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SERVICE DATE - JUNE 1, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 200X)

NORFOLK AND WESTERN RAILWAY COMPANY--ABANDONMENT  
EXEMPTION--IN DICKENSON AND BUCHANAN COUNTIES, VA

Decided: May 28, 1998

Norfolk and Western Railway Company (NW) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 3.34 miles of its line of railroad between milepost CL-13.56 at Duty and milepost CL-16.90 at Clinchfield Coal in Dickenson and Buchanan Counties, VA. Notice of the exemption was served and published in the Federal Register on May 4, 1998 (63 FR 24589-90). The exemption is scheduled to become effective on June 3, 1998.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 8, 1998. In the EA, SEA states that the Virginia Department of Environmental Quality, Southwest Regional Office (DEQ), has expressed concern about water quality and air quality during salvage operations. DEQ specifically requests that, if NW performs in-stream salvage operations during certain conditions, a Virginia Water Protection permit will be required. DEQ states that NW should employ strict soil and erosion control methods during salvage operations in and around Indiana Creek and that all wetlands should be avoided. DEQ also states that, during salvage operations, NW is required to control fugitive air emissions and any land clearing debris must be disposed of in an approved manner. DEQ further states that NW must comply with Virginia open burning and fugitive air emission regulations. Therefore, SEA recommends that a condition be imposed requiring NW to consult with DEQ prior to salvage operations.

Additionally, based upon comments to the EA, SEA advised that the U.S. Fish and Wildlife Service states that there are a number of endangered species and/or species of concern potentially present in Dickenson and Buchanan Counties, and that NW should contact the Virginia Department of Conservation and Recreation. Therefore, SEA recommends that NW consult with the Virginia Department of Conservation and Recreation, Division of Natural Heritage, 217 Governor Street, 3rd Floor, Richmond, VA 23219, (804) 786-7951, prior to any salvage operations, to determine whether any impacts could occur to the Indiana bat, Virginia spiraea, Appalachian Bewick's wren, Hoffman's xystodesmid millipede, Cyclotrachelus incisus (a ground beetle), Green-faced clubtail, Diana fritillary, Eastern small-footed bat, Cardamine flagellifera (a bittercress), Box huckleberry, and Sweet pine sap in Dickenson County and (2) the Diana fritillary, Regal fritillary and the Carey saxifrage, in Buchanan County, VA.

The recommended 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 rail line described above is subject to the condition that NW shall: (1) consult with the Virginia Department of Environmental Quality, Southwest Regional Office, to determine whether a Virginia Water Protection Permit will be required and to ensure compliance with Virginia's regulations protecting soil erosion, wetland and air quality prior to salvage operations; (2) consult with Virginia Department of Conservation and Recreation, Division of Natural Heritage to determine whether any impacts could occur to the Indiana bat, Virginia spiraea, Appalachian Bewick's wren, Hoffman's xystodesmid millipede, Cyclotrachelus incisus (a ground beetle), Green-faced clubtail, Diana fritillary, Eastern small-footed bat, Cardamine flagellifera (a bittercress), Box huckleberry, and Sweet pine sap, in Dickenson County and (2) the Diana fritillary, Regal fritillary and the Carey saxifrage, in Buchanan County, VA.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary