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SERVICE DATE - JANUARY 29, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 218X)

NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN
BUCHANAN COUNTY, VA

Decided: January 25, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments to abandon a 0.63-mile line of railroad between milepost KP-0.0 and KP-0.63 at Kopp, Buchanan County, VA. Notice of the exemption was served and published in the Federal Register on December 31, 2001 (66 FR 67628). The exemption is scheduled to become effective on January 30, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) on January 4, 2002. Comments to the EA were due by January 22, 2002. No comments to the EA were received. In the EA, SEA stated that the U.S. Fish and Wildlife Service (USFWS) indicated that two endangered and/or threatened species, the Indiana Bat and the Virginia Spiraea, have been documented in an adjacent county and may occur in Buchanan County. SEA recommended that, in the event these species are encountered during salvage operations, NSR should consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.¹ Additionally, SEA recommended that, if USFWS determines that formal consultation is necessary, pursuant to section 7 of the Endangered Species Act, NSR should notify the Board and be prohibited from conducting salvage operations or disposing of the entire right-of-way until the section 7 process is complete. These conditions will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that: (1) in the event the Indiana Bat and the Virginia Spiraea are

¹ USFWS also advised that, to minimize the impact on Buchanan County's valuable aquatic resources, NSR should implement strict erosion control measures during salvage operations. USFWS stated that, if strict erosion control measures were taken, it believed that the proposed action would have no effect on the federally listed species.

encountered during salvage of the line, NSR shall consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.; and (2) if USFWS determines that formal consultation is necessary, pursuant to section 7 of the Endangered Species Act, NSR shall notify the Board and be prohibited from conducting salvage operations or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary