

**SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 776X)

CSX Transportation, Inc. - Abandonment Exemption - in Greenbrier County, W. Va.

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT or railroad) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of an approximately 0.42-mile rail line. The segment CSXT seeks to abandon extends from Milepost CAF 20.58 to the end of track at Milepost CAF 21.0, near Rainelle, Greenbrier County, West Virginia (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If this notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenance and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is in southern West Virginia and the width of the Line's right-of-way is generally 66 feet. The areas adjacent to the Line are primarily forested. The Line ends at a previously abandoned section of rail line that was converted to the Meadow River Trail. CSXT states that no rail traffic has moved on the Line for at least two years, and that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the Line.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. The railroad served the environmental report on several 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) reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 776X).

Diversion of Traffic

Because there is no rail traffic on the Line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

CSXT states that bridges, trestles and culverts would remain in place under the proposed abandonment. The railroad would remove the steel rails, crossties and possibly the upper layer of ballast. CSXT does not intend to disturb the subgrade or subgrade structures. CSXT states that salvaging activities would be conducted using existing right-of-way access points and no new access roads are contemplated. CSXT does not intend to perform any salvaging activities that could result in erosion and sedimentation or would require dredging or the placement of fill in waters of the United States. Crossties and other debris would be transported away from the right-of-way.

The Natural Resources Conservation Service (NRCS) responded to the railroad's environmental report and states that the federal agency implementing or assisting the proposed abandonment must submit a farmland conversion impacts rating request under the Federal Farmland Protection Policy Act or FPPA (7 U.S.C. § 4201). OEA notes that the Board's role in the proposed abandonment is not subject to FPPA; that is, the Board's approval is comparable to issuing a permit or license, both exempt activities under FPPA. Furthermore, the Board is neither acquiring or disposing of the right-of-way, financing the proposed abandonment, managing the Line, nor providing technical assistance to the salvaging process (i.e., actions considered "assistance" and typically subject to FPPA requirements). Therefore, OEA believes that a farmland conversion impacts rating request is not applicable to this proceeding. OEA provided a copy of this EA to NRCS for review and comment.

The U.S. Army Corps of Engineers – Huntington District (Corps) had not responded to the railroad's environmental report at the time this EA was prepared. However, because the Line's bridges, culverts and other structures would remain in place, and dredge and fill activities are not proposed by CSXT, OEA believes that a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required for salvaging activities. Nevertheless, OEA provided a copy of this EA to the Corps for review and comment.

The U.S. Fish and Wildlife Service (USFWS) responded to the railroad's environmental report and issued a "no effect" determination; that is, the proposed abandonment would not affect federally listed endangered or threatened species (USFWS Ref. No. 2018-i-0160). Therefore,

USFWS concludes that no biological assessment or further consultation under Section 7 of the Endangered Species Act (16 U.S.C. § 1531 *et seq.*) is required.

The U.S. Environmental Protection Agency, Region 3 (USEPA) had not responded to the railroad's environmental report at the time this EA was prepared. OEA provided the USEPA with a copy of this EA for review and comment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and provided a copy to the West Virginia Division of Culture and History (i.e., the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). As a component of its public outreach, the railroad also placed a notice of the proposed abandonment in the West Virginia Daily News in Greenbrier County, West Virginia on November 27, 2017, and notified local governments of the proposed abandonment. Both the historic report and this EA are available on the Board's website, and OEA provided the SHPO with a copy of this EA.

The Line was originally constructed by brothers Thomas and John Raine in 1909 as the Sewell Valley Railroad to connect their Meadow River Lumber Company to the C&O Railroad. After a series of railroad mergers in the 1900s, the Line became a component of CSXT. According to CSXT, there are no bridges or other structures on the Line that are 50 years or older. In its historic report, CSXT opines that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. CSXT also states that there are no archaeological resources or other railroad-related historic properties on or near the Line.

The SHPO responded to the railroad's historic report and states that there are no historic properties along the Line and that the Line lacks integrity and significance to be eligible for the National Register of Historic Places (SHPO Ref. No. 18-108-GB). Therefore, the SHPO states that no further consultation regarding architectural resources is necessary.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>.

OEA conducted a search of the National Park Service's Native American Consultation Database at <https://grantsdev.cr.nps.gov/Nagpra/NACD/>, and the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool at <https://egis.hud.gov/tdat/>, to identify federally recognized tribes that may have ancestral connections to the project area. The

databases identified one tribe for Greenbrier County (search date of December 19, 2017): the Catawba Indian Nation. OEA provided the tribe with a copy of this EA for review and comment.

CONDITIONS

OEA does not recommend any environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line would 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 and no salvage activities), 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 Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. 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).

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, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send your written comments to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 776X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294 or e-mail at david.navecky@stb.gov.

Date made available to the public: December 26, 2017.

Comment due date: January 9, 2018.

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

Attachment



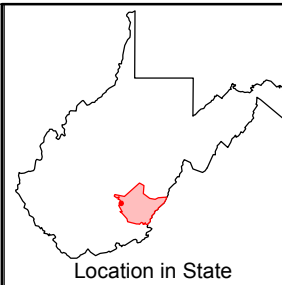
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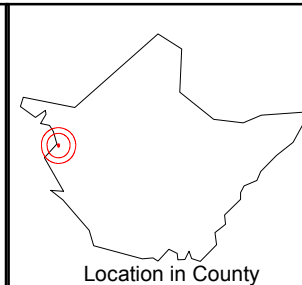
Legend

— the Line

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



Location in State



Location in County

