



Re: Fw: Norfolk Southern Railway - Anniston Abandonment - AB-290 (Sub-No. 334X) 

Joshua Wayland to: RWimbish

05/08/2013 10:25 AM

Hi Rob,

This is confirm that I received your message regarding AB 290 (Sub-No. 334X). You are correct that no formal action on the part of STB is required in order to remove the condition requiring NSR to consult with ADEM. The documentation you have provided of this consultation is sufficient to meet the requirements of the condition and OEA now considers the condition fulfilled.

Best regards,

Joshua Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
Tel: (202) 245-0330

RWimbish

Second attempt . . . first email did not go through...

05/08/2013 09:48:50 AM

From: RWimbish@bakerandmiller.com
To: Joshua.Wayland@stb.dot.gov
Date: 05/08/2013 09:48 AM
Subject: Fw: Norfolk Southern Railway - Anniston Abandonment - AB-290 (Sub-No. 334X)

Second attempt . . . first email did not go through for some reason.

- Rob

Robert A. ("Rob") Wimbish
Attorney at Law
Baker & Miller PLLC
Suite 300
2401 Pennsylvania Ave., NW
Washington, D.C. 20037
202.663.7824 (direct) / 202.663.7849 (fax)

The above message may be privileged, confidential and protected from disclosure by attorney-client, work product, or other privileges. If you believe that you have received this message in error, please do not read it, inform the sender that you have received it in error, and promptly discard the message. Thank you.

----- Forwarded by Robert Wimbish/bakermiller on 05/08/2013 09:49 AM -----

Norfolk Southern Railway - Anniston Abandonment - AB-290 (Sub-No. 334X) [Link](#)

Robert Wimbish

to: Joshua.Wayland

05/07/2013 05:32 PM

Josh -

I am writing to you in connection with the above-referenced Norfolk Southern Railway Company ("NSR") rail line abandonment in Anniston, Alabama. As I recall, this matter was assigned to you.

As you may know, on March 20, 2013, the STB issued a Director's Order in this abandonment proceeding in which, in Ordering Paragraph 2, the STB imposed upon the proposed abandonment a lone precondition to the commencement of salvage activities as follows:

(1)(a) prior to commencement of any salvage activities, NSR shall consult with ADEM [Alabama Department of Environmental Management] regarding the implementation of appropriate and effective BMPs [Best Management Practices] for the control of pollutants in storm water run-off and shall comply with all reasonable BMP requirements, and (b) NSR shall report the results of these consultations in writing to OEA prior to the onset of salvage operations . . .

By this message, I wish to advise the Office of Environmental Analysis that NSR has consulted with ADEM as directed above, and that ADEM has supplied NSR with guidance as to the state's best management practices as pertinent to this undertaking. A copy of all NSR-ADEM correspondence providing evidence of the required consultation on the matter is attached for your records. This message is therefore intended to fulfill NSR's obligation under the second part of the condition to "report the results of these consultations in writing to OEA prior to the onset of salvage operations."

It is my understanding that neither OEA nor the STB generally needs to take any additional formal action in connection with NSR's satisfaction of the salvage precondition, and that, NSR may now proceed with salvage activities as conditionally approved by the agency without having to await any further STB action.

I would appreciate it, however, if you would confirm receipt of this message and the attachment, and let me know if there is anything else that OEA believes must be done in connection with the ADEM consultation precondition before NSR may commence with track salvage activity. Also, please let me know if electronic written notification to OEA is insufficient for

purposes of the required OEA reporting, and if I must instead supply you with a signed letter. It is my understanding that OEA does not necessarily require such formality, and that email notification is generally sufficient.

- Rob

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Re: Anniston Abandonment - AB-290 (Sub-No. 334X)

Joshua.Wayland

to: RWimbish

02/25/2013 04:08 PM

Hi Rob,

Thank you for passing along this consultation with USFWS. Upon review, I expect that OEA will recommend that Condition 2, previously recommended in the EA, be removed in the final EA. No additional consultation with USFWS would be necessary. Thanks again for your attention to this issue.

Best regards,

Josh Wayland

Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
(202) 245-0330

From: RWimbish@bakerandmiller.com
To: waylandj@stb.dot.gov
Date: 02/23/2013 07:55 AM
Subject: Anniston Abandonment - AB-290 (Sub-No. 334X)

Josh -

Thank you for taking my call.

Attached you will find the USFWS stamped reply on the second page of NSR's consultation letter, by which USFWS indicated, in keeping with NSR's representation in the E&HR, that there are no known species or critical habitat known to occur in the project area. This is all as we have just discussed.

I believe that this will address, and should enable OEA to rescind, recommended Condition #2 in the EA.

Please let me know if you have any questions, and, in light of the attached, what you expect OEA will recommend to the Board (if anything) in connection with this issue in the final EA.

Again, thanks, and have a good weekend.

- Rob

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[attachment "XXX XXX 015 05-07-2013 PREV JLK NORFOLK SOUTHERN CORP - NORFOLK SOUTHERN RAILROAD LINE ABANDONMENT.pdf" deleted by Joshua Wayland/STB]