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OEA

SERVICE DATE – JANUARY 27, 2014

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-1087 (Sub-No. 2X)**

**Grenada Railway LLC - Abandonment Exemption - in Yalobusha County, Miss.**

**BACKGROUND**

In this proceeding, Grenada Railway LLC (GRYR or railroad) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of an approximately 10.42-mile rail line. The rail line extends from Milepost 604.0 at Water Valley Junction to Milepost 614.42 at Bruce Junction in Yalobusha County, Mississippi (MS) (the Line). The Line is sometimes referred to as the Water Valley Branch Line. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA).

**DESCRIPTION OF THE LINE**

The Line is located in rural central Mississippi and the width of the Line's right-of-way is generally 100 feet. According to the railroad, there are 12 structures on the Line that are 50 years old or older including bridges, trestles and culverts. Most of the bridges and trestles are timber, open-deck structures and the culverts are made of concrete. To facilitate potential public or recreational use of the Line in the future, the railroad states that none of the structures would be removed or disturbed under the proposed abandonment. The approximately 100-year-old Line was acquired by GRYR in 2009.

There has been no rail traffic on the Line since April 17, 2008. The railroad is not aware of any hazardous waste sites on the Line that would be affected by the proposed abandonment.

**ENVIRONMENTAL REVIEW**

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. The railroad served the environmental report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> OEA reviewed and investigated the record in this proceeding.

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-1087 (Sub-No. 2X).

For environmental reviews of rail line abandonments, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency. This includes the diversion of traffic to other rail lines or transportation modes and the consequences of removing the track and related structures. Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8<sup>th</sup> Cir. 1990).

### ***Diversion of Traffic***

Because there is no rail traffic on the Line, 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***

Bridges, trestles and culverts would remain in place under the proposed abandonment. However, the railroad's environmental report does not specify whether rail, ties and other track equipment on the Line would be salvaged or left in place.

The Natural Resources Conservation Service has not responded to the railroad's environmental report. However, OEA does not anticipate potential impacts to prime farmland soils protected under the Federal Farmland Protection Policy Act (7 U.S.C. § 4201) if salvage activities (if any) are confined to the existing right-of-way.

The U.S. Army Corps of Engineers – Vicksburg District (Corps) has not responded to the railroad's environmental report. However, OEA does not anticipate potential impacts to wetlands and other waters of the U.S. protected under the Section 404 of the Clean Water Act (33 U.S.C. § 1344) if salvage activities (if any) are confined to the existing right-of-way and all bridges, trestles and culverts are left in place. Nevertheless, OEA has provided a copy of this EA to the Corps for review and comment. Additionally, OEA recommends that a condition be imposed requiring the railroad to contact the Corps prior to beginning salvage activities (if any) to discuss potential impacts to wetlands and other waters of U.S. The railroad shall report the results of this consultation to OEA in writing.

The U.S. Fish and Wildlife Service (USFWS) has not responded to the railroad's environmental report including the railroad's statement that it does not believe that the proposed abandonment would have any impact on endangered or threatened species, or on any area designated as a critical habitat. Based on the information available to date, OEA is unable to determine whether any federally listed threatened or endangered species exist in the vicinity of the proposed abandonment. If rails, ties and other track materials are salvaged, and if salvage activities are confined to the right-of-way, OEA believes that potential impacts to any such species could be appropriately mitigated through consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1536). Accordingly, OEA recommends that a condition be imposed requiring the railroad to contact the USFWS – Mississippi

Ecological Services Field Office<sup>2</sup> prior to beginning salvage activities, if any, to discuss potential impacts to federally listed endangered or threatened species. The railroad shall report the results of this consultation to OEA in writing. Should any potential impacts be identified, the railroad shall consult with OEA and USFWS to develop appropriate mitigation measures. OEA has provided the USFWS with a copy of this EA for review and comment.

The U.S. Environmental Protection Agency, Region 4 (USEPA) states that inadequate information was provided on the proposed abandonment, and therefore, it was unable to comment at this time. OEA has provided the USEPA with a copy of this EA for review and comment.

The Mississippi Department of Marine Resources states that Yalobusha County is not located in the Mississippi Coastal Zone, and therefore, does not require review under the Mississippi Coastal Program.

## **HISTORIC REVIEW**

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and provided a copy to the Mississippi State Historic Preservation Office (or SHPO), pursuant to 49 C.F.R. § 1105.8(c). As a component of its public outreach, the railroad placed a notice of the proposed abandonment in North Mississippi Herald of Water Valley, MS on December 19, 2013. The railroad also notified local governments of the proposed abandonment. Both the historic report and this EA are available on the Board's website, and OEA has provided the SHPO with a copy of this EA.

At the time this EA was prepared, the SHPO has not submitted comments on GRYR's proposed abandonment; and therefore, OEA is unable to consider the SHPO's opinion before determining whether the proposed project could affect historic properties. Accordingly, we are recommending a condition requiring GRYR 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 until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> (database searched January 15, 2014) to identify federally recognized tribes that may have ancestral connections to the project area. The database identified no federally recognized tribes as having connections to Yalobusha County, MS.

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<sup>2</sup> Located at 6578 Dogwood View Parkway, Suite A, Jackson, MS 39213-7856

## **CONDITIONS**

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

1. Grenada Railway LLC shall consult with the U.S. Army Corps of Engineers – Vicksburg District (Corps) prior to beginning salvage activities, if any, regarding permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. § 1344) and, if applicable, shall comply with the reasonable permitting requirements of the Corps.
2. Grenada Railway LLC shall contact the U.S. Fish and Wildlife Service, Mississippi Ecological Service Field Office (USFWS) prior to beginning salvage activities, if any, to discuss potential impacts to any federally listed endangered or threatened species. The railroad shall report the results of this consultation to the Board's Office of Environmental Analysis (OEA) in writing. Should any potential impacts be identified, the railroad shall consult with OEA and USFWS to develop appropriate mitigation measures.
3. Grenada Railway LLC (GRYR) 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. GRYR shall report to the Board's Office of Environmental Analysis regarding any consultations with the Mississippi State Historic Preservation Office and the public. GRYR may not file its consummation notice 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, OEA 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 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 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 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 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, D.C. 20423.

### **COMMENTS**

If you wish to file comments regarding this EA, please send an **original and one copy** to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1087 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294 or e-mail at [david.navecky@stb.dot.gov](mailto:david.navecky@stb.dot.gov).

Date made available to the public: January 27, 2014.

**Comment due date: February 10, 2014.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment