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SEA

SERVICE DATE – APRIL 4, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-325 (Sub-No. 4X)

**Florida Midland Railroad Company, Inc. – Abandonment Exemption –
in Sumter County, FL**

BACKGROUND

In this proceeding, Florida Midland Railroad Company, Inc. (FMID) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Sumter County, Florida. The rail line proposed for abandonment extends approximately 4 miles from milepost ST-762.10 to milepost ST-766.10 (the Line). 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 FMID, the Line, known as the Wildwood Branch, was previously owned and operated by CSX Transportation, Inc. (CSXT). When FMID acquired the Leesburg Branch and other rail lines from CSXT in 1987, it purchased the Line's track and track materials outright and obtained a lease of and operating rights over the underlying property. Ownership of the real estate comprising the right-of-way remained with CSXT. Thus, FMID does not own the property underlying the Line. The Line was part of an earlier proposed abandonment, but FMID chose not to consummate it. However, FMID did previously abandon additional trackage east of the Line.

FMID indicates that the Line traverses older, commercial and industrial downtown areas within Wildwood, a developed area in the subdivision of Orange Home, and flat, rural agricultural and residential areas between those two communities. The width of the Wildwood Branch right-of-way is generally 100 feet.

ENVIRONMENTAL REVIEW

FMID submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. FMID 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) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to FMID, no local traffic has moved over the Line for at least two years, and there is no overhead traffic 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.

FMID states that it intends to salvage track from the Line, but the railbed and subgrade would remain in place and would not be disturbed. FMID also indicates that the proposed abandonment would allow permanent closure of a total of five public grade crossings and six private crossings.

The Florida State Clearinghouse (FSC) stated that, based on the information provided by FMID and comments provided by its reviewing agencies, the proposed abandonment is consistent with the Florida Coastal Management Program.

The Florida Department of Environmental Protection (FDEP) stated that the Florida Natural Area Inventory databases and maps indicate that several threatened and endangered species and species of special concern such as the American bald eagle, indigo snake and Florida pine snake may be found near the project area and that an eagle nest exists within 1000-feet of the site. FDEP also stated that the Florida Fish and Wildlife Commission previously identified numerous breeding bird colonies proximate to the site. FDEP indicated that FMID should submit a GIS-generated linear corridor or equivalent mapping program to FDEP's Southwest District Office so that it can verify the occurrence of any possible identified hazardous waste sites. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring FMID to submit a GIS-generated linear corridor or equivalent mapping program to FDEP's Southwest District Office.

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-325 (Sub-No. 4X).

The St. Johns River Water Management District (SJWMD) indicated that, for the portion of the proposed abandonment within SJWMD's area, any wetlands adjacent to the Line should be protected from disturbance, sedimentation and encroachment during the removal of rail and track materials. SJWMD stated that FMID should contact SJWMD's Orlando Service Center regarding permitting requirements. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring FMID to consult with SJWMD's Orlando Service Center regarding permitting and track removal and to comply with its reasonable requirements.

The Florida Fish and Wildlife Conservation Commission (FFWCC) reviewed the proposed project and found potential habitat for the eastern indigo snake and the bald eagle. FFWCC also stated that there were no records of bald eagle nests or eastern indigo snake in the immediate vicinity. Therefore, FFWCC agreed with FMID that there are no foreseen adverse effects to the listed species. However, FFWCC recommended that the area be surveyed for tortoises and, if any burrows are found, that Rick McCann of the FFWCC's Division of Habitat and Species Conservation be contacted to obtain an incidental take or relocation permit, as appropriate. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring FMID to consult with Mr. Rick McCann regarding tortoises in the project area and any incidental take or relocation permits that may be required.

The National Geodetic Survey (NGS) stated that nine geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we recommend that a condition be imposed requiring FMID to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Environmental Protection Agency's Region 4 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to FSC, FDEP, SJWMD, FFWCC and USEPA for their review and comment.

HISTORIC REVIEW

FMID served the historic report on the Florida State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), 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.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: the Seminole Nation of Oklahoma and the Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Florida Midland Railroad Company, Inc. shall submit a GIS-generated linear corridor or equivalent mapping program to the Florida Department of Environmental Protection, Southwest District Office in order to verify the occurrence of any possible hazardous waste sites in the area of the proposed abandonment.
2. Prior to commencement of any salvage activities, Florida Midland Railroad Company, Inc. shall consult with the St. Johns River Water Management District's Orlando Service Center regarding permitting and track removal and comply with its reasonable requirements.
3. Prior to commencement of any salvage activities, Florida Midland Railroad Company, Inc. shall consult with Mr. Rick McCann of the Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation regarding tortoises in the project area and any incidental take or relocation permits that may be required.
4. Florida Midland Railroad Company, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

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 will 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 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 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 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, 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 Docket No. AB-325 (Sub-No. 4X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental

contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: April 4, 2008.

Comment due date: April 18, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment