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SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-290 (284X)

December 4, 2006

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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SEA served an Environmental Assessment (EA) for this proceeding on November 17, 2006 for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received one comment after issuance of the EA. The Kalamazoo District Office, Land and Water Division, submitted comments stating that the planned abandonment activities and removal of structures in the area of the Kalamazoo River would require a Department of Environmental Quality (DEQ) permit. The previously recommended condition for the railroad to consult with Michigan DEQ should address this concern.

In addition, the Kalamazoo District Office stated that the area of the proposed abandonment may be located in a Federal Superfund site, and that any removal activities may require additional precautions. Accordingly, we will recommend that the railroad consult with the U.S. Environmental Protection Agency and the Michigan DEQ, Remediation and Redevelopment Division, regarding the proposed abandonment and to identify any safety precautions that should be taken during salvage activities. The railroad shall report the results of these consultations in writing to SEA prior to the onset of salvage operations.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA, as well as the additional conditions recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

1. Prior to commencement of any salvage activities Norfolk Southern Railway Company shall consult with Mr. Kameron Jordon at the Michigan Department of Environmental Quality (Michigan DEQ), Land and Water Management Division, and shall comply with the reasonable requirements of Michigan DEQ.

2. Prior to commencement of any salvage activities, the Norfolk Southern Railway Company (NS) shall consult with the U.S. Environmental Protection Agency and the Michigan DEQ, Remediation and Redevelopment Division, regarding the proposed abandonment and to identify any safety precautions that should be taken during salvage activities. NS shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.
3. Norfolk Southern Railway Company (NS) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. NS shall report back to the Section of Environmental Analysis regarding any consultations with the Michigan Historical Center (State Historic Preservation Office or SHPO) and any other Section 106 consulting parties. The railroad may not file its consummation notice or initiate salvage activities (including removal of the tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

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

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EI-2593
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December 4, 2006

VIA fax (202) 565-9004

Vernon L. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423

Re: STB Docket No. AB-290 (Sub. No. 284X), Norfolk Southern Railway
Company – Abandonment - In Kalamazoo County, Michigan –
Notice of Exemption

Dear Mr. Williams:

Enclosed please find a copy of an email received from the Michigan
Department of Environmental Quality in response to their review of Norfolk
Southern's environmental report with regard to the above referenced matter.

Yours very truly,

Kathy C. Headrick

Kathy C. Headrick

Enclosure

cc (w/encl.):
Christa L. Dean, Attorney
Section of Environmental Analysis
via fax (202) 565-9000

Headrick, Kathy, C

From: Larry Poynter [poynterl@michigan.gov]
Sent: Friday, December 01, 2006 3:59 PM
To: kathy.headrick@nscorp.com
Cc: Kameron Jordan; David O'Donnell; Vickie Plummer; MaryBeth Thelen
Subject: DIR00517, Docket no. AB-290 (Sub-No. 284X) NS RXR Co. Abandonment, K-zoo Co.

Ms. Headrick, I apologize for lack of timeliness in this response, but it got buried in the in-box.

The removal of structures within the bottomland of the Kalamazoo River will require a DEQ permit pursuant to Sec. 30102(b) of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Regulated activities within any associated regulated wetlands would also require a DEQ permit pursuant to Part 303, Wetland Protection, of the NREPA.

In addition, I am sure that this stretch of the Kalamazoo River is a Federal Superfund site, so removal activities may require additional precautions to avoid the mobilization of sediments. David O'Donnell of DEQ's Remediation and Redevelopment Division is being made aware of this proposed project for possible concerns. If there are any questions or comments, please contact me.

Larry Poynter, District Representative
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