

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB-55 (Sub-No. 740X)

June 19, 2015

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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On May 7, 2015, CSX Transportation Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board) in connection with the proposed abandonment of a line of railroad and any associated common carrier obligation in Niagara Falls, Niagara County, New York. CSXT proposes to abandon approximately .48 miles of line known as the County Industrial Track within the city of Niagara Falls, New York. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on June 1, 2015 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.

Comments on the EA

On June 1, 2015, OEA received a copy of a comment made by the U.S. Fish and Wildlife Service (USFWS), New York Field Office, in response to CSXT's environmental report. The USFWS concurred with a "no effect" determination and indicated that no further coordination or consultation is necessary.

On June 15, 2015, OEA received a comment made by the State of New York's Department of State (DOS) regarding an incomplete Coastal Consistency submission. The DOS included a Federal Consistency Assessment Form (FCAF) with instruction to submit the form and required information to the DOS. Completion of the form and submittal to the DOS is required to ensure consistency of the proposed abandonment with the New York Coastal Management Program.

Recommendations

The two comments received relate directly to conditions recommended in the EA. At the time of CSXT's filing of an environmental report in accordance with 49 CFR 1105.7, CSXT had not received comment from the USFWS regarding the potential for the abandonment to affect Federally listed threatened or endangered species. Likewise, CSXT had not received comments from the New York DOS regarding the proposed abandonment's consistency with the Coastal Management Program. Accordingly, the EA included conditions for CSXT to consult with the USFWS and the New York DOS.

With the recently received USFWS comment, OEA recommends removal of the condition requiring consultation with the USFWS prior to commencement of any salvage activities. The comment from DOS reinforces the need for CSXT to consult to confirm consistency with the coastal zone management.

Conclusions

The EA comment period has ended. Two comments were received. Based on these comments, OEA recommends removal of one of two conditions included in the EA. The following condition should be imposed upon any decision granting abandonment authority:

1. Prior to beginning any salvage activities, CSXT shall consult with the New York Department of State to determine whether state coastal management consistency certification is required. CSXT shall report the results of these consultations in writing to OEA prior to the onset of salvage operations.

If it is determined that the proposed project is located in a coastal zone management area and coastal management consistency certification is required, CSXT must obtain state coastal management consistency certification. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

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

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