



**BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY**

209986

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

**LAW DEPARTMENT
(978) 663-1215
Fax (978) 663-1213**

January 28, 2004

VIA FEDERAL EXPRESS

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

**ENTERED
Office of Proceedings
JAN 29 2004
Part of
Public Record**

**Re: Boston & Maine Corporation and Springfield Terminal Railway Company
--- Abandonment and Discontinuance of Service ---
Tewksbury Branch, Middlesex County, Massachusetts
Docket No. AB 32 (Sub No. 97X) > 209986
Docket No. AB 355 (Sub No. 29X) > 209987**

Dear Secretary Williams:

Enclosed please find eleven copies of the supplementary comments received by the above-referenced applicants on January 26, 2004. Please add these comments to the Environmental Historical Report, which was part of the Verified Notice of Exemption filed on January 26, 2004. As is evidenced in the enclosed, Applicants have served a copy of these comments on the relevant parties.

Should you have any questions in regard to this filing, please contact the undersigned. Thank you for your assistance with this matter.

Respectfully submitted,

Katherine E. Potter
Staff Attorney

/kep
Enclosure





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January 28, 2003

To: Service List

Re: **Tewksbury Branch Abandonment and Discontinuance of Service** ENTERED
AB 32 (Sub No. 97X) Office of Proceedings
AB 355 (Sub No. 29X) JAN 29 2004

Ladies and Gentlemen:

Part of
Public Record

On January 26, 2004, the Boston & Maine Corporation (the "B&M") and the Springfield Terminal Railway Company ("ST") (collectively the "Applicants") filed a notice with the Surface Transportation Board ("STB") seeking an exemption for the abandonment and discontinuance of service over approximately $\frac{3}{4}$ of a mile portion of railroad track known as the Tewksbury Branch between milepost 0.0 and milepost .75 (the "Line"). The Line is located in Middlesex County, Massachusetts. Attached are comments that were received by the Applicants on January 26, 2004 from the Department of the Army, Corps of Engineers, New England District. These comments are a supplement to the Environmental/Historical Report, which was provided to you by mailing dated December 26, 2003. These comments further describe the proposed action and any expected environmental/historical effects.

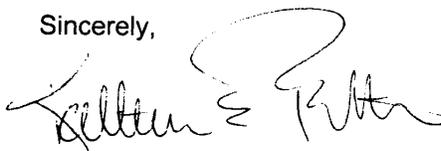
We are providing this supplement to the Environmental/Historical Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about STB's environmental review process, please contact the Section of Environmental Analysis (SEA), 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1526 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA would be appreciated within three (3) weeks. Additionally, please provide a copy of any comments to the undersigned at the above address.



Environmental/Historical Report
Page 2

Your comments will be considered by STB in evaluating the environmental/historical preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned at (978) 663-1215 or by mail at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine E. Potter". The signature is written in a cursive style with a large, looping initial "K".

Katherine E. Potter
Staff Attorney

Enclosure

**Environmental/Historical Report Service List
Tewksbury Branch AB 32 (Sub No. 97X); AB 355 (Sub No. 29X)**

Debra Jean, CDBG
Financial Assistant
Department of Housing and
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One Congress Street, 10th Floor
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Bill Gaughan
Regional Director
Commonwealth of Massachusetts
Department of Environmental
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Northeast Regional Office
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Jane W. Mead
Commonwealth of Massachusetts
Executive Office of Environmental
Affairs
Coastal Zone Management Program
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Tewksbury, MA 01876

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Office of Environmental Stewardship
U.S. Environmental Protection
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New England District
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696 Virginia Road
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Dan Lenthall
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USDA - NRCS
319 Littleton Road - Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

Ann M. Lattinville
Director of Architectural Review
Massachusetts Historical
Commission
220 Morrissey Blvd.
Boston, MA 02125



REPLY TO:
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

January 13, 2004

Regulatory Division
CENAE -R-200302657

Boston & Maine Corporation
c/o: Guilford Rail System
Attn: Katherine Potter
Iron Horse Park
Billerica, Massachusetts 01862

ENTERED
Office of Proceedings
JAN 29 2004
Part of
Public Record



Dear Ms. Potter:

This letter regards the Boston and Maine Corporation and the Springfield Terminal Railway Company proposal to abandon and discontinue use of a 0.75-mile segment of the Tewksbury Branch railroad line. This railroad segment is located adjacent to Main Street in Tewksbury, Massachusetts. It appears that this project may involve activities that require a permit from the Corps of Engineers. NOTE: While the process of abandoning the railroad segment does not involve a discharge of dredged and/or fill material into waters of the United States, the savaging of the railroad line and future development of this parcel could involve Corps jurisdictional activities. We are available to meet with you to discuss the extent of Corps jurisdiction over the project area, as well as the Corps Regulatory Program.

A Corps of Engineers permit is required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive.

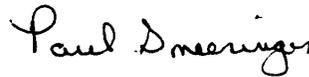
Federal regulations define the term "wetlands" as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. A wetland delineation done in accordance with the Massachusetts Department of Environmental Protection Handbook dated March 1995 is acceptable in most situations.

You do not need to submit an application to us if your project meets all the terms and conditions of "Category 1" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (PGP). An application is required if your project is in Category 2 or the Individual Permit Category (Category 3) [See PGP, Pages 3 and Appendix A]. Please use the enclosed ENG Form 4345 and reference your existing file number 200302657. Samples of the necessary plans are also enclosed. When preparing plans, please ensure that all pertinent features and labeling are legible.

Please note that the authorizations referred to above must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

If you have any questions regarding this letter, please contact me at (978) 318-8491 or call toll-free within Massachusetts at (800) 362-4367.

Sincerely,



Paul Sneeringer
Senior Project Manager
Regulatory Division

Enclosures

Copies Furnished:

James Sprague, DEP Northeast Regional Office, Wetlands and Waterways, One Winter Street,
5th Floor, Boston, Massachusetts 02108
Tewksbury Conservation Commission, 999 Whipple Road, Tewksbury, Massachusetts 01876
Victoria Rutson, Surface Transportation Board, Section of Environmental Analysis,
1925 K Street, NW, Washington, D.C., 20423
[Docket # AB 32 (Sub No. 97X) and AB 355 (Sub No. 29X)]