

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 402X)

November 2, 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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In this proceeding, Norfolk Southern Railway Company (NSR) proposes to abandon two segments of railroad line in the City of Detroit, Michigan. The first segment extends 0.63 miles from Milepost D 1.38 to a point without a milepost near Rosa Parks Boulevard and encompasses NSR's Detroit Boat Yard rail yard (Segment A). The second segment extends approximately 0.49 miles from Milepost D 1.23 to Milepost D 1.72 (Segment B). Because Segment B is jointly owned and operated by NSR and CSX Transportation, Inc. (CSXT), CSXT would continue to operate that segment as a common carrier if NSR is granted abandonment authority in this proceeding. If NSR's notice becomes effective, NSR would be able to salvage track, ties, and other railroad appurtenances from the rail right-of-way along Segment A. NSR would also be able to abandon its common carrier obligation over Segment B.

The Surface Transportation Board's (the Board's) Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on October 15, 2018 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment if those conditions are imposed.

Comments on the EA

The public comment period for the EA concluded on October 30, 2018. During the comment period, OEA received comments from the Detroit District of the U.S. Army Corps of Engineers (the Corps). In those comments, the Corps notes that Segment A appears to cross areas delineated as 1-percent-annual-change floodplain under the National Flood Insurance Program. The Corps states that, because salvage activities would involve only the removal of track and related material and the smoothing of the remaining roadbed to a level surface, the Corps expects that effects to the floodplain would be negligible. The Corps recommends, however, that NSR coordinate with appropriate agencies regarding the applicability of a floodplain permit. In response to these comments, OEA is recommending an environmental mitigation condition requiring NSR to consult with the floodplains management office of the Water Resources Division of the Michigan Department of Environmental Quality (MDEQ) and comply with the reasonable recommendations of that agency with regarding to potential impacts of the proposed abandonment to floodplains.

Also during the public comment period, NSR reported the results of ongoing consultation

with the Michigan State Historic Preservation Office (the SHPO) under Section 106 of the National Historic Preservation Act. In the EA for this abandonment, OEA concluded that no historic properties within the Area of Potential Effects (APE) would be affected and recommended that a Section 106 condition be imposed barring consummation of the abandonment until the SHPO has had sufficient opportunity to review and comment on OEA's determination. NSR reports that the SHPO is currently reviewing the record and that the SHPO intends to provide comments on OEA's finding of no historic properties affected no later than November 19, 2018. Pursuant to Section 106, the SHPO is afforded a 30-day comment period from the receipt of an adequately documented finding of no historic properties affected during which to review and comment on that finding. Accordingly, to allow the SHPO sufficient time to provide comments, OEA recommends that the Section 106 condition previously recommended in the EA be imposed on any decision granting abandonment authority in this proceeding. If the SHPO does not object to OEA's finding by November 19, 2018, OEA will prepare and issue a Supplemental Final EA recommending that the Section 106 condition be removed.

On November 2, 2018, after the close of the public comment period, OEA received comments from MDEQ regarding consistency with the Michigan Coastal Management Program (MCMP), pursuant to the Coastal Zone Management Act. In those comments, MDEQ states that the proposed abandonment would be consistent with the MCMP provided that all applicable environmental permits, if any, are compiled with. In response to MDEQ's comments, OEA is no longer recommending a condition, previously recommended in the EA, that NSR consult with the MCMP and obtain state coastal management consistency certification.

Conclusions

The EA comment period has ended. OEA recommends that three conditions, including two of the three conditions previously recommended in the EA and one additional condition related to floodplain management, should 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 historic properties, including sites, buildings, structures, and objects, within the rail right-of-way 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. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Michigan State Historic Preservation Office and 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. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic**

station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

- 3. Prior to undertaking any abandonment-related salvage activities, Norfolk Southern Railway Company shall consult with the Water Resources Division of the Michigan Department of Environmental Quality regarding potential impacts of the proposed abandonment to floodplains and shall follow the reasonable recommendations of that agency to address potential impacts to floodplains.**

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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