

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1292X

**Alabama and Tennessee River Valley Railway, LLC—Abandonment Exemption—
In Marshall County, Al.**

BACKGROUND

In this proceeding, Alabama & Tennessee River Railway, LLC (ATN) filed a notice with the Surface Transportation Board (Board) 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 Marshall County, Alabama. The rail line proposed for abandonment (the Line) extends approximately 885 feet and is located approximately 3,670 feet north of Milepost 86 in the City of Guntersville, Alabama (Guntersville). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, ATN would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

ATN submitted a combined Environmental and Historic Report that concludes that 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. ATN served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

ATN states that there has been no rail traffic on the Line for at least two years and that there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use, or transportation of energy resources or of recyclable commodities;

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1292X.

transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could significantly impact air quality or the local transportation network.

Salvage Activities

If abandonment is granted in this proceeding, ATN intends to remove rail and related track material from the existing roadbed. ATN does not intend to remove ballast or disturb the underlying roadbed or any subgrade structures.

Land Use

ATN requested comments from Marshall County and Guntersville regarding consistency of the proposed abandonment with existing local land use plans. By letter dated October 24, 2019, the Mayor of Guntersville commented that abandonment of the Line would be consistent with existing land use plans. Because abandonment-related salvage activities would be limited in scope and confined to an existing rail right-of-way, OEA believes that the proposed abandonment, including the potential future use of the rail right-of-way as a trail, would be consistent with local land use plans and is not recommending any mitigation related to local land use planning.

ATN requested comments from the U.S. Natural Resources Conservation Service (NRCS) related to the potential for the proposed abandonment to affect agricultural land, but has received no response to date from NRCS. Because salvage activities would be limited in scope and would take place within an existing rail corridor in a developed urban area, OEA believes that the proposed abandonment would not result in any impacts to prime or unique farmland. Accordingly, no mitigation related to agricultural land is recommended.

ATN requested comments from the National Geodetic Survey (NGS). NGS commented that three geodetic survey markers could be located in the area. NGS has indicated that three geodetic survey markers could be present in the vicinity of the rail right-of-way. Accordingly, OEA recommends a condition requiring ATN to notify NGS at least 90 days prior to beginning salvage activities to allow time for potentially affected geodetic survey markers to be preserved.

ATN states, and OEA has confirmed, that the Line does not cross and is not immediately adjacent to any local, state, or federal forests, parks, wildlife sanctuaries or refuges, or other federally or state managed lands.² Accordingly, no mitigation related to public lands is recommended.

² U.S. Geological Survey, Protected Areas Database of the United States, <https://maps.usgs.gov/padus/> (last accessed November 15, 2019).

Coastal Zone Compliance

ATN states and OEA has confirmed that the Line is not located within the boundary of the Alabama Coastal Area Management Program. Accordingly, no mitigation related to coastal zone management is necessary or recommended.

Water Resources

Based on OEA's review of available satellite imagery and the U.S. Fish and Wildlife's (USFWS') National Wetlands Inventory, the Line does not cross areas containing waterways or wetlands.³ ATN has requested comments from the Alabama Department of Environmental Management, the U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers regarding potential impacts to water resources, but has received no response from those agencies to date. The Line is located approximately 100 to 300 feet from Lake Guntersville. Because salvage activities would be limited to the removal of rail and related track material from an existing rail right-of-way, OEA does not anticipate that the proposed abandonment would result in any impacts to Lake Guntersville or other waterbodies or wetlands. Therefore, OEA is not recommending any mitigation related to water resources.

Hazardous Materials

ATN states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. OEA's review of the area has confirmed that there are no federally-listed remediation sites within or immediately adjacent to the rail right-of-way.⁴ Because there are no known issues related to hazardous waste spills within the rail right-of-way and because no ground disturbance would occur during salvage, no mitigation related to hazardous waste sites or hazardous materials is necessary or recommended.

Biological Resources

The Line runs through an area of Guntersville that has been developed for commercial, transportation, and industrial uses. OEA's review of available imagery of the area indicated that little natural habitat remains in the immediate project area that would be suitable for native wildlife. ATN sent a copy of its Environmental Report to USFWS and requested that USFWS provide comments related to the proposed abandonment's potential to affect wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html> (last accessed November 15, 2019).

⁴ Environmental Protection Agency, NEPAassist, <https://www.epa.gov/nepa/nepassist> (last accessed November 15, 2019).

comments. To identify federally listed threatened and endangered species that could be present in the project area, therefore, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered and threatened species known or thought to occur in the vicinity of the Line, as identified by OEA's search. OEA notes that the project area does not contain critical habitat for any of the species identified.

Federally Listed Threatened and Endangered Species in the Project Area	
Mammals	Status
Gray Bat (<i>Myotis grisescens</i>)	Endangered
Indiana Bat (<i>Myotis sodalis</i>)	Endangered
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Clams	
Upland Combshell (<i>Epioblasma metastriata</i>)	Endangered
Flowering Plants	
Green Pitcher-plant (<i>Sarracenia oreophila</i>)	Endangered

Because the Line is located in a developed urban area and does not cross any waterways, wetlands, or forested areas, OEA believes that no suitable habitat for any of the species listed above is present in or immediately adjacent to the rail right-of-way. Individual mammals may pass through the rail corridor on a transient basis, but would be unlikely to be affected by the limited salvage activity that is planned. Therefore, based on the information provided by ATN and OEA's independent review, OEA has concluded that the proposed abandonment would have **no effect** on federally listed threatened and endangered species, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1536). Because salvage activities would be limited in scope and would take place within an existing rail right-of-way in a heavily developed urban area, OEA also concludes that the proposed abandonment would have negligible impacts on other species of wildlife. Accordingly, no mitigation related to biological resources is necessary or recommended. OEA is sending a copy of this Draft EA to USFWS for that agency's review and comment.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Therefore, no mitigation related to air quality is recommended.

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <https://ecos.fws.gov/ipac/> (last accessed November 15, 2019).

Noise

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Therefore, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA believes that the proposed abandonment, including abandonment-related salvage activities, would not result in any significant environmental impacts.

HISTORIC REVIEW

Historical Background

ATN believes that the Line was originally part of the Nashville, Chattanooga and St. Louis Railway (NC&StL). OEA's review of historic maps of Guntersville confirm that the Line was constructed by NC&StL prior to 1893 as part of a line originally planned by the Tennessee & Coosa River Railroad that extended from Gadsden, Alabama to the Tennessee River at Guntersville. Following construction, a railroad ferry was provided between Gunters Landing and Hobbs Island, located 20 miles downstream at the north bank of the Tennessee, which allowed for continuous rail service over a 122-mile route between the mainline of the NC&StL at Decherd, Tennessee and Gadsden, Alabama.⁶ In 1880, NC&StL was merged into the Louisville and Nashville Railway Company (L&N), which continued to provide ferry service. That service was discontinued in 1960, by which time Guntersville was connected to Birmingham via a continuous line through Attalla.

In the late 1960s, L&N was acquired and integrated into the "Family Lines System," a trade name adopted to identify L&N and the Seaboard Coast Line Railroad Company under one holding company, Seaboard Coast Line Industries (SCL Industries). In 1980, SCL Industries merged with Chessie System, Inc. to become CSX Corporation, thus combining both system's railroads, most of which were eventually merged into CSX Transportation, Inc. (CSXT). ATN leased the Line from CSXT in 2004 and continues to lease the line from HGS-ATN, LLC, which purchased the real estate, but not the common carrier obligation, from CSXT in 2018.

⁶ Prince, Richard E. (1967). *Nashville, Chattanooga & St. Louis Railway: History and Steam Locomotives*. Bloomington and Indianapolis: Indiana University Press.

Section 106 Review

Pursuant to Section 106 regulation of the National Historic Preservation Act (36 C.F.R. 800), ATN initiated consultation with the Alabama Historical Commission (the State Historic Preservation Officer or SHPO) by providing the SHPO with a copy of its Historic Report prior to filing its notice of exemption with the Board.⁷ By letter dated November 15, 2019, the SHPO commented that the proposed abandonment would not affect any historic properties listed in or eligible for listing in the National Register of Historic Places (National Register).

In its review of available current and historic imagery of the Line, OEA concluded that the rail line is of ordinary design and construction. There are no bridges, culverts, or other structures on the Line. Based on the information available to date, the Line does not appear to be associated with events that have made significant contribution to the broad patterns of history or with lives of significant historical persons. The Line also does not embody distinctive characteristics of a type, period, or method of construction and does not represent the work of a master or possess high artistic value. Because salvage activity would not involve subsurface disturbance, the proposed abandonment would be unlikely to affect any previously undiscovered archeological sites.

OEA therefore concurs with the SHPO that the proposed abandonment would have ***no effect*** on historical properties that are listed in or eligible for listing in the National Register within the rail right-of-way (the Area of Potential Effect or APE). The documentation for that finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>.

In its November 15, 2019 comment letter, the SHPO states that, should artifacts or archeological features be encountered during project activities, ATN should cease work and consult with the SHPO immediately. The SHPO notes that artifacts are objects made, used, or modified by humans, including but not limited to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, while archaeological features are stains in the soil that indicate disturbance by human activity, such as post holes, building foundations, trash pits, and

⁷ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

human burials. To address the SHPO's comments, OEA recommends that any Board decision granting abandonment authority in this proceeding should impose a condition requiring ATN to cease work and notify OEA and the SHPO so that OEA can consult with ATN, the SHPO, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Tribal Consultation

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁸ The search identified the following federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Alabama-Coushatta Tribe of Texas;
- Alabama-Quassarte Tribal Town;
- Coushatta Tribe of Louisiana;
- Eastern Band of Cherokee Indians; and
- Muscogree (Creek) Nation.

Accordingly, OEA is sending a copy of this Draft EA to those tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:

- 1. In the event that any artifacts or archaeological sites are discovered during abandonment-related salvage activities, Alabama & Tennessee River Railway, LLC (ATN) shall immediately cease all work and notify OEA and the Alabama Historical Commission (the State Historic Preservation Officer or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, ATN, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.**

⁸ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last accessed November 15, 2019).

2. **Alabama & Tennessee River Railway, LLC shall notify the National Geodetic Survey (NGS) at NGS.Infocenter@noaa.gov at least 90 days prior to beginning salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, the proposed abandonment would 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 would 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 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

Requests for a notice of interim trail use (NITU) are 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).

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.

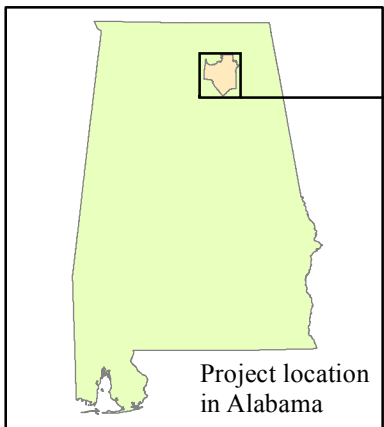
COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Josh Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1292X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Josh Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

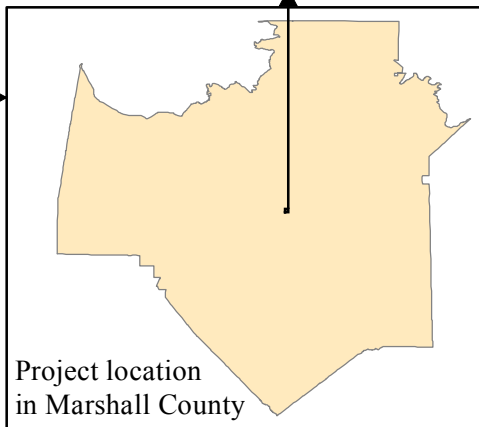
Date made available to the public: December 2, 2019

Comment due date: December 17, 2019

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



Project location
in Alabama



Project location
in Marshall County

Docket No. AB 1292X

Alabama & Tennessee River Railway, LLC
—Abandonment Exemption—
in Marshall County, Ala.

 The Line

 Rail right-of-way (approximate)

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.