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SEA

SERVICE DATE – MAY 1, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 665X)

**CSX Transportation, Inc. – Abandonment
Exemption – in Harlan and Letcher Counties, KY**

BACKGROUND

In this proceeding, the CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Harlan and Letcher Counties, Kentucky. The abandonment extends approximately 12.99 miles, and covers a portion of the Poor Fork Branch between milepost OWC 261.1 near Cumberland to milepost OWC 262.3 at Cumberland Junction, and the entire Scotia Branch between milepost OWD 262.21 at Cumberland Junction to milepost 274.0 near Scotia at the end of the line. The abandonment traverses Zip Codes 40823, 40862, and 40826. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF RAIL LINE

According to CSXT, the line was incorporated in March 1850 and purchased by the Louisville and Nashville Railroad Company (L&N) between 1961 and 1962. In 1972, L&N and the Seaboard Coast Line Railroad became known jointly as the Family Lines. The railroad states that in 1980, Seaboard Coast Line Industries, Inc. (formed in 1969) and Chessie System merged to become CSX Corporation. In 1983, the Family Lines' affiliates merged, establishing the Seaboard System Railroad, Inc., which became CSXT in 1986.

CSXT states that the proposed line to be abandoned commences at Cumberland Junction to the west and progresses eastward through mountainous and forested terrain. The line segment closely parallels, and possibly intercepts, the Poor Fork Branch and associated wetlands and 100-year floodplain. The line then enters, as well as follows, a portion of the Jefferson National Park before finally reaching its terminus at the Cumberland River Coal Company. CSXT states that the width of the right-of-way of the rail line varies from 30 feet to 100 feet and that there are no CSXT-owned structures that are 50 years or older.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding. Based on information in the railroad's possession, the line does not contain any Federally granted rights-of-way. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment.

Diversion of Traffic

According to CSXT, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely 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

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via construction of new access points to the right-of-way. If the notice becomes effective and in the absence of any reversionary interests that may affect the transfer of title for other rail, the former coal line will have the potential to become a post-abandonment sale or lease to a local coal company. Otherwise, CSXT states that it intends to salvage track, ties, and other railroad appurtenances, and dispose of the right-of-way. Further, CSXT has indicated that it would not disturb any sub-grade or sub-grade structures.

The Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not impact prime, unique, or farmland of statewide significance and associated wetlands. However, NRCS noted that disturbed areas would need to be seeded and mulched immediately after work is completed to reduce the potential for erosion. Since this issue is typically addressed in the Construction General Stormwater Permit issued by the U.S. Environmental Protection Agency (USEPA), SEA will recommend a condition requiring that CSXT consult with USEPA prior to commencement of salvage activities to assess possible impacts associated with erosion and sediment control.

¹ The railroad's 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. 665X).

To date, Letcher County has not commented on the proposed abandonment. However, the Harlan County Judge Executive commented that Harlan County is interested in the right-of-way for recreational trail use. The line may be suitable for alternative public use, including trail conversion.

Harlan and Letcher Counties do not lie within designated coastal zones, therefore coastal zone consistency is not required.

SEA 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.

CSXT has served the environmental report on a number of other appropriate Federal, state and local agencies; however, to date, none have responded. Based on the limited information available, SEA cannot fully determine if salvage activities would cause significant environmental impacts on the area surrounding the proposed abandonment. Therefore, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Fish and Wildlife Service; USEPA; U.S. National Geodetic Survey; U.S. Army Corps of Engineers; and the National Park Service. Copies of the EA will also be provided to appropriate local and state agencies. Additionally, SEA will recommend conditions requiring CSXT to consult with the above referenced agencies, as necessary, prior to commencement of any salvage activities.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Kentucky Heritage Council (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that the proposed abandonment would have no effect on historic resources included in or eligible for inclusion in the National Register of Historic Places (National Register). SEA has reviewed the report and the information provided by the SHPO and concurs with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, SEA has 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 CFR 800.11(d), consists of CSXT's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the CSXT's salvage activities, CSXT shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then

consult with the SHPO, interested Federally recognized tribes, and CSXT to determine whether any mitigation measures are necessary.

SEA conducted a search of the National Park Service's Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Delaware Nation, the Eastern Band of Cherokee Indians, the Miami Tribe of Oklahoma, and the Peoria Tribe of Indians of Oklahoma may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the CSX Transportation, Inc (CSXT) shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
2. Prior to commencement of any salvage activities, CSXT shall consult with the U.S. Environmental Protection Agency (USEPA) to ensure that any concerns regarding applicable stormwater management and sediment control requirements are addressed. CSXT shall report the results of its consultations in writing to the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) prior to the onset of salvage operations.
3. To ensure appropriate consideration of the National Pollutant Discharge Elimination System (NPDES) requirements, CSXT shall consult with the USEPA prior to the commencement of any salvage activities and shall comply with the reasonable NPDES requirements.
4. Prior to commencement of any salvage activities, CSXT shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to Federally listed threatened and endangered species that may occur in the vicinity of the line. CSXT shall report the results of these consultations in writing to the Board's SEA prior to the onset of salvage operations.
5. Prior to commencement of any salvage activities, CSXT shall consult with the National Park Service, Southeast Region, and the Kentucky Department of Parks regarding any impacts on wildlife sanctuaries, refuges, National or state parks or forests. CSXT shall report the results of these consultations in writing to the Board's SEA prior to the onset of salvage operations.

6. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during CSXT's salvage activities, CSXT will immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and CSXT to determine whether any mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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), and discontinuance of service without abandonment. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment 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 CFR 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 665X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov

Date made available to the public: May 1, 2006.

Comment due date: **May 16, 2005.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment