

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 392 (Sub-No. 1X)

**Arkansas Midland Railroad Company, Inc. – Abandonment Exemption –
in Phillips County, Ark.**

BACKGROUND

In this proceeding, Arkansas Midland Railroad Company, Inc. (AKMD) 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 Phillips County, Arkansas. The rail line proposed for abandonment extends 2.66 miles from milepost 0.00 to the end of the track at milepost 2.66 in West Helena, Arkansas (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.

ENVIRONMENTAL REVIEW

AKMD 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. AKMD 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 Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

According to AKMD, the line, referred to as the West Helena Industrial Lead, was built by Missouri Pacific Railroad Company (MPR) in 1936 to serve lumber-related industries in West Helena. The line was sold by MPR to AKMD in 1992. The last carloads received by any industry on this line moved in 2007. No rail freight service has been provided or requested on the line since 2007. No overhead traffic was or could be handled on the stub-ended line. The line was embargoed on August 12, 2011, as a result of the deteriorated condition of its only

¹ The 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 392 (Sub-No. 1X).

bridge. AKMD believes that no reasonably foreseeable possibility for the development of new rail traffic exists.

From its origin, the line extends generally northeasterly and then northwesterly for 2.66 miles to the end of track at milepost 2.66 in West Helena. The area surrounding the right-of-way is generally flat. The line traverses residential areas at its middle portion, while the northern terminus of the line is commercial and industrial. AKMD does not believe that the right-of-way would be of interest to the state or any other entity as a highway or mass transportation line or other similar public use because it is located in a developed area with a mature roadway system. The width of the right-of-way varies between 50 and 100 feet. Based on information in AKMD's possession, the line does not appear to contain any federally granted rights-of-way.

AKMD does not believe that any site or structure listed in or meeting the criteria for listing in the National Register of Historic Places is located on the line or would be affected by the abandonment. AKMD is unaware of any culturally significant locations, archaeological sites or unique land forms that would be affected by the abandonment. The only structure on the line is a short, four-span, timber pile trestle bridge over Caney Creek. The bridge is in poor condition. AKMD believes it dates from the initial construction of the line in 1936.

Diversion of Traffic

According to AKMD, no rail traffic has moved over the line in over two years. 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.

Following abandonment, AKMD indicates that it intends to salvage rail, ties and track material from most of the line and dispose of that portion of the right-of-way. Salvage operations would be handled using existing access routes. AKMD plans to retain approximately four-tenths of a mile of trackage connecting with AKMD's main line at milepost 0.00 for storage and switching purposes.

AKMD does not foresee any inconsistency with regional and/or local land use plans. AKMD indicates that there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way. During salvage operations on the line,

AKMD would take precautions to ensure public safety. Abandonment of the line would allow for the permanent closure and removal of eight public highway crossings and three private at-grade crossings.

The National Geodetic Survey (NGS) has advised OEA that two geodetic station markers have been identified that may be affected by the proposed abandonment. We will recommend a condition requiring that AKMD notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Department of Agriculture, Natural Resources Conservation Service has indicated that no prime farmland would be impacted by the proposed abandonment and related salvage activities.

The Arkansas Department of Environmental Quality (ADEQ), Water Division has indicated, based upon the information submitted, that the proposed abandonment and related salvage activities appears environmentally sound and in compliance with state and federal laws. ADEQ advised that if salvage activity would disturb in excess of one acre, AKMD must comply with the terms of Stormwater Construction General Permit ARR150000 prior to the start of salvage. AKMD indicates that it would comply with the general permit terms, if applicable.

The U.S. Environmental Protection Agency, Region 6 (EPA) recommended that AKMD consult with a number of other federal agencies. With the exception of the Federal Emergency Management Agency (FEMA), AKMD has already consulted with the agencies suggested by EPA. AKMD has served a copy of the Environmental/Historic report to FEMA for its review and comment.

AKMD does not believe that any critical habitat would be destroyed, altered or affected as a result of the proposed abandonment, or that any threatened or endangered species are present in the project area. The line is located in a developed area. The line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests. The Arkansas Forestry Commission and the Arkansas Game and Fish Commission have both indicated that they have no comment on the proposed abandonment. The U.S. Fish and Wildlife Service (USFWS) identifies the Ivory Billed Woodpecker, Piping Plover, Least Tern, Fat Pocketbook Clam, and Pallid Sturgeon as threatened or endangered species occurring within Phillips County. The USFWS has indicated that there are no trust resources protected under the Endangered Species Act present in the area of the line. For the reasons stated above – the location of the line in a developed area and that salvage activities would be temporary and limited to the rail line itself - the proposed abandonment would not be likely to adversely affect endangered or threatened species or areas designated as critical habitat.

AKMD does not anticipate any impacts to wetlands or streams as a result of the proposed abandonment or related salvage activities. AKMD states that no material would be disposed of into a waterway as part of the proposed abandonment. The U.S. Department of the Army Corps

of Engineers, Memphis District (Corps) has determined that there are no designated wetlands or waters of the United States within the area of the proposed abandonment. The Corps has indicated, based on the information provided, that no Corps permits would be required for the proposed abandonment and related salvage activities.

The Arkansas Natural Resources Commission (ANRC) has expressed concerns about impacts to state designated wetlands as a result of the proposed abandonment and related salvage activities. ANRC has advised that AKMD use an appropriate assessment method to determine compensatory mitigation requirements, and the appropriate amount of mitigation required to offset the impacts should be implemented. ANRC also recommended that AKMD utilize most current best management practices (BMPs) when conducting salvage of the line to help minimize erosion and maintain water quality in the area. AKMD has indicated that it would utilize BMPs as appropriate. Based upon the location of the line provided, ANRC has indicated that the proposed abandonment would cause no potential adverse effects relative to the 100-year floodplain. The line is not within a designated Coastal Zone Management Area. OEA will recommend a condition requiring that AKMD consult with ANRC prior to commencing any salvage activities to address ANRC's concerns about potential impacts to designated wetlands from salvage activities.

OEA 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, OEA does not believe that salvage activities would cause significant environmental impacts

HISTORIC REVIEW

AKMD submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Department of Arkansas Heritage, State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO has indicated that there is one archeological site, 3PH470, located adjacent to the railroad tracks and one National Register of Historic Places (National Register) eligible structure, the Franklin Ice Company Building, near the proposed project area. In the opinion of the SHPO, the train trestle along the route is not eligible for inclusion in the National Register.

The SHPO states that the proposed project area is located approximately 140 meters west of the Franklin Ice Company Building, and the abandonment would have no adverse effect on the structure. In order to avoid potential impacts to archeological site 3PH470, the SHPO recommends that the track side crane that would be used to remove the rails and timbers during salvage activities be placed on the east side of the tracks in the area from the northern terminus of the project area south to Plaza Avenue. AKMD believes that track removal can be accomplished

from its own right-of-way or on the east side thereof and is agreeable to this condition. With the stipulation that archeological site 3PH470 be avoided, the SHPO concurs that the proposed undertaking would have no effect on historic properties. Accordingly, to address the SHPO's concerns, OEA will recommend a condition requiring that AKMD avoid impacts to archeological site 3PH470 during salvage activities.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that, if the recommended condition requiring AKMD to avoid impacts to archeological site 3PH470 during salvage activities is imposed, the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicated no federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment.

CONDITIONS

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

1. Arkansas Midland Railroad Company (AKMD) shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.
2. Prior to commencement of any salvage activities, Arkansas Midland Railroad Company shall consult with the Arkansas Natural Resources Commission (ANRC) to address its concerns about potential impacts to designated wetlands from salvage activities and, if applicable, shall comply with the reasonable requirements of ANRC.
3. Arkansas Midland Railroad Company shall, prior to conducting any salvage activities related to the abandonment, ensure that archeological site 3PH470 is not adversely

² Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited March 20, 2012).

impacted by the salvage activities.

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), 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 4-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 original and 2 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 392 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett 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: March 26, 2012.

Comment due date: April 10, 2012.

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

Attachment