

ED-3051

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB-55 (Sub-No. 787X)

6 March 2019

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**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on February 15, 2019 for public review and comment. In the EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

As explained in the EA, a portion of the Line is located within the boundaries of the New York State Coastal Management Program. In the EA, OEA recommended a condition requiring CSXT to consult with the New York State Department of State (NYSDOS) prior to beginning any salvage activities to determine whether state coastal management consistency certification would be required. OEA has been informed by NYSDOS that a consistency certification would be required. OEA has therefore revised the previously recommended coastal zone condition to clarify that CSXT may not file its consummation notice or initiate any salvage activities related to the abandonment until it has obtained state coastal management consistency certification.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the following revised coastal zone condition replace the condition previously recommended in the EA and be imposed upon any decision granting abandonment authority:

Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*) and the Board's environmental regulations at 49 C.F.R. § 1105.9, CSX Transportation, Inc. (CSXT) shall consult with the New York State Department of State and obtain state coastal management consistency certification. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

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

OEA CONTACT: Kenneth Blodgett (202-245-0305)

A handwritten signature in black ink, consisting of the letters 'KB' in a stylized, cursive-like font.

EI-26413

Blodgett, Kenneth

From: Maraglio, Matthew (DOS) <Matthew.Maraglio@dos.ny.gov>
Sent: Tuesday, February 26, 2019 12:46 PM
To: Blodgett, Kenneth
Subject: Docket Number ab 55 (sub-No. 787X) NYSDOS File number f-2018-1285
Attachments: F-2018-1285 CLF ltr-signed.pdf; F-2018-1285 Incomplete Notice.pdf

Kenneth

I am in receipt of the environmental assessment regarding the above referenced action and note the recommended condition regarding a NYS coastal management certification. A Consistency Certification is necessary for this action. CSX has provided certain materials to this office regarding the proposed abandonment and were subsequently notified that certain necessary data and information was required in order for the Department to undertake its review. CSX has not responded to the request and consequently, our file has been closed. CSX will need to re-file with us in order for our review to commence.

Thank you

-Matt

Matthew Maraglio
Coastal Resources Specialist

New York State Department of State
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GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

GENE PAYNE
CSX TRANSPORTATION, INC.
500 WATER STREET - J-315
JACKSONVILLE, FLORIDA 32202

DATE: 12/7/2018

**Notice of Incomplete Coastal Consistency Submission
for a Federal Authorization**

The Division of Coastal Resources received correspondence regarding your application for a federal permit or other authorization and the proposal's consistency with the New York Coastal Management Program. Unfortunately, your correspondence did not include all the necessary information and data required for us to begin our review of your proposal. Please provide us with the following necessary information and data. Please refer to the file number identified below when submitting the required information. Once the required information has been received and our review has begun additional information needs may be identified.

FILE #: F-2018-1285 APPLICANT: CSX - STB Docket No. AB-55 (Sub-No. 787X)
PROJECT ADDRESS:

- ☒ A copy of a completed and a signed Federal Consistency Assessment Form (FCAF) including the required written analysis (cf. D.2) of the proposed activity's consistency with the relevant enforceable policies of the State's Coastal Management Program. (Enclosed - Please Sign)
- ☐ A copy of your application for federal agency authorization (e.g. a Joint U.S. Army Corps of Engineers & NYS Department of Environmental Conservation permit application). (Enclosed)
- ☐ A copy of all supporting documentation submitted with the federal application and the following information if it is not included in the above:
- ☐ a detailed description of the proposed activity including its associated facilities and coastal effects
 - ☐ location map showing where the activity will be conducted
 - ☐ site map drawn to scale and showing all components of the activity
 - ☐ recent color photographs of the project site
 - ☐ statement of the purpose of, and need for, the activity
 - ☐ identification of the owner(s) of all properties on which the activity will be conducted and of abutting property owners, both upland and underwater
 - ☐ written analysis of alternatives to the proposed activity considered by the applicant
 - ☐ A copy of the Final Environmental Impact Statement, if one is required by an involved federal or state agency
 - ☐ Copies of any applications for permits or other authorizations, and related correspondence, submitted to involved State agencies (e.g. DEC, OGS, SHPO, PSC).

Please submit the above checked information to: NYS Department of State
Office of Planning, Development, and
Community Infrastructure
Attn: Consistency Review Unit
One Commerce Plaza - Suite 1010
99 Washington Avenue
Albany, New York 12231
or email: CR@dos.ny.gov

If you have any questions regarding this matter, you may contact us by telephone at (518) 474-6000. (Additional information is available on our website, www.dos.ny.gov)



Department
of State

January 11, 2019

Gene Payne
CSX Transportation, Inc.
500 Water Street – J-315
Jacksonville, Florida 32202

Re: F-2018-1285
U.S. Army Corps of Engineers/New York District Permit
Application – CSX Transportation, Inc.
Abandon the approximately 1.8-mile rail line on Port Morris
Branch, Albany Division between mileposts QVP 0.0 and
milepost QVP 1.8 in Bronx County, NY
File Closed

Dear Mr. Payne:

You have not provided a response to our requests for necessary information and data regarding the above-referenced activity (see attachment), therefore we cannot begin our review of the proposed activity and the federal consistency certification that you submitted for it, pursuant to 15 CFR Part 930, Subpart D.

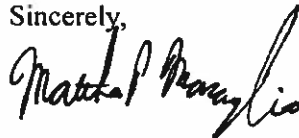
Since the requested necessary data and information has not been provided to us in a timely manner, we are closing the file regarding your consistency certification for this activity. This action on the part of the Department of State is not and should not be considered or otherwise construed to be the Department's concurrence with or objection to the above-referenced proposal pursuant to 15 CFR Parts 930.62 or 930.63.

Without the Department of State's concurrence with the consistency certification for this proposed activity, the consistency provisions of the federal Coastal Zone Management Act prohibit the U.S. Army Corps of Engineers or other federal agencies from authorizing this proposal.

If you wish to resubmit this proposed activity and a consistency certification for it, please provide the Department of State with a new Federal Consistency Assessment Form and certification (FCAF), a complete copy of a federal application for authorization, and complete maps, site plans, sketches, photos, and a written description of the proposal, together with the necessary information we requested.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2018-1285.

Sincerely,



Matthew P. Maraglio
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

MM/dc

c: COE/New York District – Steve Ryba
DEC Region 2 – John Cryan



Department
of State