

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. 55 (Sub-No. 799X)

**CSX Transportation, Inc. – Abandonment Exemption –
In Dickenson County, Va.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 U.S.C. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Dickenson County, Virginia. The rail line proposed for abandonment extends approximately 13.65 miles from milepost ZF 0.0 to milepost ZF 13.65 on CSXT's Florence Division, Kingsport Subdivision, Fremont Branch (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Over the last two years, no local traffic has moved over the Line, and overhead traffic on the Line has already been rerouted. In a decision served on November 17, 2017, the Surface Transportation Board (Board) granted CSXT authority to discontinue service over the Line in Docket No. AB 55 (Sub-No. 757X). CSXT notified the Board that it consummated the discontinuance by letter dated May 2, 2018. According to CSXT, the Line does not contain federally granted rights-of-way.

CSXT indicates that the Line is approximately 100 feet wide. There are two bridges that are greater than 50 years old on the Line: a deck plate girder bridge crossing Cranes Nest River at milepost ZF 5.40 and a bridge built with deck beam construction crossing Long Fork Creek at milepost ZF 9.20. Both bridges were built in 1969. The Line also includes four public road crossings and five private road crossings, which would close should the Board authorize the abandonment.

ENVIRONMENTAL REVIEW

CSXT submitted a combined environmental and historic report (Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. CSXT served the Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49

C.F.R. § 1105.7(b)].¹ The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, no local traffic has moved over the Line over the last two years, and overhead traffic on the Line has been rerouted. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use, and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. According to CSXT, abandonment of the Line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT states that it does not intend to disturb any sub grade or sub grade structures, and that any trail-related structures, such as bridges, trestles, culverts, and tunnels will not be salvaged. The four public and five private crossings on the Line would close should the Board authorize the abandonment.

The National Geodetic Survey (NGS) has indicated that four geodetic survey markers are present in the right-of-way and could be disturbed by the proposed abandonment. Accordingly, OEA recommends a condition requiring CSXT to notify NGS at least 90 days prior to beginning salvage activities to allow time for the geodetic survey markers to be preserved.

The Virginia Department of Conservation and Recreation (VADCR) submitted comments noting that half of the Line’s approximately 14 miles runs along the Cranesnest River. VADCR states that the McClure River Stream Conservation Unit (SCU), the Cranes Nest River – Rush Creek SCU, and the Crane Nest SCU are located within the project area and are all associated with the big sandy crayfish (*Cambarus callainus*), a heritage resource. To minimize adverse impacts to the local ecosystem, VADCR recommends implementation of and strict adherence to state and local sediment control/stormwater management laws and regulations, as well as coordination with the U.S. Fish and Wildlife Service (USFWS). VADCR recommends removal of all materials offsite that could result from rail abandonment and avoidance of in-stream work within Camp Creek, Cranesnest River, and respective tributaries. VADCR also notes that the spiny scale crayfish (*Cambarus jezzirinaci*) is also associated with the McClure

¹ The Report is available for viewing on the Board’s website at <https://prod.stb.gov> by clicking “Search STB Records;” selecting “Filings” in the “Search for” dropdown menu; entering “AB” “55” “799” “X” sequentially in the four boxes for “Docket Number,” then selecting “Search.” The Report was filed on April 27, 2020.

River SCU and is similarly sensitive to changes in water quality associated with potential sedimentation.

CSXT requested comments from USFWS regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, CSXT conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.² Four protected threatened or endangered species may be located in the area of the proposed abandonment: the endangered Indiana bat (*Myotis sodalis*), the threatened Northern long-eared bat (*Myotis septentrionalis*), the threatened big sandy crayfish and the Virginia spiraea (*Spiraea virginiana*), a flowering plant. According to the IpaC report, there is critical habitat for only the big sandy crayfish in the project area. OEA has determined that the Indiana bat, Northern long-eared bat, and Virginia spiraea would not be affected because of the temporary and limited scope of the abandonment's salvage activities. CSXT is planning to conduct salvage activities using only existing roads and the right of way itself for access, and does not intend to fell any trees or disturb soils where these species may be present. However, OEA has determined that the proposed abandonment could adversely affect the big sandy crayfish based on VADCR's concerns. Accordingly, OEA recommends a condition requiring CSXT to consult with USFWS and OEA to develop appropriate mitigation measures, if necessary. OEA is providing VADCR and USFWS Virginia Ecological Services Field Office a copy of this EA for its review (Consultation Code: 05E2VA00-2020-SLI-2988).

Dickenson County is not located within the boundaries of Virginia's Coastal Zone Management Program. Regarding other water resources, CSXT notified Virginia's Department of Environmental Quality (VADEQ), the U.S. Army Corps of Engineers (Corps), and the U.S. Environmental Protection Agency (USEPA) about the proposed abandonment but received no response to date. CSXT believes that no permits would be required under Section 404 of the Clean Water Act (33 U. S. C. § 1344) as no designated wetlands or 100-year flood plains would be affected by the proposed abandonment, no new access roads or disturbances of the underlying roadbed are contemplated, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. CSXT also believes that no permit under Section 402 of the Clean Water Act would be required. While OEA agrees that it is unlikely either permit would be required due to the limited nature of the proposed salvage work, OEA is forwarding a copy of this Draft EA to VADEQ, USEPA, and the Corps for their review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Similarly, any noise related to salvage operations would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <https://ecos.fws.gov/ipac> (last accessed April 2, 2020)

Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: NGS, VADCR, USEPA, USFWS, VADEQ, and the Corps.

HISTORIC REVIEW

CSXT served the Report on the Virginia Department of Historic Resources (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ OEA has not been able to consider the SHPO's opinion before determining if the rail line or bridges may be potentially eligible for listing on the National Register of Historic Places. Accordingly, OEA is recommending a condition requiring the railroad to 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally-recognized Tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Delaware Nation, Oklahoma and the Eastern Band of Cherokee Indians. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overviewing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 18, 2020)

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:

- 1. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1535), CSX Transportation, Inc. (CSXT) shall consult with the U.S. Fish and Wildlife Service and the Board's Office of Environmental Analysis to address concerns about potential impacts to the big sandy crayfish (*Cambarus callainus*) and to develop appropriate mitigation measures, if necessary. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.**
- 2. CSX Transportation, Inc. (CSXT) 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, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public. CSXT 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.**
- 3. CSX Transportation, Inc. shall notify the National Geodetic Survey (NGS) at NGS.Infocenter@noaa.gov at least 90 days prior to beginning salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public

use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

TRAIL USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: May 22, 2020.

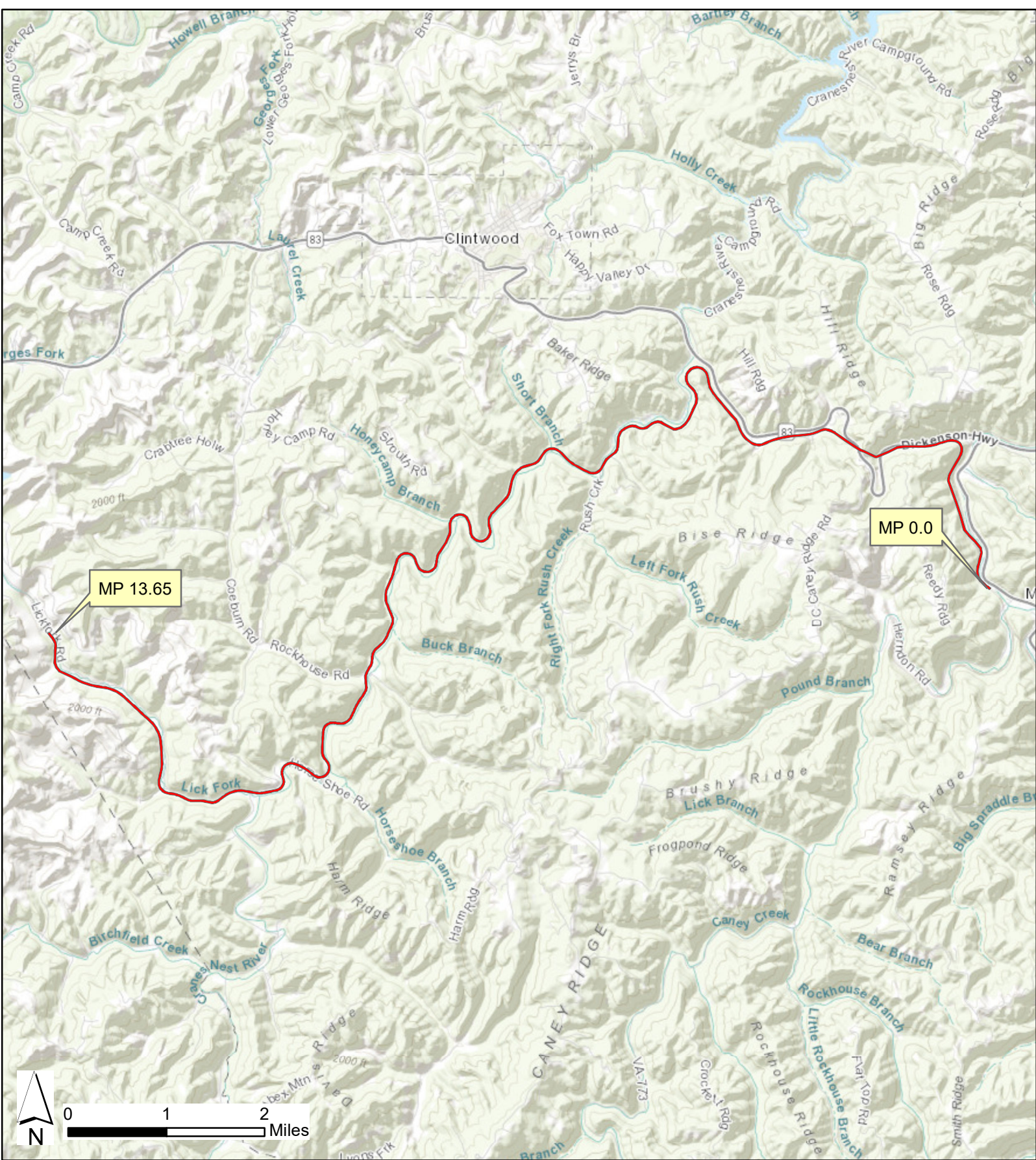
Comment due date: June 8, 2020.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

⁵ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "799" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Attachment



Docket No. AB 55 (Sub-No. 799X)

CSX Transportation, Inc.
Abandonment Exemption
Dickenson County, VA

Legend

- the Line
- Polylines_Buf...

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State