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OEA

SERVICE DATE – OCTOBER 30, 2015

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1112X**

**Caldwell Railroad Commission – Abandonment Exemption –  
in Caldwell County, N.C.**

**BACKGROUND**

In this proceeding, Caldwell Railroad Commission (CRC) filed an amended 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 Caldwell County, North Carolina. The rail line proposed for abandonment extends 3.91 miles from approximately milepost 108.79 and milepost 112.7 (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**

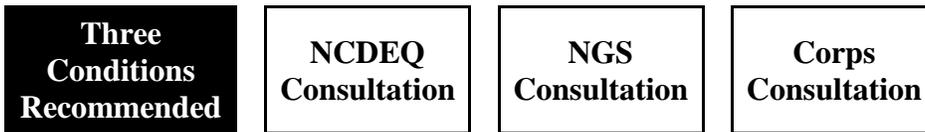
CRC submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CRC served the Environmental Report on a number of appropriate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

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1112X.

*Summary of OEA findings*

<b>Transportation System</b>	No significant impact.
<b>Land Use</b>	No significant impact.
<b>Energy</b>	No significant impact.
<b>Air</b>	No significant impact.
<b>Noise</b>	No significant impact.
<b>Safety</b>	No significant impact.
<b>Biological Resources</b>	No significant impact.
<b>Water</b>	No significant impact.
<b>Historic Report</b>	No significant impact.



*Diversion of Traffic*

According to CRC, no local traffic has moved over the line for at least two years and the Line is stub-ended and incapable of handling overhead traffic. 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*

According to CRC, if abandonment authority is granted, CRC would remove track, materials, and crossties, but leave culverts and ballast in place. Salvage would be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. According to CRC, the Line is in a highly-urbanized area, just west of the main business district of Lenoir, North Carolina. Because of the limited length of the Line, the Line’s location in an urbanized area, and the limited need for access points, if any, potential impacts from the construction of access points would likely be minimal.

According to CRC, the Line crosses several streams, including Blairs Fork Creek, Spainhour Creek, Long Branch, and a tributary to Lower Creek. According to CRC, salvage activities would not cause sedimentation or erosion of the soil, and CRC does not anticipate any dredging or use of fill when removing the track material. However, the U.S. Army Corps of Engineers (the Corps) submitted comment that this abandonment could affect waters of the United States, therefore, OEA recommends that any decision granting abandonment authority include a condition that prior to commencement of any salvage activities, CRC shall consult with the Corps and comply with its reasonable requirements.

The North Carolina Department of Environment and Natural Resources (NCDENR) submitted comments advising that CRC may need to seek erosion and sedimentation control permitting and National Pollution Discharge Elimination System (NPDES) construction stormwater permitting associated with the track removal. Since this response was sent, many of the duties of NCDENR have been transferred to the North Carolina Department of Environmental Quality (NCDEQ), including the permitting referenced in the NCDENR comment. In response, OEA recommends imposing a condition that CRC consult with NCDEQ prior to commencing any salvage activities.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would not affect federal trust resources under its jurisdiction and currently protected by the Endangered Species Act.

The National Geodetic Survey (NGS) identified two geodetic survey marks (FA1036 and FA1039) that could be affected by the proposed abandonment, therefore, OEA recommends that any decision granting abandonment authority include a condition that CRC notify and consult with NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

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 would 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 agencies for review and comment: NCDENR and the Corps.

## **HISTORIC REVIEW**

CRC served the Historic Report on the North Carolina State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

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](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.<sup>2</sup> The database did not indicate that any federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

## **CONDITIONS**

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

- 1. Caldwell Railroad Commission shall consult with the North Carolina Department of Environmental Quality prior to beginning salvage activities to determine whether any permitting is required and comply with the Department's reasonable requirements.**
- 2. Caldwell Railroad Commission 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.**
- 3. Caldwell Railroad Commission shall consult with the U.S. Army Corps of Engineers (Corps) prior to commencement of any salvage activities regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA 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.

Since operations have been discontinued since 2007, alternatives to the proposed abandonment would include denial (and therefore no change in operations) or resumption of operations by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

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<sup>2</sup> Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited October 23, 2015).

## **PUBLIC USE**

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). CRC has stated an intent to railbank the line with Caldwell County Pathways, Incorporated.

## **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, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1112X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.dot.gov](mailto:adam.assenza@stb.dot.gov).

Date made available to the public: October 30, 2015.

**Comment due date: November 16, 2015.**

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