historic properties. (This step is required for all projects under 36 CFR § 800.2):

1. In compliance with STB regulations, CSXT published a notice in The Vindicator on May 7, 2018 to inform the public of its intent to file a notice of exemption to abandon the line with the Surface Transportation Board on or May 10, 2018. The newspaper notification provided the following information regarding how the public could comment on the proceeding:

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15

days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

2. OEA served an Environmental Assessment (EA) in this proceeding on June 4, 2018 for public review and comment. In the EA, OEA recommended one environmental (historic) condition and concluded that the proposed action would not significantly impact the quality of the human environment. Specifically, the historic section states:

CSXT submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Ohio History Connection (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).¹ The report indicates that the line proposed for abandonment contains four bridges or structures that are 50 years old or older.

The bridges are described as follows:

1. Bridge BGA 90.00 was built in 1924 and has an open deck, through plate girder with a steel superstructure and stone abutments;
2. Bridge BGA 90.70 was built in 1901 and has an open deck, deck plate girder with a steel superstructure and stone abutments that cross the Mahoning River in Warren;
3. Bridge BGA 91.41 was built in 1901 and has an open deck, deck beam with steel superstructure and timber-end-driven bent that crosses Hoyt Run in Warren; and
4. Bridge BGA 93.80 was built in 1901 and has a standard track section, arch superstructure with stone abutment that crosses Duck Creek in Levittsburg.

CSXT believes these bridges are not unusual or noteworthy for inclusion on the National Register of Historic Places (National Register). CSXT also indicates that there are no archaeological resources or other railroad-related historic properties within the area of the proposed abandonment. CSXT is agreeable to trail use under the National Trails System Act and as previously stated, does not intend to disturb or salvage any sub-grade or sub-grade structures, including bridges, trestles, culverts, and tunnels.

OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register. Accordingly, OEA is recommending a condition requiring CSXT to 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) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing that may have ancestral connections to the project area.² The database indicates that there are three

¹ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

² U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,

federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, and the Seneca-Cayuga Nation. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

OEA received four comments during the 15-day comment period. By attached letter dated May 30, 2018, the U.S. Army Corps of Engineers (Corps) commented that it was not able to determine the number and type of aquatic resources within the area of the proposed abandonment and requested that CSXT hire a qualified wetland consultant to evaluate the area for potential jurisdictional waterways or wetlands. The Corps noted that a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) would be required if the salvage process resulted in any impacts to these resources and assigned the proposed abandonment a Corps permit number of 2018-713.

OEA and the Corps have since consulted and agreed that a permit would not be required for the proposed abandonment if the salvage process does not result in the discharge of dredged or fill material into waters of the United States. Specifically, CSXT has indicated that it would conduct its salvage operations in the existing right-of-way, along existing public and private crossings; that no new access roads be created; that the underlying road bed would remain intact; that no dredging or use of fill material would occur in removing the track and ties and that crossties and other debris is transported away from the rail line and associated water resources; and finally, that appropriate measures would be used to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. However, because the Corps was not able to evaluate the proposed abandonment for the presence of aquatic resources, OEA is recommending a condition that would require CSXT to consult with the Corps prior to initiating salvage and to comply with the Corps' reasonable requirements, which may include the use of best management practices in areas adjacent to wetlands or waterways, if present, during the salvage process.

The remaining three commenters opposed the proposed abandonment and requested that the rail line remain in use. In response, OEA notes that a number of parties have submitted formal filings to the Board, either in support of continued rail service or conversion to trail use, and that CSXT has formally replied that it is not opposed to a 180-day public use condition and is willing to negotiate an interim trail use/rail banking arrangement.³ In addition, two of the three commenters referenced concerns about increased air pollution and truck traffic that they believe would occur as a result of the proposed abandonment. In response, OEA notes that these concerns were addressed in the EA. Specifically, the EA states that "no local traffic has moved over the line for at least two years and overhead traffic can and has been rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network."

OEA recommended the following two conditions in the Final EA, and STB imposed these

<https://egis.hud.gov/tdat/> (last visited May 18, 2018).

³ The filings are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 779X).

conditions in its July 6, 2018 decision:

1. Prior to commencement of any salvage activities, CSXT Transportation, Inc. (CSXT) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. 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. § 30610816, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Ohio History Connection (State Historic Preservation Office or 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.

The Board decision concluded that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

On July 6, 2018 (the day the Board issued its decision imposing the Section 106 condition), OEA received comments from the Miami Tribe stating that it has no objection to the proposed abandonment because it was not aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe, 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 any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery.

Accordingly, OEA will recommend the Board impose the following condition (as this condition does not present a barrier to consummating the abandonment) when it removes the above Section 106 condition:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, CSXT Transportation, Inc. shall immediately cease all work and notify the Board's Office of Environmental Analysis (OEA), appropriate federally recognized tribes, and the Ohio History Connection (State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether mitigation measures are necessary.

- K. Please list other consulting parties that you have contacted/will contact about this project, such as Indian Tribes, Certified Local Governments, local officials, property owners, or preservation groups. (See 36 CFR § 800.2 for more information about involving other consulting parties). Please summarize how they will have an opportunity to provide comments:

In compliance with STB regulations, on April 20, 2018, the below parties were sent a letter with a map of the railroad line, a draft Combined Environmental and Historic Report (CEHR), and a distribution list of all parties who had been

requested to comment on the CEHR. Comments were requested to be sent to Gene Payne, CSXT Manager Joint Facilities.

United States Department of Agriculture Natural Resources Conservation Service 200 North High Street, Suite 522 Columbus, OH 43215-2478	Environmental Protection Agency Region 5 77 West Jackson Blvd Chicago, IL 60604-3507
U.S. Army Corp of Engineers 550 Main Street, Room 10524 Cincinnati, OH 45202-3222	U.S. Fish & Wildlife Services 5600 American Blvd, Suite 990 Bloomington, MD 55437-1458
National Park Service 601 Riverfront Drive Omaha, NE 68102-4226	National Geodetic Survey Simon.Monroe@noaa.gov
Department of Natural Resources 105 West Shoreline Drive, Sandusky, OH 448870	Ohio Environmental Protection Agency P.O. Box 1049 Columbus, OH 43216
City of Warren Mayor William D. Franklin 391 Mahoning Ave, N.W. Warren, OH 44483	Trumbull County Commissioners 160 High Street NW #5 Warren, OH 44481
Ohio Department of Transportation 1980 West Broad Street Columbus, OH 43223	Newtown Falls Jack Haney City Manager 19 North Canal Street Newtown Falls, OH 44444
The City of Niles Mayor Thomas Scarnecchia 34 West State Street Niles, Ohio, 44446	Ohio History Connection 800 E. 17 th Ave Columbus, OH 43211

Additionally, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment tool to identify federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. There were three tribes: Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, and the Seneca-Cayuga Nation. OEA included these tribes in the service list for the proceeding so that they could receive a copy of the Environmental Assessment issued on June 4, 2018. In a letter dated July 6, 2018, the Miami Tribe stated that it had no objections to the abandonment. See Section J above for discussion.

SECTION 2: PROJECT DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Provide a description of your project, its site, and geographical information. You will also describe your project's Area of Potential Effects (APE). Please refer to the Instructions or contact an OHPO reviewer if you need help with developing the APE or completing this form.

STB's statutory authority is limited to the rail line right-of-way and any structures or objects outside the right-of-way are outside the Board's jurisdictional control. Therefore, the right of way width or area of potential affects (APE) is approximately 65 feet. The Line begins east of Route 169. Going northwest, the Line crosses Route 169. Continuing in a northwestern direction the line crosses Deforest Rd SE. It then crosses Burton St. SE. Continuing north the Line passes McBride Park. The

Line turns west and crosses Pine Ave SE/S Park Ave, and Main Ave SW. The line then crosses the Mahoning River in Warren. The Line runs parallel to South Ave SW/ W. Market St crossing Highland Ave SW and Tod Ave NW. The Line continues to run west, following W Market St. Prior to Interstate 5 the Line turns south crossing Burnett Street. Continuing south west the Line crosses center road and begins to follow Warren Ravenna Road. Continuing south west the Line crosses under the Ohio Turnpike. The Line crosses over Warren Rd. and ends at the connection with the CSXT mainline, prior to crossing the Mahoning River in Newton Falls. There are four bridges on the Line that are not unusual or noteworthy. They are described as follows:

5. Bridge BGA 90.00 was built in 1924 and has an open deck, through plate girder with a steel superstructure and stone abutments;
6. Bridge BGA 90.70 was built in 1901 and has an open deck, deck plate girder with a steel superstructure and stone abutments that cross the Mahoning River in Warren;
7. Bridge BGA 91.41 was built in 1901 and has an open deck, deck beam with steel superstructure and timer-end-driven bent that crosses Hoyt Run in Warren; and
8. Bridge BGA 93.80 was built in 1901 and has a standard track section, arch superstructure with stone abutment that crosses Duck Creek in Levittsburg.

For challenging projects, provide as much information as possible in all sections, and then check the box in Section 5.A. to ask OHPO to offer preliminary comments or make recommendations about how to proceed with your project consultation. This is recommended if your project involves effects to significant historic properties or if there may be challenging procedural issues related to your project. Please note that providing information to complete all Sections will still be required and that asking OHPO for preliminary comments may tend to delay completion of the review process for some projects.

- A. Does this project involve any Ground-Disturbing activity: ☒ YES ☐ NO
(If Yes, you must complete all of Section 2.A. If No, proceed directly to Section 2. B.)

1. General description of width, length and depth of proposed ground disturbing activity:

Abandonment of the Line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels would not be salvaged.

2. Narrative description of previous land use and past ground disturbances, if known:

The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal.

3. Narrative description of current land use and conditions:

The land is a railroad line.

4. Does the landowner know of any archaeological resources found on the property?
YES ☒ NO ☐ If yes, please describe:

- B. Submit the exact project site location on a USGS 7.5-minute topographic quadrangle map for all projects. Map sections, photocopies of map sections, and online versions of USGS maps are acceptable as long as the location is clearly marked. Show the project's Area of

Potential Effects (APE). It should be clearly distinguished from other features shown on the map:

1. USGS Quad Map Name: **See attached maps**
2. Township/City/Village Name: **See attached**

- C. Provide a street-level map indicating the location of the project site; road names must be identified and legible. Your map must show the exact location of the boundaries for the project site. Show the project's Area of Potential Effects (APE). It should be clearly distinguished from other features shown on the map:

The attached aerial photographs show the APE, in red, and Section 106 resources from the Ohio SHPO's data base and GIS mapping systems

- D. Provide a verbal description of the APE, including a discussion of how the APE will include areas with the potential for direct and indirect effects from the project. Explain the steps taken to identify the project's APE, and your justification for the specific boundaries chosen: See Section 2
- E. Provide a detailed description of the project. This is a critical part of your submission. Your description should be prepared for a cold reader who may not be an expert in this type of project. The information provided must help support your analysis of effects to historic properties, not other types of project impacts. Do not simply include copies of environmental documents or other types of specialized project reports. If there are multiple project alternatives, you should include information about all alternatives that are still under active consideration: See prior sections

SECTION 3: IDENTIFICATION OF HISTORIC PROPERTIES

Describe whether there are historic properties located within your project APE. To make that determination, use information generated from your own Background Research and Field Survey. Then choose one of the following options to report your findings. Please refer to the Instructions and/or contact an OHPO reviewer if you are unsure about how to identify historic properties for your project.

There are no Section 106 resources in the APE, nor are there Section 106 resources adjacent to the APE.

If you read the Instructions and you're still confused as to which reporting option best fits your project, or you are not sure if your project needs a survey, you may choose to skip this section, but provide as much supporting documentation as possible in all other Sections, then check the box in Section 5.A. to request preliminary comments from OHPO. After reviewing the information provided, OHPO will then offer comments as to which reporting option is best suited to document historic properties for your project. Please note that providing information to complete this Section will still be required and that asking OHPO for preliminary comments may tend to delay completion of the review process for some projects.

Recording the Results of Background Research and Field Survey:

- A. Summary of discussions and/or consultation with OHPO about this project that demonstrates how the Agency Official and OHPO have agreed that no Field Survey was necessary for this project (typically due to extreme ground disturbance or other special circumstances). Please attach copies of emails/correspondence that document this agreement. You must explain how the project's potential to affect both archaeological and

historic resources were considered.

- B. **A table that includes the minimum information listed in the OHPO Section 106 Documentation Table (which is generally equivalent to the information found on an inventory form).** This information must be printed and mailed with the Project Summary Form. To provide sufficient information to complete this Section, you must also include summary observations from your field survey, background research and eligibility determinations for each property that was evaluated in the project APE.
- C. **OHI (Ohio Historic Inventory) or OAI (Ohio Archaeological Inventory) forms-** New or updated inventory forms may be prepared using the OHI pdf form with data population capabilities, the Internet IForm, or typed on archival quality inventory forms. To provide sufficient information to complete this Section, you must include summary observations from your field survey and background research. You must also include eligibility determinations for each property that was evaluated in the project APE
- D. **A historic or archaeological survey report prepared by a qualified consultant that meets professional standards.** The survey report should meet the Secretary of the Interior's Standards and Guidelines for Identification and OHPO Archaeological Guidelines. You may also include new inventory forms with your survey, or update previous inventory forms. To complete this section, your survey report must include summary observations from your field survey, background research and eligibility determinations for each property that was evaluated within the APE.
- E. **Project Findings.** Based on the conclusions you reached in completing Section 3, please choose one finding for your project. There are (mark one):
 - Historic Properties Present in the APE:
 - No Historic Properties Present in the APE: There are no Section 106 resources in the APE nor are there Section 106 resources adjacent to the APE.

SECTION 4: SUPPORTING DOCUMENTATION

This information must be provided for all projects.

- A. Photographs must be keyed to a street-level map, and should be included as attachments to this application. Please label all forms, tables and CDs with the date of your submission and project name, as identified in Section 1. You must present enough documentation to clearly show existing conditions at your project site and convey details about the buildings, structures or sites that are described in your submission. Faxed or photocopied photographs are not acceptable. See Instructions for more info about photo submissions or 36 CFR § 800.11 for federal documentation standards.
 - 1. Provide photos of the entire project site and take photos to/from historic properties from/towards your project site to support your determination of effect in Section 5. See attached
 - 2. Provide current photos of all buildings/structures/sites described.
- B. Project plan, specifications, site drawings and any other media presentation that conveys detailed information about your project and its potential to affect historic properties. See attached
- C. Copies or summaries of any comments provided by consulting parties or the public. See attached

SECTION 5: DETERMINATION OF EFFECT

- A. **Request Preliminary Comments.** For challenging projects, provide as much information as possible in previous sections and ask OHPO to offer preliminary

comments or make recommendations about how to proceed with your project consultation. This is recommended if your project involves effects to significant historic properties, if the public has concerns about your project's potential to affect historic properties, or if there may be challenging procedural issues related to your project. Please be aware that providing information in all Sections will still be required and that asking OHPO for preliminary comments may tend to delay completion of the review process for some projects.

1. We request preliminary comments from OHPO about this project:
YES NO

2. Please specify as clearly as possible the particular issues that you would like OHPO to examine for your project (for example- help with developing an APE, addressing the concerns of consulting parties, survey methodology, etc.):

B. **Determination of Effect.** If you believe that you have gathered enough information to conclude the Section 106 process, you may be ready to make a determination of effect and ask OHPO for concurrence, while considering public comments. Please select and mark one of the following determinations, then explain the basis for your decision on an attached sheet of paper:

No historic properties will be affected based on 36 CFR § 800.4(d) (1). Please explain how you made this determination: There are no Section 106 resources in the APE, nor are there Section 106 resources adjacent to the APE. OEA has not received any comments indicating otherwise.

No Adverse Effect [36 CFR § 800.5(b)] on historic properties. This finding cannot be used if there are no historic properties present in your project APE. Please explain why the Criteria of Adverse Effect, [36 CFR Part 800.5(a) (1)], were found not to be applicable for your project:

Adverse Effect [36 CFR § 800.5(d) (2)] on historic properties. Please explain why the criteria of adverse effect, [36 CFR Part 800.5(a) (1)], were found to be applicable to your project. You may also include an explanation of how these adverse effects might be avoided, reduced or mitigated:

Please print and mail completed form and supporting documentation to:

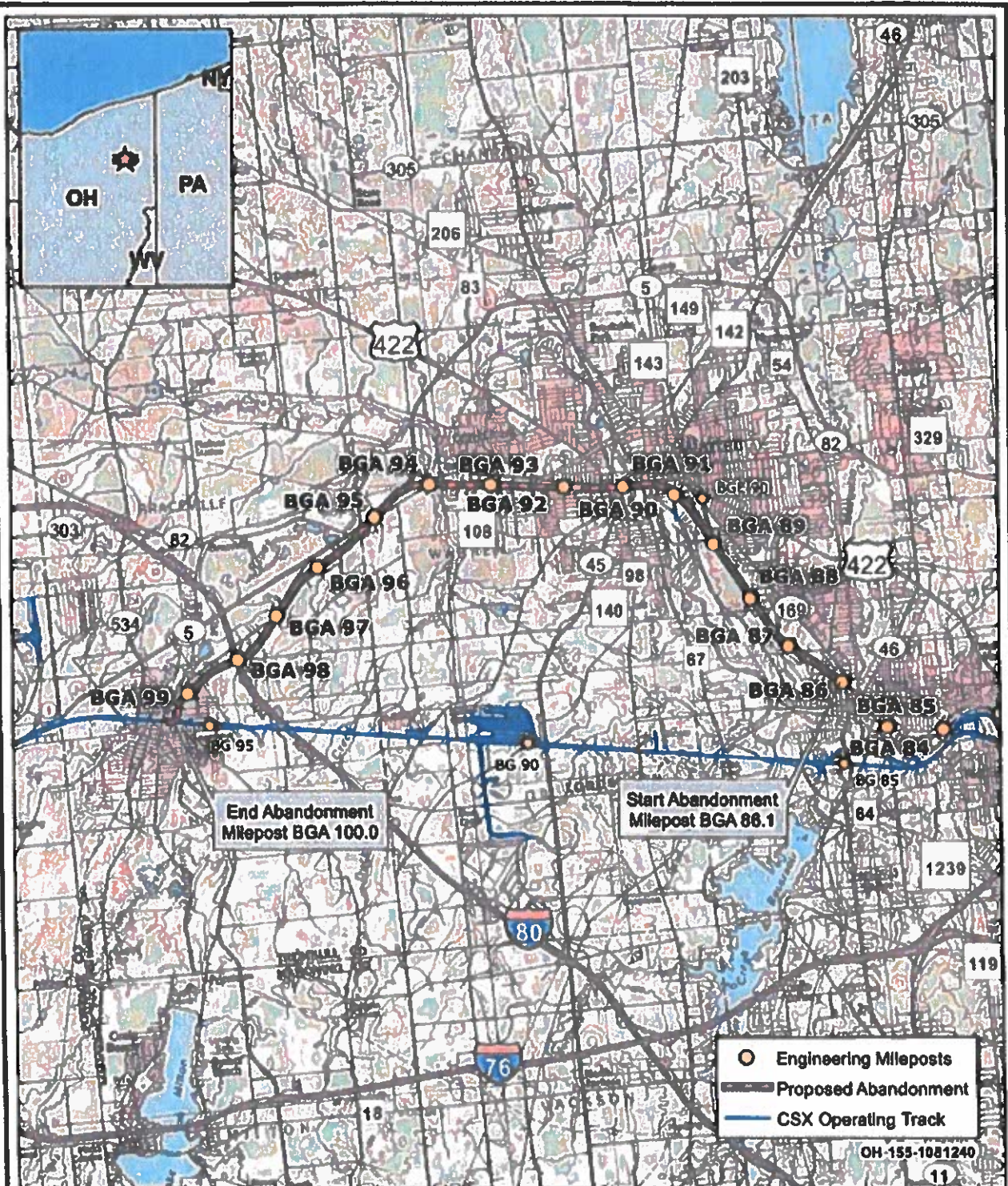
**State Historic Preservation Office
Resource Protection and Review Department
800 E. 17th Avenue
Columbus, OH 43211-2474**











CSX Transportation, Inc.
Proposed Abandonment - Topo
Trumbull County, OH
 Milepost BGA 86.1 to BGA 100.0
 Total Distance of approx. 13.9 Miles
 Great Lakes Division - Newton Falls Subdivision
 STD Sheet No. AB 55 (Sub-No. 779X)

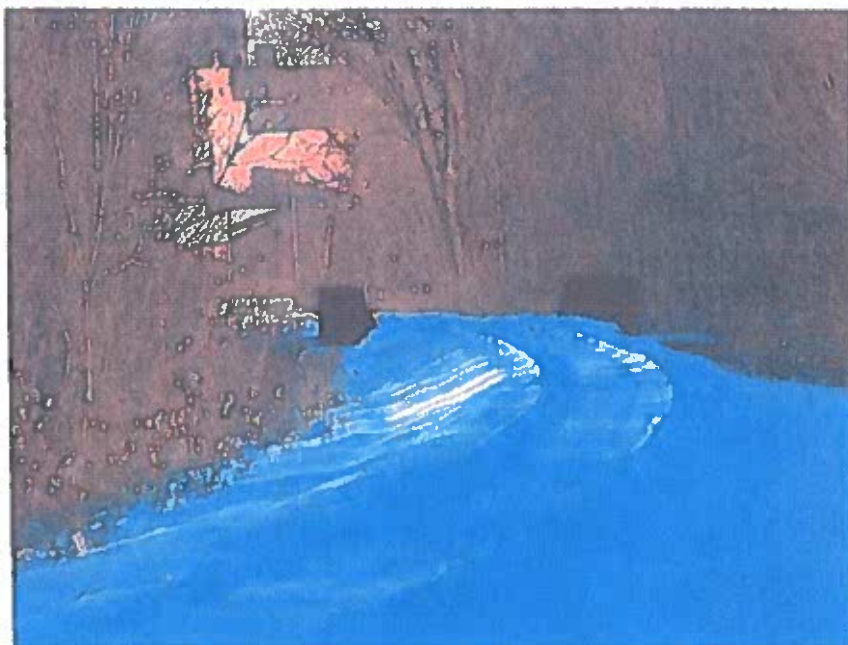
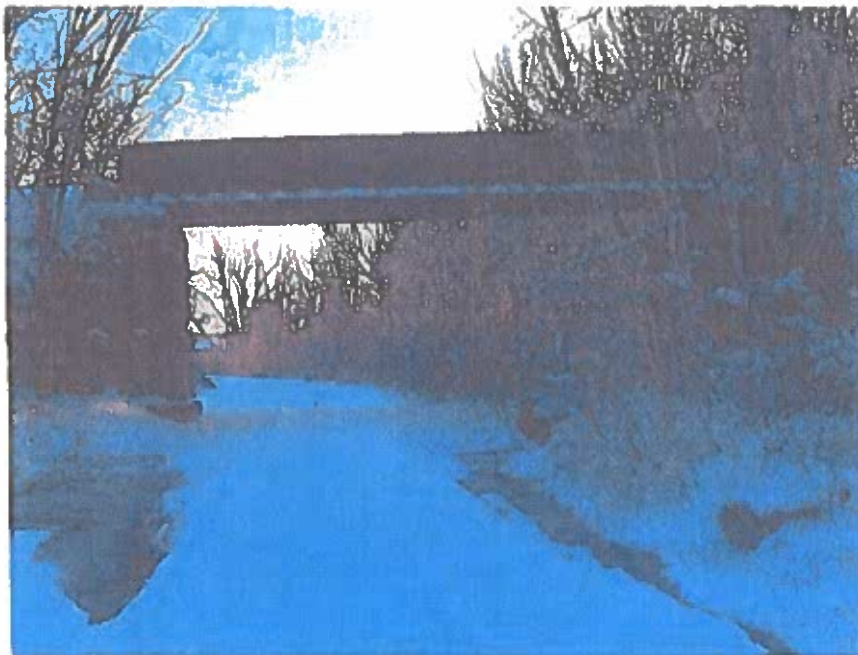
0 1 2
 Miles



Bridge BGA 93.80



Bridge BGA 90.00



Bridge BGA 90.70



Bridge BGA 91.41





