

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. 1107X

March 15, 2013

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**

In this proceeding, West Michigan Railroad Co. (WMI or railroad) filed a notice with the Surface Transportation Board (Board) seeking authority for WMI to abandon approximately 10.67 miles of rail line in Van Buren County, Michigan.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on February 1, 2013. In the EA, OEA states that the railroad submitted an historic report to the Michigan State Historic Preservation Office (or SHPO) as required by 49 C.F.R. § 1105.8. In a January 4, 2013 letter, the SHPO directs the railroad to resubmit the Section 106 review request using the SHPO's mandatory application form available on its website. WMI complied with the SHPO's directions and resubmitted the review request on January 17, 2013. At the time the EA and Final EA were prepared, the SHPO had not submitted comments on WMI's proposed abandonment; and therefore, OEA has been unable to consider the SHPO's opinion in determining whether the proposed project could affect historic properties. Accordingly, pending the outcome of consultations with the SHPO, OEA recommended that a condition be imposed on any decision granting abandonment authority requiring WMI to: (1) 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 until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has

been completed; (2) report back to OEA any consultations with the SHPO and the public; and (3) refrain from filing 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.

By decision served on March 8, 2013, the Board imposed the Section 106 condition recommended by OEA.

New Comments

In a reply letter from the SHPO received by OEA on March 1, 2013 (attached), the SHPO states that the undertaking (i.e., the proposed abandonment) would have “no adverse effect” on historic properties within the area of potential effects.

Conclusions

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad’s historic report, all relevant correspondence, the EA, the Final EA and this Supplemental Final EA, 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>.

This completes the Section 106 process and OEA recommends that the Section 106 condition imposed by the Board in this proceeding be removed at this time.

Attachment

OEA CONTACT: Dave Navecky
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ECT



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Received 3/1/13

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

SCOTT WOOSLEY
EXECUTIVE DIRECTOR

February 13, 2013

DAVE NAVECKY
OFFICE OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
395 E STREET SW
WASHINGTON DC 20423-0001

RE: ER13-145 West Michigan Railroad Co. Rail Line Abandonment Exemption - STB Docket No. AB-1107X,
MP 19.8 to MP 30.55, T3S, R15W and T3S, R14W, Lawrence and Paw Paw Townships,
Van Buren County (STB)

Dear Mr. Navecky:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the effects of the proposed undertaking do not meet the criteria of adverse effect [36 CFR § 800.5(a)(1)]. Therefore, the project will have no adverse effect [36 CFR § 800.5(b)] on historic properties within the area of potential effects for the above-cited undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. In all cases, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties" and 36 CFR § 800.5 "Assessment of adverse effects", and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.5(c) "Consulting party review".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at (517) 335-2721 or by email at grennellb@michigan.gov. Please reference our project number in all communication with this office regarding this undertaking. Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,


Martha MacFarlane Faes
Deputy State Historic Preservation Officer

MMF:SAT:BGG

copy: Robert Wimbish, Baker & Miller, PLLC

