

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 290 (Sub-No. 334X)

March 13, 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 February 22, 2013 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

During the public comment period, the rail applicant, Norfolk Southern Railway Company (NSR), submitted comments clarifying that NSR has consulted with the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to federally listed threatened and endangered species. NSR submitted the results of these consultations, in which USFWS states that the no federally listed species or critical habitat are known to occur in the project area and that the abandonment as proposed would have no significant impact on fish and wildlife resources. Accordingly, OEA is no longer recommending a condition requiring NSR to consult with USFWS.

The City of Anniston, Alabama filed a request for interim trails use/railbanking pursuant to 49 C.F.R. § 1152.29 and a request for public use pursuant to 49 C.F.R. § 1152.28. NSR has responded that it is willing to negotiate an interim trail use/railbanking agreement.

Modifications to the EA

After reviewing the comments received, OEA is amending the conditions originally recommended in the EA. Because NSR has consulted with USFWS and USFWS has responded that no impacts to federally listed endangered or threatened species would be affected by the proposed abandonment, OEA is recommending that the previously recommended condition requiring NSR to consult with USFWS prior to commencing abandonment activities not be imposed.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the following two conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

- 1. Prior to commencement of any salvage activities, Norfolk Southern Railway Company (NSR) shall consult with the Alabama Department of Environmental Management regarding the implementation of appropriate and effective Best Management Practices (BMP) for the control of pollutants in storm water run-off and shall comply with all reasonable BMP requirements. NSR shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.**
- 2. In the event that any unanticipated archaeological sites or associated artifacts are discovered during salvage activities, Norfolk Southern Railway Company (NSR) will 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 shall 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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