

**THIS IS NOT A PERMIT**

**State of Indiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Fish and Wildlife**  
**Early Coordination/Environmental Assessment**

**DNR #:** ER-17172

**Request Received:** September 3, 2013

**Requestor:** Surface Transportation Board  
Dave Navecky  
395 E Street SW, Room 1104  
Washington, DC 20423

**Project:** CSX Transportation and Louisville & Indiana Railroad Company, Draft EA: easement acquisition for joint operation and improvement of 106.5 miles of rail line from Indianapolis, IN to Louisville, KY, including a bridge replacement over Flatrock River in Columbus; Docket No. FD 35523

**County/Site info:** Bartholomew - Clark - Jackson - Johnson - Marion - Scott

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

**Regulatory Assessment:** This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1. An individual permit will be required for each affected stream having a drainage area greater than one square mile. Please submit a copy of this letter with the permit application.

**Natural Heritage Database:** The Natural Heritage Program's data have been checked. The species and natural community below have been documented within 1/2 mile of the project area. The Crothersville proposed siding construction in Jackson County will share a boundary to the east with Chestnut Ridge Seep Springs, which is a site that has long been on the Registry of Significant Sites. This site is home to a high quality natural community called an acid seep, which is a rare wetland type. The Division of Nature Preserves (DNP) recommends that construction activities at this site remain within the right-of-way, with special care taken to prevent impacts to the adjacent acid seep and other wetlands, including siltation impacts from runoff. Primarily, the ballast materials to make up the base of the new siding cannot spread into the adjacent communities, and no stockpiling, earthmoving, parking, or equipment staging should take place outside of the right-of-way in this area.

**JOHNSON COUNTY (Sec 8, T11N, R5E)**

Mussels (all in Sugar Creek at the RR crossing, except salamander mussel was at US31 crossing):

1. Snuffbox (*Epioblasma triquetra*); Federally & State Endangered
2. Clubshell (*Pleurobema clava*); Federally & State Endangered
3. Rayed Bean (*Villosa fabalis*); Federally & State Endangered
4. Rabbitsfoot (*Quadrula cylindrica cylindrica*); Fed. Candidate & State Endangered
5. Round Hickorynut (*Obovaria subrotunda*); State Special Concern
6. Little Spectaclecase (*Villosa lienosa*); State Special Concern
7. Wavyrayed Lampmussel (*Lampsilis fasciola*); State Special Concern
8. Kidneyshell (*Ptychobranhus fasciolaris*); State Special Concern
9. Salamander Mussel (*Simpsonia ambigua*); State Special Concern

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BARTHOLOMEW COUNTY (Sec 2, T9N, R5E & Sec 19, T8N, R6E)  
Animal: American Badger (*Taxidea taxus*); State Special Concern

JACKSON COUNTY (Sec 9, T5N, R6E) - all found within Chestnut Ridge Seep Springs  
A) State Significant Community: Acid Seep  
B) Plants:  
1. Southern Rein Orchid (*Platanthera flava* var. *flava*); State Endangered  
2. Atlantic Sedge (*Carex atlantica* ssp. *atlantica*); State Threatened  
3. Bog Bluegrass (*Poa paludigena*); Watch List  
C) Animal: Four-toed Salamander (*Hemidactylium scutatum*); State Special Concern

CLARK COUNTY (in quarry near Sellersburg)  
Animal: Gray Bat (*Myotis grisescens*); Federally & State Endangered

**Fish & Wildlife Comments:** Two of the new rail sidings appear to be partly or mostly in forested and/or wetland habitat and will impact streams. The end of one of the siding extensions is within the forested riparian corridor of the Flatrock River. Impacts to forested and/or wetland floodway habitat will likely require mitigation. More detailed project maps are needed to fully assess the potential impacts as the maps indicate the sidings will vary in distance from the main track (from about 40' from the main track to over 200' from the main track based on the map scale). Thousands of feet of siding, even a siding track adjacent to the main track, will result in significant permanent impacts to habitat adjacent to the rail line (not only direct impacts from habitat destruction, but also indirect impacts from habitat fragmentation). The extended sidings and new sidings appear to cross several streams at each location of the siding work. Additional information on potential stream impacts from siding stream crossings is needed.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Animal Species:

a. GRAY BAT: Gray bats are very sensitive to disturbance, and while we cannot say for certain that this project will impact the colony, it appears to have the potential to impact the colony considering the increase in trains and cars on each train. If this proposal must be implemented, and if possible, we recommend maintaining current traffic/disturbance levels when the colony is present (which likely is primarily during summer).

The noise footprint of the rail line traffic will expand significantly with the current line upgrade proposal, and other users such as Amtrak have expressed interest in increasing the speed of their trains and potentially expanding future service on the rail line which would increase the noise impacts beyond the proposed use by CSX and LIRC. The proposed line upgrade and increase of noise impacts may have a negative effect on the gray bat colony near the rail line in Sellersburg. The USFWS's letter dated June 28, 2011 (in Appendix A of the Draft EA) did not explain whether it was the track construction/upgrade that would not impact the gray bat or if it was the increased noise and vibration from longer, heavier and faster trains after the track was upgraded that would have no impact on the gray bat. We recommend further coordination with the USFWS to determine if the projected increased noise and vibration from an increase of train traffic will impact the gray bat colony.

b. FOUR-TOED SALAMANDER: As indicated above, this species was documented in Chestnut Ridge Seep Springs. DNP's recommendations above should be implemented to minimize impacts to this species. We also recommend that no work take place in this area during the egg laying/hatching season, which is April 1 through June 1.

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c. MUSSELS: The above mussel species are not likely found live in the area of the rail line crossing; therefore, we do not foresee any impacts to these mussel species as a result of this project.

d. BADGER: Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

2) Riparian Habitat & Mitigation:

With the lack of information regarding the Flatrock River bridge replacement, we are unable to determine the impacts to the river or the forested riparian habitat along the river. We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at:  
<http://www.in.gov/legislative/iac/20120801-IR-312120434NRA.xml.pdf>.

Impacts to habitat in the floodway (forested, wetland or early successional habitat) may require mitigation whether the habitat is in the right-of-way or not. Impacts to non-wetland forest under one (1) acre should be mitigated at a 1:1 ratio. Impacts to non-wetland forest over one (1) acre should be mitigated at a minimum 2:1 ratio. Impacts to wetlands should also be mitigated at the appropriate ratio.

Any mitigation site(s) should be located in the floodway, downstream of the one (1) square mile drainage area of that stream (or a nearby stream) and adjacent to existing forested riparian habitat. Mitigation sites should be within the same 8-digit HUC as the habitat impact location.

Only locally-native hardwood trees and shrub species should be planted in the floodway. The tree planting list should have a strong component of hard mast tree species and comparatively few wind-dispersed tree species. Mitigation sites located in the floodway should be developed following the species selection and planting guidelines in the DNR's Floodway Habitat Mitigation guidelines mentioned above.

Herbaceous seeding within the floodway, except in areas that will be maintained/mowed regularly, should be done with a seed mix composed of native grasses, sedges and wildflowers (native seed mix to contain at least 10 species which should include native grasses, sedges and forbs).

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants (e.g. crown-vetch).
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
5. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.

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6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction.
8. Post "Do Not Mow or Spray" signs along the right-of-way.
9. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
10. Seed and protect disturbed stream banks that are 3:1 or steeper with heavy-duty biodegradable erosion control blankets (follow manufacturer's recommendation for installation); seed and apply mulch on all other disturbed areas.

**Contact Staff:**

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife  
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer  
Environ. Coordinator  
Division of Fish and Wildlife

**Date:** October 3, 2013