

EO
710

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-156 (Sub No. 26X)
and STB DOCKET NO. AB-1016X

November 26, 2007

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

NEW COMMENTS WERE RECEIVED

SEA served an Environmental Assessment (EA) for this proceeding on October 23, 2007, for public review and comment. In the EA, SEA recommended no environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received six comments after issuance of the EA.

1. In an e-mail dated November 2, 2007, Mr. Simon Monroe, National Geodetic Survey, stated that approximately 20 geodetic survey markers may be located in the area of the proposed project.
2. In a letter dated October 31, 2007, Mr. Damon Schramm, Counsel, Lakes Entertainment Inc. (Lakes), filed a rebuttal to Foam Packaging, Inc.'s (Foam), filing requesting that the Kansas City Southern Railway Company's (KCS) request to be exempt from the OFA process be denied. In its filing, Lakes identifies nine non-environmental reasons why they believe that KCS's request to be exempt from the OFA process should be approved.
3. In a letter dated November 2, 2007, the City of Vicksburg (City), MS, states that because of the potential economic benefits to the City resulting from Lakes proposed casino, that it also believes that KCS should be exempt from the OFA process.

4. In a letter dated November 5, 2007, KCS responds to Foam's October 16, 2007, filing. No environmental issues were identified.
5. In a letter dated November 7, 2007, Foam submits a sworn affidavit of Mr. J. B. Davenport, founding co-owner and Treasurer of Foam. No environmental issues were identified.
6. In a letter dated November 19, 2007, KCS responds to Foam's November 7, 2007, filing. No environmental issues were identified.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the following single new environmental condition be imposed upon any decision granting abandonment authority. The condition is:

1. **The Kansas City Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify the NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

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

SEA CONTACT:  Troy Brady – (202) 245-0301 or Troy.Brady@stb.dot.gov