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SEA

SERVICE DATE – APRIL 14, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-43 (Sub-No. 177X)

**Illinois Central Railroad Company – Abandonment Exemption –
in Lawrence County, MS**

BACKGROUND

In this proceeding, Illinois Central Railroad Company (IC) 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 an approximately 4.1-mile line of railroad in Lawrence County, Mississippi. The rail line extends between milepost 53.0 near Silver Creek and milepost 57.1 near Ferguson. A map depicting the rail line in relationship to the area served is appended to the Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

IC 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. IC 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 IC, no local traffic has moved on the line for at least two years and no overhead traffic would need to be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of

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-43 (Sub-No. 177X).

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. As part of the proposed salvage activities, IC states that it intends to salvage rail, ties, and track material from the line. The proposed abandonment would also allow for the elimination of four public grade crossings.

IC states that the line passes through timberland and some houses are located in the area. The line includes one open deck timber bridge over Silver Creek, which is located at milepost 53.3. The right-of-way is generally 100 feet in width and, according to IC, the property may be suitable for trail use.

IC states that it would take precautions during salvage operation to ensure public safety. IC also indicates that no material will be disposed of into waterways during salvage activities. Accordingly, we recommend a condition requiring IC to conduct salvage activities in the manner it has proposed.

The Natural Resources Conservation Service (NRCS) submitted comments stating that prime farmland is not present in the area of the proposed abandonment and that the proposed abandonment is in full compliance with the Farmland Protection Policy Act. NRCS advised that IC use Best Management Practices during the proposed abandonment; accordingly, we recommend that IC follow Best Management Practices during salvage activities.

The U.S. Fish and Wildlife Service (USFWS) also submitted comments stating that the proposed abandonment would cause no significant adverse wetland impacts and that no Federally listed, proposed or candidate species are present in the area. The Mississippi Natural Heritage Program (MNHP) submitted comments stating that no wilderness areas or wildlife preserves would be affected by the proposed abandonment. Additionally, the U.S. Army Corps of Engineers (Corps) submitted comments stating that no Corps permits would be required for the proposed project.

The Mississippi Department of Environmental Quality (DEQ) submitted comments stating that they do not anticipate any adverse environmental impact as a result of the proposed abandonment. However, DEQ states that a General Permit is required for projects that involve the disturbance of one acre of land or more, pursuant to the Storm Water Regulations. Accordingly, prior to commencement of any salvage activities, we recommend that IC consult with Mr. Jim Morris at the Environmental Permits Division of the Office of Pollution Control regarding its stormwater requirements and comply with its reasonable requirements.

The U.S. Environmental Protection Agency, Region 4 (USEPA), provided general comments regarding the proposed abandonment. USEPA recommends that any runoff from the exposed rail bed be controlled during salvage activities, particularly at any rail line crossings of waterbodies such as streams. Moreover, USEPA states that any past petroleum or other chemical spills along the line should be cleaned up and removed railroad ties should be properly disposed due to their creosote treatment. USEPA also recommends that all staging areas for salvage work be sited outside of wetlands and streams, and should be restored after salvage is completed. According to USEPA, if residences are located near the rail line, any noisy salvage work should be limited to weekdays during daytime hours to the extent feasible. USEPA also states that the salvage activities must comply with all Federal, state and local laws and regulations. Finally, USEPA recommends that all removed rails be recycled and the railroad corridor be allowed to revegetate naturally or be reused for approved linear or recreational projects. In order to address USEPA's comments, we recommend a condition requiring IC to comply with USEPA's specific recommendations pertaining to salvage activities. SEA does not recommend environmental conditions regarding the post-abandonment use of the right-of-way.

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.

According to IC, the proposed abandonment is not located within a designated Coastal Zone Management Area, and the proposed project will not affect wildlife sanctuaries or refuges, national or state parks or forests.

IC states that its records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way. Moreover, the Groundwater Assessment and Remediation Section of DEQ has no concerns regarding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: NRCS; USFWS; Corps; MNHP; DEQ; USEPA; and National Geodetic Survey.

HISTORIC REVIEW

IC submitted the historic report on the Mississippi Department of Archives and History (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would have no effect on 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 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not 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.

In order to identify any Federally recognized tribes that may have ancestral connections to the project area, SEA contacted the Bureau of Indian Affairs' Eastern Region (BIA). BIA indicated that the Mississippi Band of Choctaw Indians may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to the tribe for review and comment.

The SHPO also indicated that there is a remote possibility that unrecorded cultural resources may be encountered during salvage activities. In the event that IC discovers such resources, the SHPO requests that IC contact its office immediately. Accordingly, we will recommend a consultation condition to address the SHPO's concern.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. As agreed to by Illinois Central Railroad Company (IC), IC shall conduct salvage activities in the following manner: take precautions during salvage operation to ensure public safety and dispose no material into waterways during salvage activities.
2. Based on the comments of the Natural Resources Conservation Service, Illinois Central Railway Company shall follow Best Management Practices during salvage activities.
3. Prior to commencement of any salvage activities, Illinois Central Railway Company shall consult with Mr. Jim Morris at the Mississippi Department of Environmental Quality's Environmental Permits Division of the Office of Pollution Control regarding its stormwater requirements and shall comply with its reasonable requirements.
4. Based on the recommendations of the U.S. Environmental Protection Agency, Region 4, Illinois Central Railroad Company shall conduct salvage activities in the following manner: control any runoff from the exposed rail bed during salvage activities, particularly at any rail line crossings of waterbodies such as streams; site all staging areas for salvage work outside of wetlands and streams

and restore those areas after salvage is completed; and limit any noisy salvage work to weekdays during daytime hours to the extent feasible.

5. In the event that any unrecorded cultural resources (such as 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 the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the State Historic Preservation Office (SHPO). SEA shall then consult with the SHPO, interested Federally recognized tribes, and the railroad to determine whether any 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 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. 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-43 (Sub-No. 177X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: April 14, 2006.

Comment due date: May 1, 2006.

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

Vernon A. Williams
Secretary

Attachment