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SEA

SERVICE DATE – JULY 24, 2006

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-55 (Sub-No. 671X)**

**CSX Transportation Inc. – Abandonment Exemption – in Logan County, WV**

**BACKGROUND**

In this proceeding, 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 Logan County, West Virginia. The rail line proposed for abandonment extends 1.4 miles from milepost CME 10.0 at Stirrat to the end of the track at milepost CME 11.4 at Sarah Ann (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**

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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to CSXT, no local traffic has moved over the Line for at least two years and all overhead traffic could be rerouted over other lines. 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 the construction of new access points to the right-of-way.

According to CSXT, the right-of-way of the Line varies between 15 and 30 feet from the center-line of the track. The Line, located in a mountainous, forested area with several strip mines and mine dumps, passes through a few small communities and parallels Island Creek.

CSXT states that abandonment of the rail line would result in the removal of the rail, crossties and possibly the upper layer of ballast. According to CSXT, removal of material would be accomplished by using the right-of-way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT states that it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and also does not anticipate any dredging or use of fill in the removal of the track material. The crossties and other debris would not be discarded along the right-of-way or be placed in streams or wetlands, or along the banks of such waterways. CSXT plans to take appropriate measures during salvage activities to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Accordingly, we will recommend that a condition be imposed upon any decision granting CSXT abandonment authority requiring CSXT to undertake salvage activities in the manner it has proposed.

The National Geodetic Survey (NGS) provided comments stating that one geodetic station marker may be located in the area of the proposed abandonment. NGS requests 90 days advance notice to relocate the station marker. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring CSXT to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.

The West Virginia Department of Environmental Protection (WVDEP) provided comments indicating that a Construction Storm Water Permit Registration would not be required.

The Natural Resources Conservation Service (NRCS) provided comments indicating that the proposed abandonment would not impact prime and unique farmland, statewide important farmland, or locally important farmland.

SEA spoke with Ms. Barbara Sargent, Environmental Resources Specialist in the West Virginia Department of Natural Resources, Wildlife Diversity Program (WVDNR), on July 17, 2006. According to Ms. Sargent, West Virginia's protected species list was last updated in 2005, and Logan County does not contain any known records of Federally listed threatened or endangered species.

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.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: NGS, WVDEP, NRCS, WVDNR, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency, Region 3.

### **HISTORIC REVIEW**

CSXT served the historic report on the West Virginia Division of Culture and History (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known historical, architectural, or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur 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, we have determined that the proposed abandonment will 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 the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

The SHPO also stated that if CSXT identifies any archeological resources during salvage activities, all such activities should cease and CSXT should notify the SHPO immediately. Accordingly, SEA will recommend that a condition be imposed on any decision granting abandonment authority requiring CSXT to cease salvage activities and notify the appropriate parties if CSXT discovers any archaeological sites, human remains, funerary items or associated artifacts during salvage activities.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area and identified no tribes that may have an interest in the proposed abandonment.

### **CONDITIONS**

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

- 1. As agreed to by CSX Transportation Inc. (CSXT), CSXT shall conduct salvage activities in the manner it has proposed in its Environmental Report.**
- 2. CSX Transportation Inc. shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.**
- 3. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during CSX Transportation Inc.'s (CSXT) salvage activities, CSXT will immediately cease all work and will notify the Section of Environmental Analysis (SEA) and the West Virginia Division of Culture and History (State Historic Preservation Office or SHPO). SEA shall then consult with the SHPO 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), 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**

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 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 Rini Ghosh, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 671X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at [ghoshr@stb.dot.gov](mailto:ghoshr@stb.dot.gov).

Date made available to the public: July 24, 2006.

**Comment due date: August 8, 2006.**

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

Vernon A. Williams  
Secretary

Attachment