

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1097X

**Pickens Railway Company—Abandonment Exemption—
Pickens County, S.C.**

BACKGROUND

In this proceeding, Pickens Railway Company (PICK) 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 a line of railroad in Pickens County, South Carolina. The rail line proposed for abandonment extends approximately 8.5 miles from milepost 0.0 near the City of Pickens to milepost 8.5 near the City of Easley (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

PICK 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. PICK 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) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to PICK, no shipper has operated on the Line for at least two years and there is no overhead traffic. During this time, the sole use of the Line has been to provide access for locomotives to a company-owned locomotive repair facility in Pickens. Because there is no shipping traffic on the Line, the proposed abandonment would not adversely impact the development, use or transportation of energy resources, recyclable commodities or ozone-

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 55 (Sub-No. 716X).

depleting materials; and would not result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network.

Salvage Activities

If abandonment authority is granted in this proceeding, PICK states that it would salvage rail along the Line, including switches, spikes, anchors, bolts, and other related track material. PICK does not plan to remove or alter ties, ballast, culverts, bridges, or the underlying roadbed. Salvage would involve unbolting jointed rail using hand tools and removing rails using on-track equipment. These activities would be conducted within the current maintenance zone, an area within the right-of-way approximately 25 feet from the centerline. The abandonment would also result in the closure of 16 public road crossings and 11 private crossings.

In its comments on the proposed project, the Natural Resources Conservation Service states that the proposed abandonment would have no significant impact on prime farmland or other agriculturally important land. Accordingly, no mitigation regarding the conservation of prime agricultural land is recommended.

PICK has stated, and OEA review has confirmed, that the proposed abandonment is not located in a designated coastal zone. The South Carolina Department of Health and Environmental Control (DHEC), Office of Ocean and Coastal Resource Management submitted comments stating that the proposed abandonment is located outside of the South Carolina Coastal Zone and that no spillover effects on coastal resources are likely as a result of the proposed project. Accordingly, no mitigation regarding the protection of coastal resources is recommended.

The U.S. Environmental Protection Agency (EPA) submitted comments requesting that PICK consult with appropriate state and local agencies to ensure that the proposed project is in compliance with applicable Federal, state, and local water management regulations. The results of these consultations are described below.

In its comments, DHEC states that the proposed abandonment as described would have minimal potential for land disturbance and thus would not be subject to permitting under Section 402 of the Clean Water Act (33 U.S.C. § 1342) or the South Carolina Standards for Stormwater Management and Sediment Reduction Act (S.C. Code § 72-300). DHEC recommends that PICK consult with municipal authorities regarding any potential inconsistencies between the proposed project and existing Municipal Separate Storm Sewer System (MS4) programs.

The Pickens County Stormwater Management Department (PCSMD) submitted comments stating that the proposed abandonment would result in minimal land disturbance and would not require a storm water permit from Pickens County. PCSMD requests that PICK use best management practices to control the release of sedimentation and recommends that PICK also coordinate with the City of Easterly, Planning and Development. PICK has requested comments from this office, but has received no response to date.

In a letter dated August 6, 2012 the U.S. Army Corps of Engineers (Corps) states that the proposed abandonment as described would not result in the discharge of dredge or fill material into waterways or wetlands of the United States and therefore would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The Line crosses two 100-year floodplains, in the vicinity of Wolf Creek and Rices Creek, respectively. Because PICK does not intend to alter the contour of the right-of-way or remove any structures, OEA believes that the proposed abandonment would not have any effect on the movement of water in the project area. We have included the appropriate office of the Federal Emergency Management Agency (FEMA) on the service list for this proceeding to ensure that they receive a copy of this Environmental Assessment.

Because PICK does not intend to alter the contour of the right-of-way and does not anticipate any discharges into waterways or wetlands, it is the opinion of OEA that the proposed abandonment would have no effect on the flow, quality, or management of water resources. Accordingly, no mitigation regarding water resources is recommended.

PICK states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

Pursuant to Section 7 of the Endangered Species Act at 50 C.F.R. § 402, OEA conducted a search of the Fish and Wildlife Service (FWS) Endangered Species Database to identify any Federally listed endangered or threatened species that may be present in the project area.² The search indicated that the following endangered, threatened, and candidate species may be present in the vicinity of the proposed project:

- Dwarf-flowered heartleaf (*Hexastylis naniflora*)- Threatened
- Smooth coneflower (*Echinacea laevigata*)- Endangered
- Mountain sweet pitcher-plant (*Sarracenia rubra ssp. jonesii*)- Endangered
- Georgia aster (*Symphotrichum georgianum*)- Candidate
- Bog turtle (*Clemmys muhlenbergii*)- Similarity of Appearance (Threatened)

In its comments, FWS also identified an historical occurrence of black-spored quillwort (*Isoetes melanospora*), an endangered plant, adjacent to the Line. FWS requested that PICK consult with the South Carolina Department of Natural Resources (SCDNR) regarding potential impacts to this species. SCDNR subsequently submitted comments stating that the project as described would have no or minimal impact on this or other protected species due to the lack of suitable habitat within the project area and the nature of the proposed salvage activities. OEA concurs with the conclusion of SCDNR and recommends no mitigation regarding biological resources.

² U.S. Fish and Wildlife Service, Endangered Species Database, <http://www.fws.gov/endangered/species> (last visited September 25, 2012).

PICK states, and OEA review has confirmed, that the Line is not located in or adjacent to any local or national park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

In its comments, the National Geodetic Survey notes that there are six geodetic survey markers located in the project area. Accordingly, OEA will recommend a condition requiring PICK to consult with NGS at least 90 days prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

PICK states that the proposed abandonment would be consistent with existing local land use plans.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agency for review and comment: FEMA Region IV.

HISTORIC REVIEW

PICK believes that rail operations over the Line began in approximately 1898. PICK took ownership of the Line in 1996, replacing Pickens Railroad Company, an unaffiliated entity. The company is not aware when the current track was installed.

The Line is approximately 8.5 miles long with a right of way that averages 25 feet in width. There are two bridges located on the Line, located at Wolf Creek (Milepost 2.6) and Rices Creek (Milepost 5.9). The Wolf Creek Bridge is approximately 50 feet long and the Rices Creek Bridge is 66 feet, 7 inches long. PICK states that these structures were most likely built between 1890 and 1898. Both bridges are constructed of timber and were repaired in or about 1957.

In its analysis, OEA did not identify any historic places that would potentially be affected by the proposed abandonment.³ The South Carolina State Historic Preservation Office (SHPO) also reviewed the project and submitted comments stating that the proposed project would not affect any known properties listed in or eligible for listing in the National Register of Historic Places (National Register).

³ National Register of Historic Places Online Database, <http://nrhp.focus.nps.gov/natreg/docs/Download.html> (last visited September 25, 2012)

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 no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. 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 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.⁴ The database indicated that the following Federally-recognized tribe may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Eastern Bank of Cherokee Indians of North Carolina

Accordingly, OEA is sending a copy of this EA to this tribe for review and comment.

CONDITIONS

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

- 1. Pickens Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers located in the project area.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, 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), 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

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited September 25, 2012).

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 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 Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1097X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: October 2, 2012.

Comment due date: October 17, 2012.

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