

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 347X)

September 4, 2013

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on August 19, 2013 for public review and comment. In the EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Correction to the EA

Upon review, OEA notes that one of the conditions recommended in the EA contains a typographical error. The condition would require Norfolk Southern Railway Company (NSR) to retain its interest in and take no steps to alter the historic integrity of a railroad bridge located on the rail line proposed for abandonment. The condition states that the bridge is located at approximately milepost 242.4N. OEA notes that the bridge is located at approximately milepost 241.4N.

Comments on the EA

During the public comment period, the Alabama Historical Commission (State Historic Preservation Office or SHPO) submitted comments stating that the proposed abandonment would not affect any cultural resources listed in or eligible for listing 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. Accordingly, OEA is no longer recommending the condition requiring NSR to maintain its interest in and take no steps to alter the historic integrity of the railroad bridge located at approximately milepost 241.4N.

In its comments, the SHPO requests that, should artifacts or archaeological features be encountered during abandonment related activities, NSR should cease work and consult immediately with the SHPO. Accordingly, OEA is recommending a new condition requiring NSR to consult with OEA and the SHPO should unanticipated artifacts or archaeological features be discovered during salvage activities.

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, the EA, and this Final EA, which have been made available to the public through posting on the Board's website at www.stb.dot.gov. The finding of no historic properties affected concludes the Section 106 process for this proposed abandonment.

Modifications to the EA

After reviewing the comments received, OEA is amending the conditions originally recommended in the EA. Because no cultural properties listed in or eligible for listing in the National Register would be affected by the proposed abandonment, OEA recommends that the condition requiring NSR to maintain its interest in and take no steps to alter the historic integrity of the railroad bridge located at approximately milepost 241.4N should not be imposed.

In recognition of the SHPO's comments regarding unanticipated discovery of historical artifacts or archaeological features, OEA recommends a new condition requiring NSR to consult with OEA and the SHPO in the event that artifacts or archaeological features are encountered during salvage activities.

OEA recommends that the condition, previously recommended in the EA, requiring NSR to consult with the Alabama Department of Environmental Management regarding the implementation of Best Management Practices and to comply with that agency's reasonable recommendations, remain unchanged.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that one condition previously recommended in the EA, as well as one additional condition recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

- 1. Prior to beginning salvage activities, Norfolk Southern Railway Company shall consult with the Alabama Department of Environmental Management regarding the implementation of Best Management Practices and shall comply with that agency's reasonable recommendations.**
- 2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, Norfolk Southern Railway Company (NSR) shall immediately cease all work and notify the Office of Environmental Analysis (OEA) and the Alabama Historical Commission (State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, NSR, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.**

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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