

#EO-746
DHW
AB-6 450X

**SURFACE TRANSPORTATION STB
SECTION OF ENVIRONMENTAL ANALYSIS**

POST POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-6 (Sub-No. 450X)

November 30, 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

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RECOMMENDATION: Remove Section 106 Condition in AB-6 (Sub-No. 450X) –
BNSF Railway Company - Abandonment Exemption - in
Clay County, Missouri

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (STB) seeking approval authority to abandon a 1.06 mile line of railroad in Clay County, Missouri. By decision served on August 20, 2007, the STB imposed two environmental conditions.

Comments on the EA

Historic Condition

In this proceeding, the Missouri State Historic Preservation Office (SHPO) determined that there was a moderate to high potential for the presence of archaeological sites near and within the area of the proposed abandonment and requested an archaeological survey. Accordingly, condition 2 required BNSF to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultations with the SHPO, we determined that the proposed abandonment would have no adverse effect on the line because it is not eligible for listing in the National Register of Historic Places.

Accordingly, this completes the STB's compliance responsibilities under Section 106 of the NHPA and we recommend that the Section 106 condition imposed in this proceeding be removed.

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

Distribution: Ann Newman, Office of Proceedings
SEA Chron
ECT

Attachment (1)



David T. Rankin
Senior General Attorney

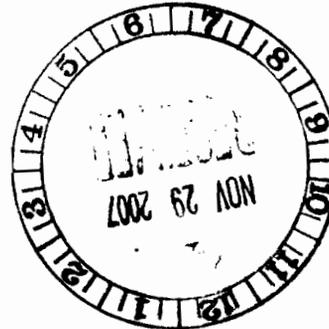
BNSF Railway Company
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Fort Worth, TX 76131-2828
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E1-3260
DTW
AB-6 450X

VIA UPS OVERNIGHT MAIL

November 28, 2007

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street S.W.
Washington DC 20423-0001



Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 450X); BNSF Railway Company - Abandonment Exemption - in Clay County, Missouri

Dear Secretary Williams:

Please refer to the STB decision served on September 13, 2007, in the above-referenced docket. Pursuant to the Condition requiring BNSF to retain its interest in the line until completion of the Section 106 process, we previously forwarded to you a copy of the historic survey for the above-referenced line. This document was submitted to the Missouri State Historic Preservation Office (SHPO) for their concurrence. Accordingly, the SHPO has forwarded its approval of the determination of **no historic properties affected** (see attached letter dated November 14, 2007).

Therefore, BNSF requests that the Section 106 condition of the National Historic Preservation Act, 16 U.S.C. 470f, be removed.

If you have any questions, please call me at (817) 352-2383.

Sincerely,


David T. Rankin
Senior General Attorney

DTR/js

cc: Victoria Rutson, STB
Mark Miles, SHPO
Susan Odom
John Sims

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

November 14, 2007

Jake P. DeBoever
BNSF Railway Company
P.O. Box 961039
Fort Worth, Texas 76161-0039



REC'D. LAW DEPT.

NOV 19 2007

FORT WORTH

Re: BNSF Line Segment 0018 North of Kearney (STB) Clay County, Missouri

Dear Mr. DeBoever:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which requires identification and evaluation of cultural resources.

We have reviewed the November 2007 report entitled *Cultural Resource Investigations, Phase I Survey, BNSF Line Segment 0018 North of Kearney, Clay County, Missouri* by the Environmental Research Center of Missouri, Inc. Based on this review it is evident that a thorough and adequate cultural resources survey has been conducted of the project area. We concur with the investigator's recommendation that 23CL418 is not eligible for inclusion in the National Register of Historic Places and that there will be **no historic properties affected**. We have no objection to the initiation of project activities.

Please be advised that, should project plans change, information documenting the revisions should be submitted to this office for further review. In the event that cultural materials are encountered during project activities, all construction should be halted, and this office notified as soon as possible in order to determine the appropriate course of action.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number **(041-CL-07)** on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles
Director and Deputy
State Historic Preservation Officer

MAM:jd

c Craig Sturdevant, ERC