

#EO-1626
D7W

SURFACE TRANSPORTATION STB
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENT TO FINAL
ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 449 (Sub-No. 3X)

April 4, 2011

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, the Western Kentucky Railway, LLC (WKRL) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon 9.5 miles of railroad in Webster, Union, Caldwell, and Crittenden Counties, Kentucky. By decision served on February 25, 2011, the Board imposed the following 2 environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment:

1. Prior to commencement of any salvage activities, the Western Kentucky Railway, LLC (WKRL) shall consult with the United States Army Corps of Engineers (USACE) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the USACE.
2. WKRL shall consult with the U.S. Department of Commerce, 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.

New Comment Received

On March 29, 2011, OEA received the attached correspondence from Mr. George Strack, the Tribal Historic Officer (THPO) for the Miami Tribe of Oklahoma. Mr. Strack indicates that the tribe is not aware of any cultural or historic sites in the area of the proposed abandonment, but requests that it be contacted in the event any human remains

or Native American cultural objects (regardless of affiliation) are found during the salvage process. OEA is therefore recommending that the following condition be included in this abandonment proceeding:

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

If this condition is imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

OEA CONTACT:

Diana Wood 
(202) 245-0302
woodd@stb.dot.gov

Attachment



Western Kentucky Railroad, LLC - Abandonment Exemption
George Strack
to:
woodd
03/29/2011 03:51 PM
Cc:
"Gloria Steed"
Show Details

AB-449 CSUB-No3X
E1-18512
Dfw

March 29, 2011

Diana Wood
Surface Transportation Board
Case Control Unit
Washington, DC 20423

RE: Western Kentucky Railway, LLC – Abandonment Exemption

Ms. Wood:

Aya, kikwesitoole. My name is George Strack and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity I am the Miami Nation's point of contact for all Section 106 issues.

In reference to your request for comment on the above project, the Miami Nation is not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the above referenced sites. However, as this site is within the homelands of the Miami Nation, should any human remains or Native American cultural objects falling under the Native American Graves Protection and Repatriation Act (NAGPRA) be discovered during any phase of this specific project, the Miami Nation requests immediate consultation with the entity of jurisdiction specific to the location of discovery.

The Miami Nation offers no objection to the proposed project at this time. However, should human remains and/or objects be uncovered, regardless of initial determination as to site dating or cultural affiliation, please contact me at 918-541-1366 or by mail at the address listed below to initiate consultation.

Sincerely,

George Strack

Tribal Historic Preservation Officer
gstrack@miamination.com

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