

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

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

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

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). By decision dated June 12, 2020, the Board imposed three conditions: (1) a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108; (2) a condition pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1535); and (3) a condition requiring notification of the National Geodetic Survey (NGS).

New Comments Received

Section 106 Condition

The Section 106 historic preservation condition imposed by the Board requires CSXT to: (a) 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 Effects, or APE) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Virginia Department of Historic Resources (Virginia SHPO), appropriate federally recognized tribes, and the public; and (c) not file a 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 the condition. OEA received correspondence from the Virginia SHPO on November 4, 2021, stating that the proposed abandonment would have no adverse effect on historic properties.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that CSXT's proposed abandonment would not affect historic properties listed in or eligible for inclusion in

the National Register.¹ Accordingly, OEA is recommending that the Board remove the Section 106 condition that was imposed in its July 12, 2020 decision.

Section 7 Condition

The Section 7 condition imposed by the Board requires CSXT to: (a) consult with the U.S. Department of Fish and Wildlife (USFWS) and OEA to address concerns about potential impacts to the big sandy crayfish (*Cambarus callainus*) and to develop appropriate mitigation measures, if necessary; and (b) not file its consummation notice or initiating 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.

On February 16, 2022, CSXT filed correspondence stating that it agrees to implement mitigation measures recommended by USFWS to minimize the proposed abandonment's potential to adversely impact the big sandy crayfish. CSXT agrees to: (1) develop and retain a spill prevention/response plan on-site; (2) change all fluids and refuel mobile equipment greater than 500 feet away from streams and rivers; and (3) ensure any gasoline-powered equipment such as pumps, generators, and fuel tanks are entirely enclosed or placed within a secondary containment structure large enough to completely contain all materials should a leak, spill, or overflow occur. Accordingly, OEA is recommending that the Section 7 condition be removed and replaced with a condition requiring CSXT to comply with the mitigation measures recommended by USFWS.

Conclusions

For the reasons explained above, OEA recommends that the Board: 1) remove the Section 106 condition that was imposed in its June 12, 2020 decision; and 2) replace the Section 7 condition imposed in the same decision with a new condition requiring CSXT to implement the mitigation measures recommended by USFWS. The new recommended condition is as follows:²

- To address the U.S. Fish and Wildlife Service's (USFWS) concerns regarding the big sandy crayfish (*Cambarus callainus*), CSXT shall (1) develop and retain a spill prevention/response plan on-site, (2) change all fluids and refuel mobile equipment greater than 500 feet away from streams and rivers, and (3) ensure any gasoline-powered equipment such as pumps, generators, and fuel tanks are entirely enclosed or

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the CSXT's Historic Report, all relevant correspondence, and the Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at <https://www.stb.gov>.

² If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these condition(s) is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

placed within a secondary containment structure large enough to completely contain all materials should a leak, spill, or overflow occur.

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

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.