

HEI-2836  
D+W

February 9, 2007



WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY

The Cultural Center  
1900 Kanawha Blvd., E.  
Charleston, WV  
25305-0300

Phone 304.558.0220  
Fax 304.558.2779  
TDD 304.558.3562  
www.wvculture.org

EEO/AA Employer

Ms. Victoria Rutson  
Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K St., NW  
Washington, DC 20423

Re: STB Docket No. AB-290 (Sub. No. 267X), Norfolk Southern Railway Company– Abandonment Between Blue Creek and Acup (Sanderson) - In Kanawha County, West Virginia – Notice of Exemption, Memorandum of Agreement

FR#: 06-342-KA-4

We have reviewed the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

We are in receipt of the signed Memorandum of Agreement (MOA) for the above project. You have fulfilled your portion of the 106 agreement. Enclosed is the original signed MOA.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please call Shirley Stewart Burns, Historian at (304) 558-0240.*

Sincerely,

A handwritten signature in black ink, appearing to read "Susan M. Pierce". The signature is fluid and cursive, with a large initial "S" and "P".

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/SSB

Enclosure

cc: James R. Paschell, Norfolk Southern Railway Company

**MEMORANDUM OF AGREEMENT  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR 800**

Whereas, the Surface Transportation Board (“STB”), a federal agency, has determined that the abandonment of the Norfolk Southern Railway Company (“NSR”) line of railroad between milepost TP 14.69 at Blue Creek and milepost TP 26.91 at Acup (Sanderson), WV in Kanawha County, WV (“Blue Creek Rail Line”) pursuant to a notice of exemption filed by NSR in STB Docket No. AB-290 (Sub-No. 267X) will have an adverse effect upon that rail line, which is considered eligible to be listed in the National Register of Historic Places, and has consulted with the West Virginia State Historic Preservation Officer (“WVSHPO”) pursuant to 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f); and

Whereas, Norfolk Southern Railway Company has participated in the consultation regarding this project,

Now, therefore, the STB and the WVSHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**STIPULATIONS**

The STB will insure that the following measures are carried out regarding the demolition of existing bridges or trestles or closure of existing open tunnels on the Blue Creek Rail Line.

1. Prior to demolition of bridges or trestles or closure of tunnels on the Blue Creek Line, the STB shall ensure that such structures are documented under the supervision of the WVSHPO and according to the following standards. The WV State Historic Inventory Form will be completed for each such bridge, trestle or tunnel with any available additional information prepared in outline form to be attached to the Form. All documentation must be approved by the WV SHPO prior to the initiation of demolition of such existing bridges or trestles or closure of such tunnels.

2. A series of black and white photographs will be taken of the exterior facades of the bridges, trestles or tunnels. The use of a 35mm camera is acceptable. Negatives will be included in the documentation package. Any historic image available to NSR will be reproduced for inclusion or referenced by source.

3. A brief history of the Blue Creek Rail Line will be written. This will include construction dates for the line and structures along the line, the corporate succession of the railroad that built the rail line through its current operator and any available

information regarding the use and alterations of the Blue Creek Rail Line or its relationship to surrounding historic properties, if any.

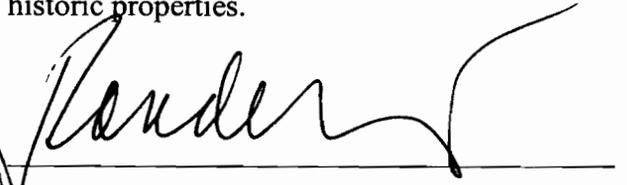
4. Any bridges, trestles or tunnels on the Blue Creek Rail Line that were not built according to standard plans, if any, shall be identified and any available plans and drawings for those structures shall be incorporated.

5. A copy of a track chart of the Blue Creek Rail Line shall be incorporated.

6. Sources of information will be documented, including locations of historic images. The author of the documentation shall be identified.

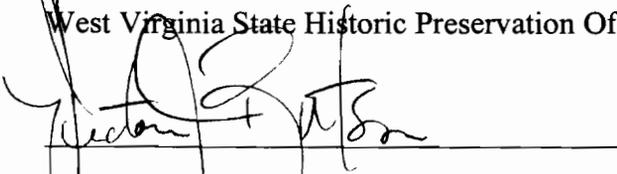
7. Should the SHPO object in writing to the sufficiency of the documents submitted under this MOA, the STB will consult with the SHPO to resolve the dispute. If the STB determines that the objection cannot be resolved, the STB will seek the recommendations of the Advisory Council with reference only to the subject of the dispute; all other stipulations shall remain in full effect.

Execution of this Memorandum of Agreement evidences that the STB has afforded the Advisory Council an opportunity to comment on the project and its effects on historic properties, and that the STB has taken into account the effects of the undertaking on historic properties.

  
\_\_\_\_\_  
West Virginia State Historic Preservation Office

30 August 2006

Date

  
\_\_\_\_\_  
For the Surface Transportation Board  
Federal Agency Sponsor

Jan. 26, 2007

Date

Concur:

  
\_\_\_\_\_  
James R. Paschall, Senior General Attorney  
For Norfolk Southern Railway Company  
Consulting Party

July 19, 2006

Date