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SEA

SERVICE DATE – JUNE 11, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 117 (Sub-No. 7X)

**Elgin, Joliet & Eastern Railway Company – Abandonment Exemption –
in Lake County, Ind.**

BACKGROUND

In this proceeding, Elgin, Joliet & Eastern Railway Company (EJ&E) 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 discontinuance of service and abandonment of a line of railroad in Lake County, Indiana. The rail line proposed for abandonment extends approximately 2.18 miles from Milepost 46.10 to Milepost 48.28 in Hammond. 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 EJ&E, no local traffic has moved over the line proposed for abandonment during the past two years and there is no overhead traffic on the line that would have to be rerouted. The line is located in a developed urban area with a mature roadway system. EJ&E is not aware of any alternative public use for which the right-of-way might be suitable. The line previously served as the main line to a fabrication shop (Beatty Machine), steel processing/service center (LaSalle Steel), and a scrap yard. Most of the rail traffic declined in the 1980's. EJ&E states that there are no bridges or structures located along the right-of-way.

ENVIRONMENTAL REVIEW

EJ&E 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. EJ&E 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

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 117 (Sub-No. 7X).

Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to EJ&E, no local traffic has moved over the line for at least two years and there is no overhead traffic on the line. 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. The construction of new access points to the right-of-way may be required.

EJ&E does not anticipate any adverse effect upon public health or safety as a result of the proposed abandonment. EJ&E states that precautions would be taken to ensure public safety during any salvage operations. EJ&E is unaware of any hazardous commodities ever being handled on the line or of any hazardous waste sites located along the right-of-way.

The Lake County Board of Commissioners has indicated that it does not foresee any potential adverse effects resulting from the abandonment proceeding as proposed.

The National Geodetic Survey has advised SEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

The Natural Resources Conservation Service in Indianapolis, Indiana has indicated that the proposed abandonment would not cause any conversion of prime farmland.

EJ&E states that the line does not pass through any wildlife sanctuaries or refuges or any national or state parks or forests. EJ&E indicates that the line does not lie within a designated Coastal Zone Management Area. EJ&E does not believe that removal of the rails would affect any existing wetlands.

The Indiana Department of Natural Resources (DNR) has indicated that the proposed abandonment and related salvage activities might require the formal approval of DNR pursuant to the Flood Control Act. EJ&E has provided additional information to DNR's Division of Water's Technical Services Section indicating that EJ&E intends to salvage rail, ties and track materials only. The rail bed would be left in place. The line does not cross over the Calumet River. EJ&E would not be constructing, excavating or filling in or on the Calumet River.

Accordingly, EJ&E has concluded that no formal DNR approval for salvage activities would be required by EJ&E pursuant to the Flood Control Act.

The line runs within 200 feet of the northern boundary of Roxanna Marsh near the eastern end of the proposed abandonment. DNR's Natural Heritage Database indicates that there are records for Northern leopard frog (*Rana pipiens*), which is a state species of special concern, and the state endangered Black tern (*Chlidonias niger*) and King rail (*Rallus elegans*) within Roxanna Marsh. EJ&E has stated that, to the best of its ability, it will not cross the northern boundary of Roxanna Marsh to endanger the Northern leopard frog, the Black tern, or the King rail. DNR further states that fish, wildlife, and botanical resources losses as a result of the proposed abandonment could be minimized through implementation of the following measures:

- Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
- Do not work in the waterway from April 1 through June 30 without the prior written approval of DNR's Division of Fish and Wildlife.
- Do not cut any trees suitable for Indiana bat roosting (living or dead, with loose hanging bark) from April 1 through September 30.
- Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering streams or leaving construction sites; maintain these measures until construction is complete and all disturbed areas are stabilized.
- Seed and protect all disturbed stream banks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for selection and installation) or use an appropriate structural armament; seed and apply mulch on all other disturbed areas.
- Do not excavate or place fill in any riparian wetland.

Accordingly, SEA will recommend a condition requiring that, prior to beginning any salvage activities, EJ&E shall consult with DNR regarding possible impacts to state species of concern and to discuss the implementation, if appropriate, of measures to minimize any impacts to fish, wildlife, and botanical resources.

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.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

EJ&E served the historic report on the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has indicated that no currently known archaeological resources eligible for inclusion in the National Register of Historic Places (NRHP) have been recorded within the proposed project area. The SHPO has not identified any resources listed in or eligible for inclusion in the NRHP within the probable area of potential effects.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the NRHP. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), 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>.

To address concerns raised by the SHPO, SEA will recommend a condition requiring that, in the event that any unanticipated 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 SEA, interested Federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). SEA shall then consult with the SHPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Citizen Potawatomi Nation, Forest County Potawatomi Community, Hannahville Indian Community, and the Prairie Band of Potawatomi Nation may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

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

1. Prior to beginning any salvage activities, Elgin, Joliet & Eastern Railway Company shall consult with the Indiana Department of Natural Resources (DNR) to address DNR's concerns about possible impacts to state species of concern and the implementation, if appropriate, of measures to minimize any impacts to fish, wildlife, and botanical resources.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, Elgin, Joliet & Eastern Railway Company shall immediately cease all work and notify the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology (SHPO) pursuant to 36 C.F.R. § 800.13(b). SEA shall then consult with the SHPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate 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 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 an **original and two 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 117 (Sub-No. 7 X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental contact for this case, 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: June 11, 2010.

Comment due date: June 25, 2010.

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

Attachment