

EO-934

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-290 (Sub-No. 257X)

May 22, 2008

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**

SEA served an Environmental Assessment (EA) in this proceeding on January 24, 2005 for public review and comment. In the EA, SEA recommended five environmental conditions, and concluded that, as currently proposed, and if the recommended conditions were imposed, abandonment of the Line would not significantly affect the quality of the human environment. SEA received no comments on the EA and prepared a Post EA on February 17, 2005 that continued to recommend the five original environmental conditions in the EA.

By decision and notice of interim trail use or abandonment served February 17, 2005, the Board authorized abandonment of the line, subject to interim trail use/rail banking negotiations, and imposed the five environmental conditions recommended by SEA.

Norfolk Southern Railway Company (NSR) and the Indiana Trails Fund, Inc. (ITF) negotiated for nearly three years to reach an interim trail use agreement, were unable to do so, and NSR did not consent to the latest request from ITF for an additional extension of the voluntary interim trail use negotiating period. In a decision served February 25, 2008, the Board denied ITF's request to extend the negotiating period. Therefore, NSR can proceed with abandonment and salvage, but remains subject to the original five environmental conditions imposed by the Board.

Comments

By letter dated March 13, 2008 (attached), NSR provided documentation to SEA of compliance with the five environmental conditions imposed by the Board in this proceeding.

The documentation included additional consultations with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency and National Geodetic Survey. These consultations pertain to self-executing conditions and require no further action by SEA or the Board.

At the time the EA and Post EA in this proceeding were issued by SEA, NSR had not provided documentation of a consultation response from the U.S. Fish and Wildlife Service (USFWS). However, in its December 2004 Environmental Report, NSR had identified two Federally listed species that may occur in the vicinity of the Line (i.e., Bald eagle [*Haliaeetus leucocephalus*] and Indiana bat [*Myotis sodalis*]). Accordingly, SEA recommended that NSR consult with the USFWS and report the results of those consultations to SEA. In its March 13, 2008 letter SEA, NSR provided a copy of an October 18, 2004 consultation response from the USFWS. In that letter, the USFWS concludes that the proposed project would not likely have an adverse affect on the two listed species. Although pre-dating SEA's EA and Post EA in this proceeding, the USFWS letter from October 14, 2004 addresses SEA's concerns regarding the two listed species.

In response to an Indiana State Historic Preservation Office (SHPO) letter of February 2, 2005, NSR provided additional information on the Hartford City PCC & St. L Passenger Depot to the SHPO in a February 8, 2005 letter. The SHPO replied by letter on March 23, 2005 (attached). In that letter, the SHPO concluded that the proposed abandonment would not be expected to diminish the historic integrity of the Depot. Previously, the SHPO had identified no other archaeological sites, buildings or structures listed in or eligible for inclusion on the National Register of Historic Places.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, SEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, the EA, the Post EA and this Post Post EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Conclusions

SEA concludes that NSR has satisfied the five environmental conditions in this proceeding.

The conditions pertaining to the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency and National Geodetic Survey are self-executing and require no further action by SEA or the Board.

SEA recommends that the Section 106 and U.S. Fish and Wildlife Service conditions imposed in the Board's February 17, 2005 decision be removed.

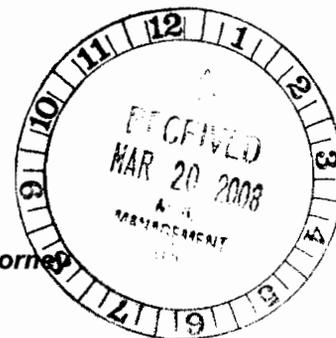
SEA CONTACT: Dave Navecky; 202-245-0294
naveckyd@stb.dot.gov

Distribution: Indiana State Historic Preservation Office
James Paschall, NSR
Ann Newman, Office of Proceedings
SEA Chron
STB Website - ECT



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
Senior General Attorney



Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

March 13, 2008

Via e-mail, fax and U.S. mail
Mr. David Navecky
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Surface Transportation Board Docket No. AB-290 (Sub-No. 257X),
Norfolk Southern Railway Company - Abandonment Exemption - In
Blackford County, Indiana - Report on Completion of Conditions -
Request for Removal of Section 106 Historic Preservation Process
Condition and Request for Removal or Acknowledgment of Completion of
Other Environmental Conditions

Dear Mr. Navecky:

In a decision and notice of interim trail use or abandonment served by the Board in this matter on February 17, 2005, the Board made Norfolk Southern Railway Company's (NSR's) abandonment of the subject line between milepost RK-130.00 at Converse, and milepost RK-138.60 at Hartford City, in Blackford County, IN subject to several conditions, including retaining its interest in and taking no steps to alter the historic integrity of the ROW until completion of the section 106 process of the NHPA.

For nearly three years, NSR negotiated with the Indiana Trails Fund, Inc. in an effort to reach an interim trail use agreement. The parties have reached interim trail use agreements with respect to other lines that were the subject of STB abandonment proceedings but were unable to do so in this case. In a decision served February 28, 2008, the Board declined to extend the trail use negotiation period in this proceeding because NSR did not consent to a further extension of that period in view of the deadlocked negotiations.

The conditions paragraph from the STB decision served February 17, 2005 in STB Docket No. AB-290 (Sub-No. 257X), *Norfolk Southern Railway Company – Abandonment Exemption – In Blackford County, IN* stated:

Mr. David Navecky, STB SEA
March 13, 2008
STB No. AB-290, Sub-No. 257X
Page 2 of 3

3. Upon reconsideration, the notice served and published in the Federal Register on January 19, 2005, exempting the abandonment of the line described above, is modified to the extent necessary to implement interim trail use/rail banking and to permit public use negotiations as set forth below, for a period of 180 days commencing from the February 18, 2005 effective date of the exemption (until August 17, 2005), and subject to the conditions that NSR: (1) prior to initiating salvage activities, consult with the Corps, Louisville District, to determine the applicability and need for permits; (2) prior to initiating salvage activities, consult with USEPA; (3) prior to initiating salvage activities, consult with the FWS Ecological Service Field Office in Bloomington, IN, and report the results of those consultations to SEA; (4) notify NGS 90 days prior to conducting salvage activities so NGS can plan for the relocation of the geodetic station marker identified on the line; and (5) retain its interest in and take no steps to alter the historic integrity of the ROW until completion of the section 106 process of the NHPA.

Paragraph 4 of the Board's order served February 17, 2005 states in part: 4. Consistent with the public use and interim trail use/rail banking conditions imposed in this decision and notice, NSR may discontinue service and salvage track and related materials.

Since the trail use negotiations as to the subject line recently have been terminated, NSR makes this report on its consultations with the various agencies in order that NSR may consummate the abandonment of the line. NSR requests that the Section 106 historic preservation process condition be removed and that the other conditions be deemed satisfied and, to the extent necessary, that the Board remove the conditions from the exemption authorized in the notice of exemption served January 19, 2005 in this proceeding.

(1) The May 27, 2005 response of the U. S. Army Corps of Engineers, Louisville District, to NSR's inquiry concerning salvage of the Line's right-of-way and the fact that no permits from the Corps will be needed is attached.

(2) The undated response of the U. S. Environmental Protection Agency to NSR's inquiry and consultation, a copy of which was sent to the Board, is attached.

(3) Attached is the October 18, 2004 letter from the U. S. Fish and Wildlife Service, Bloomington, IN office, stating that certain precautions should be taken during salvage operations and that no further consultations were necessary. Also attached is a December 8, 2004 response from the State of Indiana Department of Natural Resources to our request for review of this project.

Mr. David Navecky, STB SEA
March 13, 2008
STB No. AB-290, Sub-No. 257X
Page 3 of 3

(4) Attached is a copy of an e-mail exchange between NSR and the Indiana State Geodetic Adviser giving notice concerning salvage of the line and geodetic markers. In addition, we have reviewed the NGS web site and have determined that the geodetic marker reported to be on the line is not close enough to the line to be disturbed by salvage operations.

(5) Following correspondence between the Indiana State Historic Preservation Office and NSR, NSR received the attached letter from the Indiana SHPO. NSR previously reported to the Board that NSR had received this letter. NSR believes the SHPO's March 23, 2005 letter signifies that SHPO's concerns have been satisfied and the Section 106 process should be deemed completed. The SHPO's letter does leave the final decision to the Board, but this is consistent with the statute and regulations. NSR believes that NSR's historic report and its response to the SHPO's later inquiry, and the SHPO's reply, justify a finding that the abandonment of the subject Line will have no adverse effect on properties listed in or eligible for listing in the National Register of Historic Places. Thus, NSR again asks that the Board remove the historic preservation process condition imposed in the decision served February 17, 2005.

NSR requests that the Board issue a decision removing the Section 106 condition in this proceeding and, to the extent necessary, removing or deeming satisfied the other conditions imposed in the Board's order served February 17, 2005. Thank you for your consideration of this matter.

Very truly yours,


James R. Paschall

Encl.
cc w/ encl.
Via e-mail
Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

via fax 202-245-0454 and original and 10 copies via mail
Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Handwritten signature



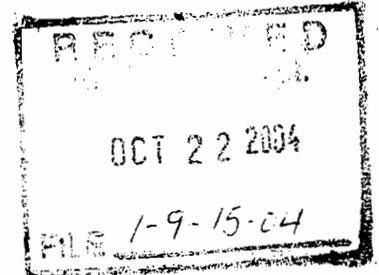
United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

October 18, 2004

Mr. Larry Western
Norfolk Southern Railway Company
Environmental Protection Section
110 Franklin Road SE (Box 13)
Roanoke, Virginia 24042-0013



Handwritten initials:
KR MILLER
JM LIPPS
JR PASCITALL

Dear Mr. Western:

This responds to your undated letter which was received in this office on October 4, 2004, requesting U.S. Fish and Wildlife Service (FWS) review of a proposed railroad abandonment in Blackford County, Indiana.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposed abandonment would be 8.6 miles in length, between Converse and Hartford City, Indiana. Your letter states that the route has two stream crossings but there are no plans to alter the railroad bed or to perform work in streams.

Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). While some foraging habitat may exist in the project area, the proposed project is not likely to adversely affect these listed species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. If, however, new information on endangered species at the site becomes available or if project plans are changed significantly, please contact our office for further consultation.

The attached National Wetland Inventory maps indicate wetlands along the abandonment route. We recommend the following measures to avoid or minimize impacts on wildlife and habitats:

1. Minimize tree clearing and avoid wetland disturbance for access to work areas.
2. Avoid discharge of demolition debris, waste material, or other pollutants into streams or wetlands.
3. If earthmoving is required, contain disturbed soils to prevent runoff to waterways or wetlands.
4. If bridge removal is proposed, avoid work in stream channels during the primary fish spawning season (April 1 - June 15).

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott E. Pruitt". The signature is written in a cursive style with a large initial "S" and a horizontal line at the end.

Scott E. Pruitt
Field Supervisor

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water**

Early Coordination/Environmental Assessment

DNR #: ER-11224 **Request Received:** September 24, 2004

Requestor: Norfolk Southern Railway Company
Larry G Western
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Project: Proposed Rail Line Abandonment from (Milepost RK 130.0 to Milepost RK 138.6)

County/Site info: Blackford

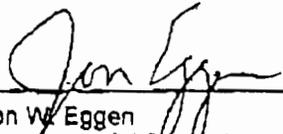
The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

Regulatory Assessment: Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this project.

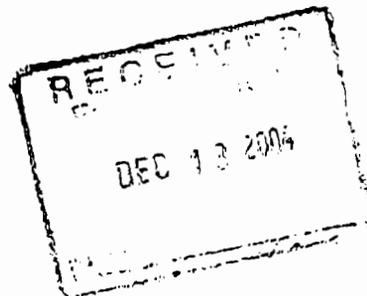
Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Fish, wildlife, and botanical resource losses as a result of this project should be minimal.

Contact Staff: Christie L. Kiefer, Environ. Coordinator, Environmental Unit
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.


Jon W. Eggen
Environmental Supervisor
Division of Fish and Wildlife

Date: December 8, 2004



DNR

Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



February 2, 2005

James R. Paschall
Law Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241

Federal Agency: Surface Transportation Board

Re: Abandonment of 8.60 miles of rail line between milepost RK 130.00 at Converse and railroad milepost RK 138.60 at Hartford City by the Norfolk Southern Railway Company (Docket #AB-290[sub #257X])

Dear Mr. Paschall:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36-C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated December 7, 2004, and received on December 8, 2004, for the above indicated project in Jackson and Licking townships, Blackford County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In regard to buildings and structures, we have identified the Hartford City PCC & St. L Passenger Depot within the probable area of potential effects, and we believe that it meets the criteria of eligibility for inclusion in the National Register of Historic Places for its association with railroad transportation in Blackford County.

Based on the information provided to our office, we believe that there may be effects on the above identified historic property qualifying it for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]). To enable us to provide views on the effects 36 C.F.R. § 800.4(d)(2) for your agency, please provide the following information:

- 1) Is the Hartford City PCC & St. L Passenger Depot owned by Norfolk Southern Corporation? If so, will it be abandoned or salvaged?

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Shana Kelso of our office at (317) 232-1646.

Very truly yours,

Shana Kelso

for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK

cc: David C. Navecky, Surface Transportation Board





Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

February 8, 2005

Ms. Shana Kelso
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204-2739

Re: Surface Transportation Board Docket No. AB-290 (Sub-No. 257X), Norfolk
Southern Railway Company - Abandonment Exemption - In Blackford
County, Indiana

Dear Ms. Kelso:

The notice of exemption in the subject docket relates to the proposed abandonment of 8.60 miles of Norfolk Southern Railway Company railroad line between Milepost RK-130.0 at Converse, Indiana and Milepost RK-138.60 at Hartford City, Indiana. In connection with your review of this matter, in a letter dated February 2, 2005, you asked: Is the Hartford City PCC & StL Passenger Depot owned by Norfolk Southern Corporation? If so, will it be abandoned or salvaged?

We searched the records that we received from Consolidated Rail Corporation (Conrail) in connection with the transfer of property in Blackford County, Indiana from Conrail to Pennsylvania Lines, LLC (PRR) in 1999. That property subsequently became Norfolk Southern Railway Company (NSR) property as a result of the merger of PRR into NSR in 2004. We determined that NSR does not own the old Hartford City, IN depot. In fact, the records indicate that The Penn Central Corporation did not convey ownership of the building to Conrail when the bankrupt midwestern and northeastern railroads were reorganized and consolidated into Conrail on April 1, 1976. Thus, we conclude that the building remained the property of The Penn Central Corporation and must now belong to its successor or to a later buyer or donee. Since NSR does not own the old depot, NSR would not take any action with respect to it.

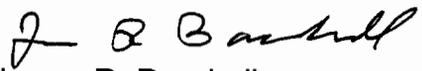
The Penn Central Corporation became American Premier Underwriters, Inc. In 1995, through mergers, American Premier Underwriters, Inc. became American Financial Group, Inc., which is a New York Stock Exchange listed company.

Ms. Shana Kelso
STB No. AB-290, Sub-No. 257X
February 8, 2005
Page 2 of 2

We have found that the Manuscript and Visual Collections Department, William Henry Smith Memorial Library, Indiana Historical Society, 450 West Ohio Street, Indianapolis, IN 46202-3269, www.indianahistory.org, has a collection of materials from the Cecil Beeson/Blackford County Historical Society Collection. The Series 4 files for Hartford City contain photographs taken at locations in Hartford City, including Railroad Stations, ca. 1920, Photographs: Box 2, Folder 33 and Railroad Stations, Pennsylvania Railroad, ca. 1928, 120 mm Black-and-White, Nitrate Negatives: N16. While the former could include the interurban station at Hartford City, the latter must refer to the depot that is the subject of your letter. PCC & StL was controlled by the Pennsylvania Railroad Company so the identification of the station as a Pennsylvania Railroad station is accurate.

I trust this information will answer your question and enable you to complete your NHPA Section 106 review of this matter.

Very truly yours,


James R. Paschall

cc: Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Mr. David C. Navecky
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

B-19J

Richard Dietz
Engineer Systems
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, Georgia 30309-3579

Re: **STB Docket No. AB-290(Sub. No. 257X) Norfolk Southern Rail Line Abandonment in Blackford County, Indiana**

Dear Mr. Dietz:

The U.S. Environmental Protection Agency (US EPA) has received the letter dated April 6, 2006 concerning a proposed abandonment of 8.6 miles of rail line segment located between Hartford City and Dunkirk, in Blackford County, Indiana. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if resources and interest permit.

We did not undertake a detailed review of the project you sent to this office. However, the document was given a cursory review, and we determined that there were no significant concerns meriting comment provided the following items are addressed.

Permits related to the Clean Water Act Sections 401 floodplain, 402 runoff and 404 wetlands are addressed with the Army Corps of Engineers (ACE) and the Indiana Department of Natural Resources (INDNR). The INDNR and local officials can address the state and local water quality standards applicable to this abandonment.

This proposal should specify what precautions will be taken to assure protection of the Big Lick Creek, the Little Lick Creek and their feeder streams at the several crossing points during construction, which go beyond the general "best practice". These would include no staging or piling of materials in runoff areas, and avoiding incidental spills, dumping, discarding debris and damage to area flora.

Attention should be given to machinery maintenance to minimize noise and air pollution.

Considerations of wildlife, habitats and endangered or threatened species should be addressed to the U.S. Fish and Wildlife Service and the INDNR

Questions regarding soil and natural resource conservation and agricultural lands should be addressed to the U.S. Department of Agriculture's Natural Resource Conservation Service.

Future land use for this property should be discussed. If this abandonment is one of a connected series, cumulative impacts should be addressed appropriately in your report. It is our impression that abandonment of the Hartford City yard and the dead-end spur left in Dunkirk could have such direct and indirect impacts.

Consideration should be given to the abandoned industrial sites along this right of way (ROW). We recommend discussing potential redevelopments or future uses of this ROW, in

relationship to these industrial sites as connected and cumulative concerns, with the Hartford City Mayor, Dennis Whitesell.

Conditions for all at-grade crossings are to be negotiated with the appropriate state, county and local Departments of Transportation.

Final disposition of crossties preserved with creosote is addressed, since it is an issue of concern per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, which states that wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana or unless the state permits landscaping réuses.

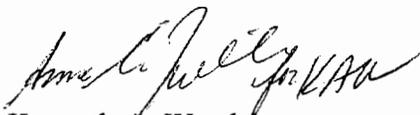
Recycling of materials such as rail steel, electrical and signal housings, bridge work and other materials, which are to be removed from this site, should be addressed and documented.

We specifically request your Surface Transportation Board Report (Report) address several issues of environmental concern. If this short segment of rail line is to be abandoned, what will be done with the land, who will maintain culverts and such right-of-way related structures and how will invasive species of flora be controlled? Are contiguous sections of track going to also be abandoned, creating a cumulative impact in this area?

Additional environmental resources can be found at U.S. EPA websites: 1) the Envirofacts Data Warehouse, <http://www.epa.gov/enviro> and 2) Surf your watershed, <http://www.epa.gov/surf>

Thank you for providing information on this project and allowing our input at this early stage. We reserve the right to reconsider undertaking further review if significant new data on the project is made available by the sponsoring agency or other interested parties. Feel free to contact me or my staff member Norm West, at 312-353-5692 or at west.norman@epa.gov, should any further questions regarding this project arise. Please address all future correspondence regarding rail line abandonment to my attention.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Science, Ecosystems, and Communities

Cc: Vicki Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS FIELD OFFICE
9799 BILLINGS ROAD
INDIANAPOLIS, INDIANA 46216-1055
FAX: (317) 532-4228
<http://www.lrl.usace.army.mil>

May 27, 2005

Operations Division
Regulatory Branch (North)
ID No. 200500796-trs

Mr. Richard P. Dietz
Norfolk Southern Corporation
175 Spring Street, SW
Atlanta, Georgia 30303

Dear Mr. Dietz:

This is in regard to your letter concerning a proposal to salvage the track material from the right of way of Norfolk Southern Rail line located between Hartford City and Dunkirk, Blackford County, Indiana. All bridges and culverts will remain in place.

This determination is approved based on the information provided by you. It does not appear that a Department of the Army permit will be required since the project referenced above does not include the discharge of dredged or fill material into a "waters of the United States (U.S.)". Waters of the U.S. include all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

If the project would necessitate the discharge of dredged or fill material into "waters of the U.S.," including wetlands, plans should be submitted for our review.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from state or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or nonconcurrence with stated environmental effects.

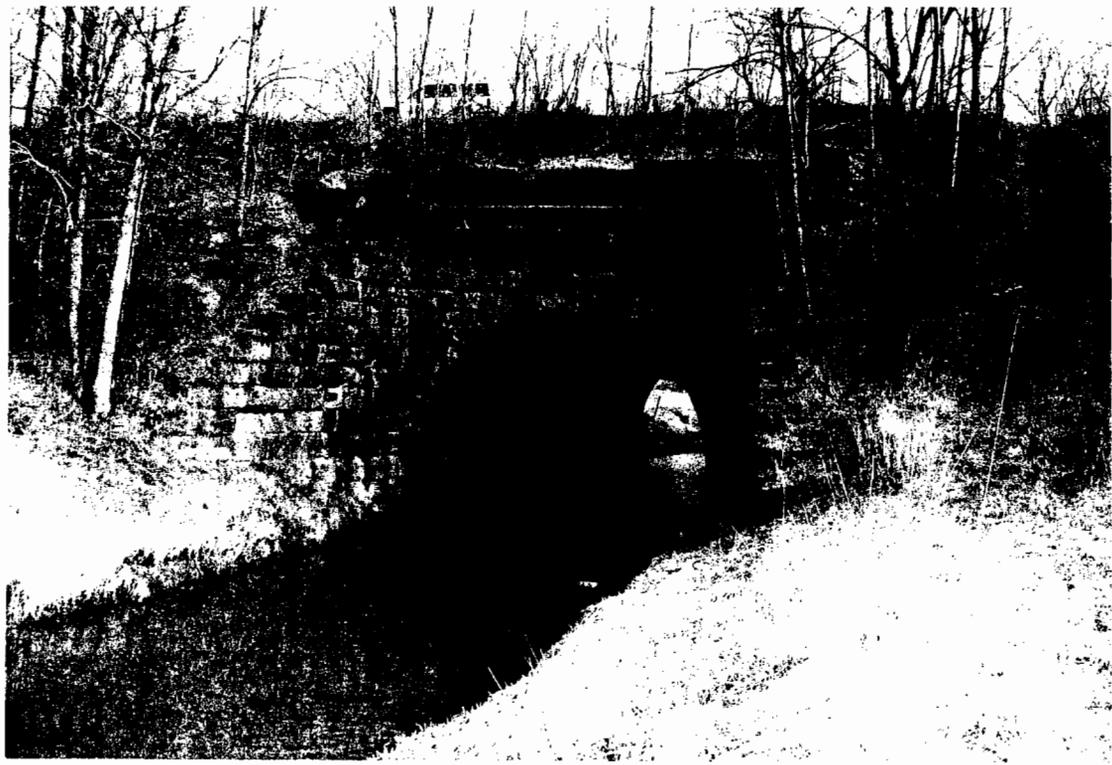
If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-OP-FN, or call me at (317)532-4227. Any correspondence on this matter should refer to our ID Number 200500796-trs

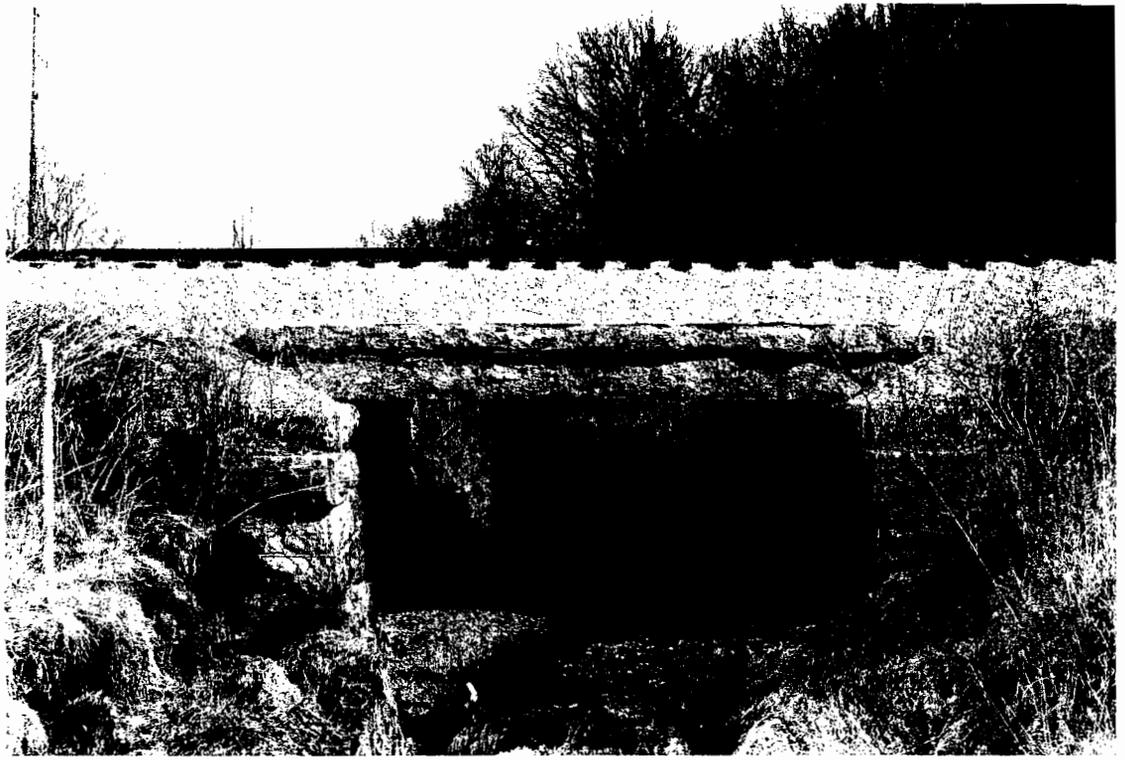
Sincerely,

A handwritten signature in black ink, appearing to read "Tim Smith", written over a horizontal line.

Tim Smith
Regulatory Specialist
Regulatory Branch

Copy furnished:
Mr. Ryan Cassidy, Indiana Department of Environmental Management







From: Boudewijn H.W. van Gelder [mailto:vngelder@ecn.purdue.edu]
Sent: Monday, October 29, 2007 10:31 AM
To: Dietz, Richard P.
Subject: Re: Norfolk Southern Rail Line Abandonment / NGS Survey Marker

Rick Dietz,

Thanks for reporting the future status of this marker.

NS can go ahead with the planned track removal project.

Although to your opinion the marker is not in jeopardy during these type of operations we always advice to put a temporary metal frame of welded pipes around the marker so that operators of heavy equipment appreciate the vulnerability of the marker at an instant.

Thanks for contacting me, and excuses for not responding earlier.

Sincerely,

Dr. Boudewijn H.W. van Gelder
Indiana State Geodetic Advisor

At 11:52 AM 10/26/2007 -0400, you wrote:

Professor van Gelder

I am inquiring as to whether you have been able to review my request concerning the possibility of a survey marker being within our track removal project. I stated in my email of September 13,2007, that I had reviewed the data sheets that correspond to the USGS Quad map for the area and determined that only one marker might or not be affected. (Hartford City East PID LA 2094 N402415, W0851635) I would like to know if you concur with my review that the marker although near the railroad would not be affected by our salvage operations.

Norfolk Southern would like to commence its salvage operations for this line segment as the material is needed for other maintenance projects.

Thank you

Rick Dietz
Engineer Systems, Atlanta
404-529-1434

Dr. Boudewijn H.W. van Gelder Ph: (765) 494-2165 (office)
Associate Professor Fax: (765) 494-0395 (office)
Indiana State Geodetic Advisor E-mail: vngelder@ecn.purdue.edu

Land Surveying and Geomatics Engineering
School of Civil Engineering
Purdue University Ph: (765) 743-3286 (home)
550 Stadium Mall Drive
West Lafayette, IN 47907-2051

<https://engineering.purdue.edu/CE/People/Faculty/?flogin=vngelder>
<http://bridge.ecn.purdue.edu/~oisga/>
<http://www.ecn.purdue.edu/Geomatics/GPSCBS/frameset>
<http://web.ics.purdue.edu/~han5/BvG/>

DNR

Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274-Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



March 23, 2005

James R. Paschall
Law Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241

Federal Agency: Surface Transportation Board ("STB")

Re: Additional information regarding the abandonment of 8.60 miles of rail line between milepost RK 130.00 at Converse and railroad milepost RK 138.60 at Hartford City by the Norfolk Southern Railway Company (Docket #AB-290[sub #257X])

Dear Mr. Paschall:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated February 8, 2005, and received on February 11, 2005, for the above indicated project in Jackson and Licking townships, Blackford County, Indiana.

Thank you for providing the additional information we requested in our letter dated February 2, 2005. Since Norfolk Southern Corporation does not own the Hartford City PCC & St. L Passenger Depot and no action will be taken with respect to it, we do not believe that the integrity of the Hartford City PCC & St. L Passenger Depot will be diminished as a result of this project.

Therefore, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4 (d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

We look forward to receiving notice of the STB's findings.

Be advised that John R. Goss no longer holds the title of Indiana SHPO. As of February 21, 2005, Kyle J. Hupfer, who was appointed by the Governor Daniels, became the new Indiana SHPO.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Shana Kelso of our office at (317) 232-1646.

Very truly yours,

Shana Kelso

02: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

cc: David C. Navecky, Surface Transportation Board

