

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 323X)

**The Alabama Great Southern Railroad Company—Abandonment Exemption—
in Saint Bernard Parish, La.**

BACKGROUND

In this proceeding, the Alabama Great Southern Railroad Company (AGS) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of an approximately 3.5-mile rail line in Saint Bernard Parish, Louisiana. The line extends between milepost 1.00-PT and milepost 4.50-PT, near Toca. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, AGS will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The applicant submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicant served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA)² has reviewed and investigated the record in this proceeding.

Diversion of Traffic

AGS states that no local traffic has moved over the line for at least 2 years and there is no overhead traffic on the line.³ Accordingly, the proposed abandonment would not adversely

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 323X).

² OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

³ Service on the line was discontinued in 2006. See Ala. Great S. R.R.—Discontinuance
(continued . . .)

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

The right-of-way is generally 50 feet wide from the centerline of track, and the line passes through an area of Saint Bernard Parish that is 90 percent rural and 10 percent residential. As part of this proposed abandonment, AGS indicates that it plans to remove the rails, ties and other track materials for salvage. However, no ballast would be removed, there are no plans to remove or alter the roadbed underlying the line, and the contours of existing drainage systems would remain intact. In addition, there is an 84-foot, 7-span timber open deck bridge structure on the line that crosses a waterway⁴ at milepost 4.00-PT, and AGS plans to remove this structure as part of the proposed abandonment. As part of the bridge removal, any piers or bents that are within the waterway would be removed to the mud line if they are considered obstructions, and bridge abutments would be removed. The proposed abandonment would also allow for the removal of 2 at-grade crossings.

The National Geodetic Survey (NGS) did not identify any geodetic station markers in the area of the proposed abandonment. Accordingly, no geodetic station markers would be affected by the proposed abandonment.

The U.S. Fish and Wildlife Service's Louisiana Field Office (USFWS) reviewed the proposed project and submitted comments stating that the abandonment would have no effect on federal trust resources that are protected by the Endangered Species Act of 1973. Accordingly, no mitigation regarding federally-threatened or federally-endangered species is recommended.

According to the Louisiana Department of Natural Resources' Office of Coastal Management, the line is located within the Louisiana Coastal Zone and the proposed abandonment would require authorization from the Office of Coastal Management. Therefore, 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, OEA recommends that the Board impose a condition prohibiting AGS from conducting any salvage activities until it obtains state coastal management consistency certification and then notifies OEA in writing.

The Natural Resources Conservation Service (NRCS) submitted comments stating that the proposed abandonment would not impact prime farmland or any farmland protection efforts in the area. However, NRCS requested that AGS employ appropriate erosion control measures

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of Serv. Exemption—in Saint Bernard Parish, La., AB 290 (Sub-No. 273X) (STB served July 18, 2006).

⁴ This waterway is a man-made canal.

during salvage activities in order to avoid adverse effects to the surrounding environment. Accordingly, we recommend that AGS follow best management practices during salvage activities to prevent erosion.

As stated above, the bridge on the line would be removed as part of the proposed abandonment, but AGS has no plans to undertake in-stream work or to dredge or use any fill materials. The United States Army Corps of Engineers' New Orleans District (Corps) has reviewed the proposed project and determined that a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required. However, the Corps advised the railroad that it must obtain a permit from a local assuring agency, typically a Levee Board or Parish Council, for any work within 1,500 feet of a federal flood control structure, such as a levee. After consulting the Louisiana Department of Transportation and Development (LDOTD) and the Lake Borgne Basin Levee District, it was determined that the proposed abandonment is more than 1,500 feet from the Mississippi River levee, and it would not impact a federal levee system or flood control structure maintained by the Lake Borgne Basin Levee District. However, at the request of LDOTD and the Lake Borgne Basin Levee District, we are recommending that, prior to commencement of any salvage activities, AGS contact Saint Bernard Parish regarding potential impacts to federal flood control structures and, if applicable, comply with any reasonable requirements. We also recommend that the railroad report the results of these consultations in writing to OEA prior to the onset of salvage operations.

The Environmental Report states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on the right-of-way. Accordingly, no mitigation is necessary.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

Other Comments

On December 7, 2010, the Saint Bernard Parish Council adopted a resolution in an effort to encourage the railroad to allow this property to revert back to land owners in the eastern end of Saint Bernard Parish.

HISTORIC REVIEW

AGS served the Historic Report on the Louisiana Office of Cultural Development (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The bridge located at milepost 4.00-PT was constructed when the line was built in 1963, and there are no structures on the line that are 50 years old or older. The SHPO has reviewed the proposed project and submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Accordingly, 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, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. 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.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁵ The database identified no federally-recognized tribes in Saint Bernard Parish.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. 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, Alabama Great Southern Railway Company (AGS) shall be prohibited from conducting any salvage activities until it consults with the Louisiana Department of Natural Resources' Office of Coastal Management and obtains state coastal management consistency certification. AGS shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.
2. Based on the comments of the Natural Resources Conservation Service, Alabama Great Southern Railway Company shall follow best management practices during salvage activities to prevent erosion.
3. Prior to commencement of any salvage activities, Alabama Great Southern Railway Company (AGS) shall consult with Saint Bernard Parish regarding potential impacts to federal flood control structures and, if applicable, comply with any reasonable requirements. AGS shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.

⁵ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited April 6, 2011).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the line will 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). In this case, 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.⁶ A request containing the requisite 4-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.

TRAIL USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. 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, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send 1 **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this EA. Environmental comments may also be filed electronically on the

⁶ AGS indicates that the right-of way may not be suitable for alternative public use, because the railroad may not have fee title to the entire right-of-way underlying the line proposed for abandonment. For that reason, a contiguous corridor may not be available for public use or trail use.

Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 323X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: April 8, 2011.

Comment due date: April 25, 2011.

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

Attachment