

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 290 (Sub-No. 355X)

February 27, 2015

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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OEA served an Environmental Assessment (EA) for this proceeding on February 9, 2015 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

During the public comment period, OEA received comments from the U.S. Fish and Wildlife Service (USFWS). USFWS comments that the removal of any bridges during salvage could result in impacts to federally listed threatened or endangered species. USFWS notes that federally listed mussel species occurring in streams near the rail line proposed for abandonment could be affected by bridge removal or other salvage activities affecting streams or stream banks.

Modifications to the EA

After reviewing the comments received, OEA is recommending that Condition 2 originally recommended in the EA be revised. This condition, which originally required CNOPT to consult with USFWS, should be revised to specify that CNOPT shall ensure that any entity undertaking salvage of the rail line proposed for abandonment comply with the mitigation measures recommended by USFWS for the protection of federally listed mussel species. OEA also recommends that Condition 2 be revised to specify that CNOTP shall ensure that any entity undertaking salvage activity implement the best management practices recommended by USFWS for salvage activities that would involve the removal of bridges or that could potentially impact streams or stream banks.

Conclusions

The EA comment period has ended. OEA recommends that two conditions previously recommended in the EA and one revised condition should be imposed upon any decision granting abandonment authority. The recommended conditions are as follows:

- 1. Prior to the commencement of any salvage activities, the Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) shall consult with the National**

Geodetic Survey (NGS). If NGS identifies geodetic station markers that may be affected by the proposed abandonment, CNOTP shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

- 2. Prior to the commencement of any salvage activities, the Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) shall consult with the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of salvage activities on federally listed mussel species in the project area and shall comply with the reasonable recommendations of USFWS to mitigate any potential impacts. CNOTP shall report the results of any consultations with USFWS to the Board's Office of Environmental Analysis. CNOTP shall ensure that any entity undertaking the salvage activities shall comply with the mitigation measures recommended by USFWS. CNOTP shall ensure that any entity undertaking salvage activities implement the best management practices recommended USFWS for salvage activities that would involve the removing of bridges or that could potentially impact streams or stream banks.**
- 3. The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) 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. CNOTP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Tennessee Historical Commission (State Historic Preservation Officer or SHPO) and the public. CNOTP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

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

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