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SEA

SERVICE DATE – AUGUST 13, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 295 (Sub-No. 8X)

**The Indiana Rail Road Company – Abandonment Exemption –
in Sullivan County, Ind.**

BACKGROUND

In this proceeding, the Indiana Rail Road Company (INRD) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Sullivan County, Indiana. The rail line proposed for abandonment extends approximately 4.37 miles. The proposed abandonment will commence at Kindill Lead Milepost 3.1 at County Road 1600 West, and proceed westerly to Kindill Lead Milepost 7.47. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to INRD, the rail line proposed for abandonment is part of a branch line leading west from INRD's north-south line between Chicago, Illinois and Louisville, Kentucky. INRD refers to the branch line as the Kindill Lead. INRD states that no local traffic has moved over the line since 2004 when the Kindill (Minnehaha) Mine closed. There is no overhead traffic on the line that would have to be rerouted.

Based on information in INRD's possession, the line does not contain federally granted rights-of-way. INRD has not yet completed a review of its title to the line. INRD is not aware of any restrictions that would limit the use of the property for other than rail purposes. INRD will decide how to dispose of the right-of-way once it has concluded its investigation.

According to INRD, the right-of-way width for the majority of the line is 100 feet. The line runs through relatively flat, lightly wooded countryside that in the past has been extensively mined on each side. The rail and ties were removed west of Milepost 6.79 before INRD purchased the line in 2006. The only structure on the line is a bridge located at Milepost 4.24, which was built in 1956 and is about 50 feet high. The bridge deck was replaced in 1972 after a fire. The bridge would not be removed if this abandonment is granted. INRD states that it would erect suitable barricades to prevent public access to the bridge.

ENVIRONMENTAL REVIEW

INRD submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. INRD served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to INRD, no local traffic has moved over the line since 2004 and there is no overhead traffic on the line to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

INRD indicates that it intends to remove all 132 lb. continuous welded rail and use it for general maintenance purposes throughout its system. The remainder of the rail would be sold "as is where is" for salvage. INRD does not plan to remove the bridge. Salvage activities would be performed from the rail line itself to minimize disturbance of the roadbed and of the area adjacent to the right-of-way. INRD indicates that salvage activities would be conducted in a manner that avoids disturbance of adjacent land or cutting of trees. Salvage activities would be conducted in a manner that does not affect water quality either by increasing runoff or contaminating it, and would not be expected to have any effect on water quality.

INRD does not anticipate any adverse effect upon public health or safety as a result of the proposed abandonment. INRD indicates that precautions would be taken to ensure public safety

¹ The Environmental and Historic Reports are available for viewing on the Board's Web site at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 295 (Sub-No. 8X).

during any salvage operations. INRD is unaware of any hazardous commodities ever being handled on the line or of any hazardous waste sites located along the right-of-way.

INRD states that permits for salvage activities would not be required under sections 402 or 404 of the Clean Water Act. No designated wetlands or 100-year flood plains would be affected.

The Natural Resources Conservation Service in Indianapolis, Indiana has indicated that the proposed abandonment would not cause a conversion of prime farmland.

The National Geodetic Survey has advised SEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

According to INRD, the line does not cross any wildlife sanctuaries, refuges, national or state parks or forests and the proposed abandonment would have no effect on any such areas. The U.S. Fish and Wildlife Service (USFWS) Division of Realty in Fort Snelling, Minnesota has researched its ownerships in the vicinity of the proposed abandonment and has determined that it does not own any lands or interests in land in the vicinity of the abandonment, and it does not have any concerns regarding real estate matters in the abandonment. INRD states that the line does not lie in a designated coastal zone, and the proposed abandonment would not affect land or water uses within a designated coastal zone.

USFWS, Bloomington Field Office, has indicated that the line crosses Big Branch and several unnamed headwater streams, and passes through extensive tracts of forested wetlands. USFWS recommends several measures to minimize adverse impacts on fish and wildlife resources. INRD states that it would perform the work subject to the measures recommended by USFWS, specifically:

- Minimize tree clearing and avoid disturbance in wetlands and riparian areas. (INRD states that access to work areas would be from the rail line itself and should cause no disturbance of wetlands. INRD does not plan any tree clearing.)
- Avoid discharge of demolition debris, waste material, or other pollutants into streams or wetlands. (INRD states that there would be little or no demolition debris, waste material, or other pollutants generated by salvage activities and none would be discharged into streams or wetlands.)
- If earth moving is required, contain disturbed soil to prevent runoff to waterways or wetlands. (INRD states that no earthmoving is contemplated. In the event that earthmoving becomes necessary to conduct salvage activities, the measures recommended by USFWS would be undertaken.)

- If bridge or culvert removal is proposed, minimize disturbance of the stream channel and banks, and avoid work in Big Branch during the primary fish spawning season (April 1 – June 15). (INRD states that it does not contemplate bridge removal. If removal of the bridge on the line becomes necessary, INRD or its contractors would comply with the recommendation of USFWS.)

USFWS has also indicated that the proposed abandonment is within the range of the federally endangered Indiana bat (*Myotis sodalis*). The abandonment would not eliminate enough habitat to affect the Indiana bat, but to avoid incidental take from removal of an occupied roost tree, USFWS recommends that tree clearing be avoided between April 1 and September 30. If this measure is implemented, USFWS concurs that the proposed project is not likely to adversely affect the Indiana bat. INRD states that salvage activities related to abandonment of the line would not involve tree clearing. Should tree clearing become necessary, INRD states that it would not clear trees during the blackout period recommended by USFWS. SEA will recommend a condition requiring that, prior to beginning any salvage activities, INRD shall consult with USFWS to discuss the implementation, if appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

INRD served the historic report on the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO indicates that it has not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places (NRHP) within the probable area of potential effects. No currently known archaeological resources eligible for inclusion in the NRHP have been recorded within the proposed project area. SHPO states that no archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction. The Peoria Tribe of Indians of Oklahoma (Peoria Tribe) indicates that it has no objection to the proposed abandonment. The Peoria Tribe is currently unaware of any documentation directly linking Indian Religious Sites to the proposed project area.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have

determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the NRHP. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad will immediately cease all work and notify SEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). SEA shall then consult with the SHPO, interested federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Miami Tribe of Oklahoma and the Peoria Tribe of Indians of Oklahoma may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to beginning any salvage activities, the Indiana Rail Road Company shall consult with the U.S. Fish and Wildlife Service to discuss the implementation, if appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the Indiana Rail Road Company shall immediately cease all work and notify the Section of Environmental Analysis (SEA), interested federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) pursuant to 36 C.F.R. § 800.13(b). SEA shall then consult with the SHPO, interested federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 295 (Sub-No. 8X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: August 13, 2010.

Comment due date: August 27, 2010.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Attachment