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SEA

SERVICE DATE – FEBRUARY 15, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-364 (Sub-No. 12X)

**Mid-Michigan Railroad, Inc. - Abandonment Exemption - in Kent and Ionia
Counties, MI**

BACKGROUND

In this proceeding, Mid-Michigan Railroad, Inc. (MMRR or railroad) filed a petition under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Kent and Ionia counties, Michigan (MI). The rail line proposed for abandonment extends approximately 15.83 miles from Milepost 137.83, southeast of Lowell, MI, to Milepost 122.00, east of Prairie Center, MI (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in a rural area of central Michigan. According to MMRR, there are nine bridges and two culverts on the Line that are 50 years of age or older. MMRR is not aware of any known hazardous waste sites on the Line. Currently, there are two active shippers near the end of the Line in the vicinity of Ionia, MI.

The Line was constructed in 1857 by the Detroit & Milwaukee Railroad, which became the Detroit Grand Haven & Milwaukee Railroad (DGHM). DGHM was acquired by the Grand Trunk and Western Railroad Company (GTW) in 1882. The Line became part of the Central Michigan Railroad Company (CMR) in 1986 when it was sold by GTW to Straits Corporation (SC). In 1993, the Line was acquired by the Grand Rapids Eastern Railroad Company (GRE), which was controlled by RailTex, Inc. In 1999, GRE was merged into MMRR by RailTex. Subsequently, RailTex merged into RailAmerica, Inc. in 2000.

According to MMRR, it has entered into a Memorandum of Understanding to sell the Line to West Michigan Trails and Greenway Coalition for trails use.

ENVIRONMENTAL REVIEW

MMRR 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. MMRR 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

There are two active shippers on the Line: Gallagher Farm Service and Standard Lumber. Both shippers are located near Ionia, MI. Gallagher Farm Service shipped from eight to fifteen railcars annually on the line from 2004 through 2006. Through June 2007, nine cars were moved for Gallagher Farm Service. During this same time period, Standard Lumber shipped one or two railcars per year. Using the maximum number of railcars moved annually for each shipper (i.e., 22 railcars in 2007 on an annualized basis), and a railcar to truck ratio of 1:4, shipping this material by truck rather than railcar would generate approximately 176 truck trips per year (i.e., 88 roundtrips), or less than four truck trips per week. This very limited increase in truck traffic would result in negligible impacts to air quality or the local or regional transportation networks. The proposed abandonment would also not adversely impact the development, use and transportation of energy resources or recyclable commodities; or transportation of ozone-depleting materials.

Salvage Activities

MMRR intends to remove the rails and other track material from the Line, but would leave the ties, ballast, bridges and culverts. MMRR does not intend to disturb the underlying roadbed. Nine public road crossings and 20 private crossings would be removed. Salvage activities would be accomplished through the use of the existing right-of-way and existing public and private road crossings. MMRR does not propose any new access roads to complete salvaging activities. Any debris would be transported away from the right-of-way. During rail removal, appropriate measures would be implemented by MMRR to prevent or control spills of fuels, lubricants or other potential water pollutants.

MMRR notes that the proposed abandonment should not be inconsistent with local or regional land use plans.

The Natural Resources Conservation Service (NRCS) had not responded to the railroad's environment report at the time this EA was prepared. However, impacts to prime agricultural soils are not expected given the scope of MMRR's proposed salvage activities (i.e., no disturbance of the railbed and sub-grade). Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-364 (Sub-No. 12X).

The U.S. Fish and Wildlife Service (USFWS) had not responded to the railroad's environmental report regarding impacts to threatened and endangered species at the time this EA was prepared. However, because MMRR's salvage activities would be limited in scope, SEA would not expect the proposed abandonment to adversely impact any Federally listed or proposed threatened or endangered species that may occur in the project area. Nevertheless, a copy of this EA has been provided to the USFWS for review and comment.

The U.S. Army Corps of Engineers (Corps) had not responded to the railroad's environmental report regarding impacts to waters of the United States at the time this EA was prepared. However, because MMRR's salvage activities would not include bridge, culvert or ballast removal, SEA would not expect the proposed abandonment to result in the discharge of dredge or fill material to waters of the United States including wetlands. Nevertheless, a copy of this EA has been provided to the Corps for review and comment.

A portion of the Line is located in the Ionia Recreation Area, a state property managed by the MI Department of Natural Resources (MDNR). Because of the limited nature of MMRR's salvaging activities, SEA would not expect the proposed abandonment to adversely impact the recreation area. Conversely, the diversion of rail traffic from the Line may have a positive impact on the recreation area and its users. A copy of this EA has been provided to MDNR for review and comment.

HISTORIC REVIEW

MMRR submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Michigan Historic Center (the State Historic Preservation Offices or SHPOs), pursuant to 49 CFR 1105.8(c). However, that initial historic report contained the descriptions and photographs of the wrong bridges and culverts on the Line. On January 24, 2008 MMRR submitted corrected historic reports to the SHPO and SEA for review and comment.²

SEA has not heard from the SHPO; and therefore, has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the

² A copy of the railroad's corrected historic report is available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-364 (Sub-No. 12X).

Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following seven tribes within Kent and Ionia counties:

- Bay Mills Indian Community, Michigan
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Ottawa Tribe of Oklahoma
- Red Lake Band of Chippewa Indians, Michigan
- Saginaw Chippewa Indian Tribe of Michigan
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan

A copy of this EA has been provided to each of the seven tribes for review and comment.

CONDITIONS

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

1. Mid-Michigan Railroad, Inc. (MMRR) 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, 16 U.S.C. 470f, has been completed. MMRR shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Michigan Historic Center (State Historic Preservation Office) and the public. MMRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of rails and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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 and no salvage activities), 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 CFR 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 the time specified in the Federal Register notice. 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-364 (Sub-No. 12X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: February 15, 2008.

Comment due date: March 17, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment