

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB-1266X

17 October 2019

ABANDONMENT TYPE

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

☐ Notice of Exemption ☒ Petition for Exemption ☐ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

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OEA served an Environmental Assessment (EA) for this proceeding on September 13, 2019 for public review and comment. In the EA, OEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

The U.S. Army Corps of Engineers, Norfolk District (USACE) has indicated that, with the imposition of the previously recommended condition requiring CAC to consult with USACE regarding potential impacts to waters of the United States prior to commencement of any salvage activities, it has no further comments.

The Virginia Marine Resources Commission (VMRC) has indicated that the proposed abandonment is outside the jurisdictional areas of the VMRC and would not require a permit from VMRC.

The Virginia Department of Transportation, Hampton Roads District does not anticipate that the proposed abandonment would have a direct impact on the state-maintained transportation network.

The Virginia Department of Historic Resources (SHPO) has requested additional information on one potentially historic building that may be eligible for listing in the National Register of Historic Places. The previously recommended condition requiring CAC to retain its interest and take no steps to alter the historic integrity of historic properties until the Section 106 process has been completed addresses the SHPO's concerns.

The Virginia Department of Environmental Quality, Tidewater Regional Office (DEQ-TRO) has indicated that there does not appear to be any wastewater or industrial stormwater

point source discharges related to salvage activities that would necessitate a VPDES permit. If impacts to wetlands or waters are determined by USACE, then Virginia Water Protection (VWP) permits could be required. DEQ-TRO also indicates that state regulations related to visible emissions, fugitive dust emissions, and open burning could be applicable. In addition, DEQ-TRO states that all construction, demolition and debris waste must be characterized in accordance with the Virginia Hazardous Waste Management Regulations prior to management at an appropriate facility. Any soil, sediment or groundwater that is suspected of contamination must be tested and disposed of in accordance with applicable laws and regulations. If applicable, salvage activities must comply with lead-based paint regulations. Any structures to be demolished must be thoroughly inspected for the presence of asbestos. OEA recommends a new condition requiring that CAC consult with DEQ-TRO prior to commencement of any salvage activities to address DEQ-TRO's concerns.

The Virginia Department of Conservation and Recreation (DCR) has searched its Biotics Data System for occurrences of natural heritage resources in the project area. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. Due to the scope of the proposed salvage activities, DCR does not anticipate that there would be adverse impacts to natural heritage resources including any documented state-listed plants or insects.

John Paffrath submitted comments on the EA, most of which relate to the merits of the case and are not addressed in the course of this environmental review. Mr. Paffrath indicates that the diversion of rail traffic to truck traffic would contribute to rubber/latex poisoning in the Chesapeake Bay environment/watershed which originates with vehicle tires breaking down. Mr. Paffrath further states that pollutants from highway vehicles in general impact the bay. As indicated in the EA, CAC states that there are no active customers on the line. No service is currently being provided over the line. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that would cause any significant environmental impacts to the bay.

Mr. Paffrath indicates that portions of the line are listed with EPA as brownfield sites. Generally, brownfields do not pose serious health or environmental threats absent substantial disturbance. Any reuse or redevelopment of the property post-abandonment is speculative at this time. Post-abandonment redevelopment is not a part of the current action before the Board.

Mr. Paffrath mentions the historic significance of the line multiple times. To date, the SHPO has only expressed concern about the historic significance of one building. Nonetheless, OEA has already recommended a condition requiring CAC to retain its interest and take no steps to alter the historic integrity of historic properties until the Section 106 process has been completed.

OEA recommends revising the previously recommended NGS condition in accordance with new internal guidance that was developed during the comment period.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the following three conditions previously recommended in the EA be imposed without change.

1. Prior to commencement of any salvage activities, Canonie Atlantic Co. shall consult with the U.S. Army Corps of Engineers, Norfolk District (USACE) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of USACE.
2. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*) and the Board's environmental regulations at 49 C.F.R. § 1105.9, Canonie Atlantic Co. (CAC) shall consult with the Virginia Department of Environmental Quality - Office of Environmental Impact Review and obtain state coastal management consistency certification. CAC 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 Office of Environmental Analysis and the Board has removed this condition.
3. Canonie Atlantic Co. (CAC) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CAC shall report back to the Office of Environmental Analysis regarding any consultations with the Virginia Department of Historic Resources and the public. CAC may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

OEA recommends that the following revised NGS condition replace the condition previously recommended in the EA.

4. Canonie Atlantic Co. shall notify the National Geodetic Survey (NGS) at NGS.Infocenter@noaa.gov at least 90 days prior to beginning salvage activities.

In addition, OEA recommends that the following new condition be imposed.

5. Prior to commencement of any salvage activities, Canonie Atlantic Co. shall consult with the Virginia Department of Environmental Quality, Tidewater Regional Office (DEQ-TRO) to address its concerns about potential impacts to waters and wetlands, air quality, and hazardous waste management and shall comply with the reasonable requirements of DEQ-TRO.

If the above conditions are imposed upon any decision granting abandonment authority, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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