

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB-290 (Sub-No. 367X)

February 6, 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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On December 24, 2014, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board). NSR seeks exemption from the requirements of 49 U.S.C. § 10903 in connection with the proposed abandonment of a line of railroad and any associated common carrier obligation in Erie County, New York. NSR proposes to abandon approximately 1.60 miles of line within the townships of West Seneca and Cheektowaga, southeast of the city of Buffalo. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on January 16, 2014 for public review and comment. In the EA, OEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

On January 21, 2015, the U.S. Army Corps of Engineers (COE), Buffalo District, commented on the EA, stating that it is unlikely that permits would be required for the proposed abandonment, as the proposed salvage includes no work directly in waters. The COE notes that if salvage plans change and any discharge of dredged or fill material into waters of the U.S. are anticipated, further consultation with the COE would be necessary to determine permitting requirements.

On February 4, 2015, the Town of Cheektowaga commented on the EA, stating that it has no objection to the proposed abandonment. The Town notes its interest in acquiring the property for trails use.

Recommendations

The COE comment summarized above addresses one of the OEA's recommended environmental conditions in the EA. At the time of NSR's filing of an environmental report in accordance with 49 CFR 1105.7, NSR had not receive a comment from the COE regarding the need for permits administered by the agency, specifically under Section 404 of the Clean Water Act (33 U.S.C. 1344). With the COE comment on the EA, OEA recommends removal of a condition in the EA requiring NSR to consult with the COE prior to commencement of any salvage activities to determine if permitting would be required and to comply with such

requirements. OEA recommends imposition of all other conditions included in the EA.

The Town of Cheektowaga comment does not pertain directly to an environmental matter considered in the EA or a condition recommended in the EA. However, the Town may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance with questions regarding interim trail use, public use, and other reuse alternatives. This office can be contacted at (202) 245-0238, or mail inquiries to the Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423. OEA will distribute a copy of this Final EA to the Town to ensure their awareness of this information.

Conclusions

The EA comment period has ended and two comments were received. Based on one of these comments, OEA recommends removal of one of four conditions included in the EA. The remaining conditions should be imposed upon any decision granting abandonment authority. These conditions are:

1. Prior to commencement of any salvage activities, the railroad shall consult with the town of West Seneca to ensure that any concerns regarding potential contamination of the right-of-way and bridge at Buffalo Creek and safety or flooding hazards associated with the bridge are addressed. The railroad shall report the results of these consultations in writing to the OEA prior to the onset of salvage operations.
2. Prior to the commencement of salvage activities, NSR shall consult with the NRCS to identify any prime agricultural land in the project area and minimize impacts to any such lands present.
3. Prior to commencement of any salvage activities, NSR shall consult with the NGS. NSR shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic survey markers in order to plan for the possible relocation of the survey markers by NGS.

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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