

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

#EO-1405

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-33 (Sub-No. 278X)

February 26, 2010

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**

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RECOMMENDATION: Remove Section 106 Condition in STB Docket No. AB-33 (Sub-No. 278X) Union Pacific Railroad Company – Abandonment Exemption – In San Joaquin and Stanislaus Counties, CA

By decision served on July 31, 2009, the Board imposed a condition requiring Union Pacific Railroad Company 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).

Comments on the EA

In a letter dated February 8, 2010, the California Department of Parks and Recreation's Office of Historic Preservation (State Historic Preservation Office or SHPO) submitted comments stating that the proposed project will have no effect on historic properties.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the July 7, 2009 Environmental Assessment, 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>.

Accordingly, we recommend that the Section 106 condition imposed in the Board's July 31, 2009 Decision be removed.

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Attachment: (1)

**OFFICE OF HISTORIC PRESERVATION
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#E1-18050
AB-33 278X
DAW

8 February 2010

Reply To: STB090217A

Victoria Ruston
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20024

Re: Proposed Abandonment of the McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43 in San Joaquin and Stanislaus Counties, California; Docket No. AB-33 (sub-No. 278X)

Dear Ms. Ruston:

Thank you for your letter of 15 May 2009 on behalf of the Surface Transportation Board (STB) initiating consultation for the above referenced undertaking in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. With this submittal you have requested I review the information for compliance with Section 106.

As I presently understand it, the undertaking consists of abandonment of a portion of rail line between Milepost 21.25 to Milepost 26.43 in San Joaquin and Stanislaus Counties. The Tidewater Southern Railway constructed the line in 1912, although the rails have been continually replaced and date between 1971 and 1992.

After reviewing the Historic Report included in the consultation package, I am able to concur with the STB overall effort to determine and document that the APE is satisfactory pursuant to 36 CFR 800.4(a)(1). Likewise, STB's effort to document historic properties in the APE is satisfactory pursuant to 36 CFR 800.4(b). I presently understand there are four (4) bridges within the APE and none appear to be eligible for inclusion in the National Register of Historic Places.

Because there are no historic properties present in the APE, I am able to concur with the "No Historic Properties Affected" for the undertaking.

Thank you for considering historic properties in your planning process. If you have any questions, please contact Amanda Blosser of my staff at (916) 654-7372 or e-mail at ablosser@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

MWD:ab