

March 9, 2023, and the exemption became effective on March 23, 2023.

As explained by GNBC in its verified notice of exemption in Docket No. FD 36486 (Sub-No. 4), GNBC and BNSF Railway Company (BNSF) have entered into an amendment to extend the term of the previously amended, local trackage rights on trackage owned by BNSF between approximately milepost 668.73 in Long, Okla., and approximately milepost 723.30 in Quanah, Tex. (the Line), allowing GNBC to (1) use the Line to access the Plains Cotton Cooperative Association (PCCA) facility near BNSF Chickasha Subdivision milepost 688.6 at Altus, Okla., and (2) operate additional trains on the Line to accommodate the movement of trains transporting BNSF customers' railcars (loaded or empty) located along the Line to unit train facilities on the Line (collectively, the PCCA Trackage Rights). (GNBC Verified Notice of Exemption 3–5, *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486 (Sub-No. 4).)

GNBC explains that the trackage rights covered by the verified notice in Docket No. FD 36486 (Sub-No. 4) are local rather than overhead rights and therefore they do not qualify for the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). (GNBC Pet. 3–4.) GNBC therefore filed its verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7) and a petition for partial revocation of the exemption as necessary to permit the PCCA Trackage Rights to expire on March 31, 2024, pursuant to the parties' agreement. (GNBC Pet 3.) GNBC argues that the requested relief will promote the rail transportation policy and is limited in scope. (*Id.* at 4–5.) GNBC also asserts that the Board has routinely granted similar petitions to allow trackage rights to expire on a negotiated date. (*Id.* at 4.)

Discussion and Conclusions

Although GNBC and BNSF have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contractual provisions. At times, however, the Board has partially revoked a trackage rights exemption to allow those rights to expire after a limited time rather than lasting in perpetuity. *See, e.g., Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486 (Sub-No. 3) (STB served Apr. 6, 2022) (granting a petition to partially revoke a trackage rights exemption involving the Line at issue in this case);

BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R., FD 36377 (Sub-No. 7) (STB served Mar. 2, 2023); *New Orleans Pub. Belt R.R.—Trackage Rts. Exemption—Ill. Cent. R.R.*, FD 36198 (Sub-No. 1) (STB served June 20, 2018).

Granting partial revocation in these circumstances to permit the trackage rights to expire would eliminate the need for GNBC to file a second pleading seeking discontinuance when the agreement expires, thereby promoting the rail transportation policy at 49 U.S.C. 10101(2), (7), and (15). Moreover, partially revoking the exemption to limit the term of the trackage rights is consistent with the limited scope of the transaction previously exempted.¹ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36486 (Sub-No. 4) to expire on March 31, 2024.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. The petition for partial revocation of the trackage rights class exemption is granted.
2. As discussed above, the trackage rights in Docket No. FD 36486 (Sub-No. 4) are permitted to expire on March 31, 2024, subject to the employee protective conditions set forth in *Oregon Short Line Railroad*, 360 I.C.C. 91.
3. Notice of this decision will be published in the **Federal Register**.
4. This decision is effective on June 14, 2023. Petitions to stay must be filed by May 25, 2023. Petitions for reconsideration must be filed by June 5, 2023.

Decided: May 15, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Eden Besera,

Clearance Clerk.

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¹ Because the proposed transaction is of limited scope, the Board need not make a market power finding. *See* 49 U.S.C. 10502(a).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Draft Air Tour Management Plans and Draft Environmental Assessments (EA) and Public Meetings

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The FAA, in cooperation with the National Park Service (NPS), has initiated development of ATMPs for Haleakalā National Park, Hawai'i Volcanoes National Park, Mount Rushmore National Memorial, and Badlands National Park (collectively referred to as the Parks) pursuant to the National Parks Air Tour Management Act of 2000 and its implementing regulations. This notice announces the public availability of the draft ATMPs and draft EAs for comment and the dates of the public meetings for each of the Parks. The purpose of the public meetings is to review the draft ATMPs with the public. The draft ATMPs provide acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the Parks' natural and cultural resources and visitor experiences, as well as on tribal lands. In accordance with section 106 of the National Historic Preservation Act, the FAA and the NPS are also seeking public comment on the potential of the draft ATMPs to cause adverse effects to historic properties.

DATES:

Comment Period Dates

For Haleakalā and Hawai'i Volcanoes National Parks, comments must be received on or before June 16, 2023, by 8:00 p.m. HST. For Mount Rushmore National Memorial and Badlands National Park, comments must be received on or before June 16, 2023, by 11:59 MDT.

Comments will be received on the NPS Planning, Environment and Public Comment System (PEPC) website. Each park's website link is below:

- Haleakalā National Park—<https://parkplanning.nps.gov/HaleakalaATMP>
- Hawai'i Volcanoes National Park—<https://parkplanning.nps.gov/HawaiiVolcanoesATMP>
- Mount Rushmore National Memorial—<https://parkplanning.nps.gov/MountRushmoreATMP>

- Badlands National Park—<https://parkplanning.nps.gov/BadlandsATMP>

Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Public Meeting Dates

The meetings will be held virtually at the dates and times listed below. Questions will be accepted during the public meeting for each Park through a separate form. The link for the question form is provided below for each meeting.

- Badlands National Park
 - Wednesday, May 24, 2023 (6:00 p.m.–7:30 p.m. MDT)
 - *Join meeting:* <https://faavideo.zoomgov.com/j/160068134>
 - *Passcode:* 246810
 - To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 160 006 8134
 - *Passcode:* 246810
 - To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 160 006 8134
 - *Passcode:* 246810
 - Submit questions for the meeting: <https://forms.gle/6msA7mFayKq13ch49>
- Haleakalā National Park
 - Thursday, May 25, 2023 (6:00 p.m.–7:30 p.m. HST)
 - *Join meeting:* <https://faavideo.zoomgov.com/j/1614722433>
 - *Passcode:* 246810
 - To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 161 472 2433
 - *Passcode:* 246810
 - To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 161 472 2433
 - *Passcode:* 246810
 - Submit questions for the meeting: <https://forms.gle/nCCQcSniKrBTz2RXXA>
- Mount Rushmore National Memorial
 - Thursday, June 1, 2023 (6:00 p.m.–7:30 p.m. MDT)
 - *Join meeting:* <https://faavideo.zoomgov.com/j/1615600109>
 - *Passcode:* 246810
 - To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 161 560 0109
 - *Passcode:* 246810
 - To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 161 560 0109
 - *Passcode:* 246810
 - Submit questions for the meeting: <https://forms.gle/Jm5cT4DHhfta8fnP9>
- Hawai'i Volcanoes National Park
 - Wednesday, June 7, 2023 (6:00 p.m.–7:30 p.m. HST)
 - *Join meeting:* <https://faavideo.zoomgov.com/j/1615197156>
 - *Passcode:* 246810
 - To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 161 519 7156
 - *Passcode:* 246810
 - To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 161 519 7156
 - *Passcode:* 246810
 - Submit questions for the meeting: <https://forms.gle/NK67Ue1cGg25twoZ6>

faavideo.zoomgov.com/j/1615600109

- *Passcode:* 246810
- To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 161 560 0109
 - *Passcode:* 246810
- To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 161 560 0109
 - *Passcode:* 246810
- Submit questions for the meeting: <https://forms.gle/Jm5cT4DHhfta8fnP9>
- Hawai'i Volcanoes National Park
 - Wednesday, June 7, 2023 (6:00 p.m.–7:30 p.m. HST)
 - *Join meeting:* <https://faavideo.zoomgov.com/j/1615197156>
 - *Passcode:* 246810
 - To join using the “Zoom Cloud Meetings” app, please use the meeting ID and passcode below:
 - *Meeting ID:* 161 519 7156
 - *Passcode:* 246810
 - To join using phone audio only, please use:
 - Call 1–888–924–3239
 - *Meeting ID:* 161 519 7156
 - *Passcode:* 246810
 - Submit questions for the meeting: <https://forms.gle/NK67Ue1cGg25twoZ6>

ADDRESSES: The meetings will be held virtually. Members of the public who wish to observe the virtual meetings can access the live meeting through the links provided in this notice on the day of the event. The meeting links will also be available at *Air Tour Management Plan | Federal Aviation Administration (faa.gov)* and on the NPS PEPC websites for each Park.

Contact: Any request for reasonable accommodation related to providing public comments on the draft ATMPs or draft EAs should be sent to the person listed on the Parks' PEPC sites. The U.S. Department of Transportation and U.S. Department of the Interior are committed to providing equal access to the meetings for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Sandra Fox, (202) 267–0928, Sandra.Y.Fox@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA is issuing this notice pursuant to the National Parks Air Tour Management Act of 2000 (Pub. L. 106–181) and its

implementing regulations contained in Title 14, Code of Federal Regulations, part 136, subpart B, National Parks Air Tour Management. The objectives of the ATMPs are to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of the Parks as well as on tribal lands. The FAA and the NPS are inviting comment from the public, Federal and state agencies, tribes, Native Hawaiian Organizations, and other interested parties on the draft ATMPs and draft EAs for Haleakalā National Park, Hawai'i Volcanoes National Park, Mount Rushmore National Memorial, and Badlands National Park.

The FAA and the NPS have determined that each ATMP constitutes a Federal undertaking subject to compliance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR part 800). The FAA and the NPS have consulted with tribes, Native Hawaiian Organizations, State and Tribal Historic Preservation Officers, and other interested parties to identify historic properties and assess the potential effects of ATMPs on them.

The meetings will be open to the public. Members of the public who wish to observe the virtual meetings can access the livestream from the links and websites provided in this notice.

The FAA and the NPS request that comments be as specific as possible in response to the draft ATMPs and draft EAs. All written comments become part of the official record. Written comments on the draft ATMPs and draft EAs can be submitted via PEPC or sent to the mailing addresses provided on the Parks' PEPC sites. Comments will not be accepted by fax, email, or any other way than those specified above.

Issued in Washington, DC, on May 15, 2023.

Sandra Fox,

Environmental Protection Specialist, FAA Office of Environment & Energy.

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