

APPENDIX A – PART 1

**COMMENTS ON THE
DRAFT EA**

E1-20283
Rec'd 9/4/13

Other Submissions.

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing :

Docket #: FD -35523 --

Subject: * CSX Transportation, Inc.-Joint Use--Louisville & Indiana Railroad Company, Inc.

First Name: * Cynthia

Middle Name:

Last Name: * Stacy

Address: * PO Box 1527
118 S. Eight Tribes Trail

City: * Miami

State: * OK

Zip Code: * 74355-1527

Email Address: * cstacy@peoriatribe.com

Group/Affiliation: Peoria Tribe of Indians of Oklahoma

Message:

Thank you for providing notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is unaware of any documentation directly linking Indian Religious Sites to the proposed project locations. There appear to be no objects of cultural significance or artifacts linked to our tribe located on or near either project location.

The Peoria Tribe of Indians of Oklahoma is unaware of items covered under NAGPRA (Native American Graves Protection and Repatriation Act) to be associated with the proposed project sites. These items include: funerary or sacred objects; objects of cultural patrimony; or ancestral human remains.

The Peoria Tribe has no objection at this time to the proposed project. If, however, at any time items are discovered which fall under the protection of NAGPRA, the Peoria Tribe requests immediate notification and consultation. In addition state, local and tribal authorities should be advised as to the findings until consultation with all concerned parties has occurred.

Thank you,
Cynthia Stacy
Special Projects Manager/NAGPRA
Peoria Tribe of Indians of Oklahoma
918-540-2535 Ext. 31
Fax 918-540-2538
cstacy@peoriatribe.com

E1-20284

ER-17172, Bartholomew, Clark, Jackson, Johnson, Marion, and Scott Counties

Hippensteel, Beth

to:

naveckyd

09/09/2013 09:33 AM

Hide Details

From: "Hippensteel, Beth" <BHippensteel@dnr.IN.gov>

To: <naveckyd@stb.dot.gov>

Dear Mr. Navecky:

This is a standard informational email in response to your request for an Environmental Review, which was received on September 3, 2013 for the following project:

CSX Transportation, Inc. and Louisville and Indiana Railroad Company, Inc., Draft Environmental Assessment: easement acquisition for joint operation and improvement of 106.5 miles of rail line from Indianapolis, IN to Louisville, KY, including bridge replacement over the Flatrock River, in Columbus, IN; Docket No. FD 35523

We would like you to know that the review is in process and a formal response will be forthcoming. Please refer to the ER number in the subject line on all future correspondence regarding this project.

Please note that you can submit future requests electronically to the following email address:
environmentalreview@dnr.in.gov.

If you have any questions or comments, please contact Christie Stanifer, Environmental Coordinator, at 317-232-8163 or cstanifer@dnr.in.gov, or to check on the status of a review, please contact Beth Hippensteel at: bhippensteel@dnr.in.gov, or at 317-234-1092.

Christie Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington St, Room W273
Indianapolis, IN 46204-2781
(317) 232-8163
Fax: (317) 232-8150

Surface Transportation Board

Incoming Correspondence Record

#EI-20313

E-Filing Correspondence Information **Status: In Process**

* Required Fields

Recorded by David Navecky on 09/09/2013

*Docket #:	FD 35523 0	Affiliation:	Self / Individual
*Name of Sender:	Dale Sedler, PE	Letter Type:	E-filing
Group:		NEPA Type:	EA Comment
Attention Of:	Unknown	In Public Docket?	Yes <input checked="" type="radio"/> No
*Date Received:	09/09/2013	Phone Number:	317-736-4425
Date of Letter:		Email Address:	missylu1@yahoo.com
Group's Address:	1412 S. Highland Dr	Group's Zip Code:	46131-
Group's City:	Franklin		
Group's State:	IN		

Submitter's Comments

The bridge on this RR over Hurricane Creek in Franklin needs to be replaced. It is undersized and the difference in water surface level upstream of the bridge is as much as 4 feet higher than downstream per the FIS for the 100 year storm. There was flooding upstream of this bridge in June 2008. The FEMA map # is 18081C)231D. Thank you for allowing me to comment.

STB's Comments

Image Attachment(s)

An attachment has not been added.

JACKSON COUNTY EMS

Providing EMS since 1991

616 W. BROWN ST.
SEYMOUR, IN 47274
OFFICE PHONE: 812-523-7501
FAX: 812-522-8670
EMAIL: brasher@jacksoncountvems.org

Dennis Brasher, Executive Director

EI-20314
Rec'd 9/19/13



September 19, 2013

Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

Dear Mr Navecky:

Thank you for allowing us to comment on the proposed EA of train traffic between Indianapolis and Louisville.

We are the sole provider of Emergency Medical Service in Seymour, IN which is located approximately half way between Louisville and Indianapolis. Schneck Hospital and EMS stations are located west of the current north-south railway. A majority of the population of Seymour city lives east of the railway as well and most of the large shopping centers and industrial parks.

With this increase of train traffic, we feel this will have a major negative impact in the following areas:

- Grossly extending EMS response times to the Interstate-65 corridor which runs on the east side of the city
- Extending response times to all calls originating east of the tracks
- Extending transfer times of critical patients which we bring in to the local hospital and those that are transferred from our hospital to other hospitals north and south of our location

We have established world class times for the patients that are transferred from Schneck hospital to Columbus Regional for Cardiac catheterization. Time is heart muscle on these patients and we agree that the volume of trains running with this proposal will have an adverse impact on these patients.

Thanks again for allowing our input in this very important matter.

Sincerely,

Dennis Brasher
Executive Director

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

EL-20310
Rec'd 9/20/13

September 9, 2013

Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

Dear Mr. Navecky:

The proposed project to make railroad line improvements in several Indiana counties, as referred to in your letter received September 3, 2013, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-295-5842.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist

Surface Transportation Board

Incoming Correspondence Record

#EI-20315

E-Filing Correspondence Information Status: In Process

* Required Fields *Recorded by David Navecky on 09/20/2013*

*Docket #:	FD 35523 0	Affiliation:	Local Government Agency
*Name of Sender:	David Allmon, Chief	Letter Type:	E-filing
Group:	Columbus Fire Department	NEPA Type:	EA Comment
Attention Of:	Unknown	In Public Docket?	Yes <input checked="" type="radio"/> No
*Date Received:	09/20/2013	Phone Number:	812-376-2679
Date of Letter:		Email Address:	dallmon@columbus.in.gov
Group's Address:	1101 Jackson Street	Group's Zip Code:	47201-
Group's City:	Columbus		
Group's State:	Indiana		

Submitter's Comments

The Columbus Fire Department has no comment regarding the general regulations referring to this proposal. Our major concern would be a spill/accident within the city proper or within Bartholomew County as we are a regional Haz-Mat response team provider.

STB's Comments

Image Attachment(s)

An attachment has not been added.

Kickapoo Tribe of Oklahoma

P.O.Box 70
407 N. Hwy 102
McLoud, Oklahoma 74851

Administration Department
Phone: 405-964-7053; Fax: 405-964-7065
Email: kwilson@kickapootribeofoklahoma.com

September 18, 2013

E1-20309
Rec'd 9/23/13

Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

*RE: Docket No. FD 35523, CSX Transportation,
Inc.-Joint Use-Louisville & Indiana Railroad
Company, Inc.*

Dear Mr. Navecky:

Thank you for consulting with the Kickapoo Tribe of Oklahoma in regard to the above referenced site(s). At this time, the Kickapoo Tribe of Oklahoma has no objections to the proposed development at the intended site(s). However, in the event burial remains and/or artifacts are discovered during the development or construction process, the Kickapoo Tribe of Oklahoma would ask for immediate notification of such findings.

Should I be of any further assistance, please contact me at (405) 964-4227.

Sincerely,



Kent Collier
NAGPRA Contact
Kickapoo Tribe of Oklahoma

Cc: File

Gilbert Salazar
APETOKA
CHAIRMAN

Boyd Ponkilla
ADAMIDATA
VICE-CHAIRMAN

Patricia Gonzales
MOKTANOCUA
SECRETARY

Jennell Downs
KISAKODICUA
TREASURER

Everett Suke
MOKTANO
COUNCILMAN



Town of Sellersburg

316 EAST UTICA STREET
P.O. BOX 85
SELLERSBURG, INDIANA 47172
(812) 246-7049 FAX (812) 246-7040

David L. Kinder
Clerk-Treasurer
Michelle D. Miller
Deputy Clerk Treasurer
Robin M. Jones
Deputy Clerk-Treasurer

September 17, 2013

Received 9/23/13

EI-20311

Mr. Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

Re: Docket No. FD 35523, CSX Transportation, Inc. – Joint Use – Louisville & Indiana Railroad Company, Inc.

Dear Mr. Navecky,

I am writing in response to your letter dated August 30, 2013 requesting comments on the Draft EA on behalf of the Town of Sellersburg, Indiana (hereinafter the "Town"). According to the letter, the Town has four (4) trains that pass through on a daily basis and the proposed increase is to seventeen (17) trains. This is over a 400% increase for the Town and creates great concerns within the community.

The Town is a medium sized town with the train tracks traversing through the heart of it. There are many homes on either side of the tracks and there are five (5) railroad crossings within the Town's limits. Only one (1) of which has crossbars. Furthermore, one of the other crossings that do not have crossbars is one of the Town's main thoroughfares to the local park where middle, junior, and high school teams practices are held.

My first concern is the emergency response time of our local responders. The idea of having more and longer trains traveling through our Town is not a favorable option. As I stated previously, the Town is a medium sized town and if there is an emergency and a long train is on the tracks the responders might not make it to the call in time because for most of the Town there are only a few points of access to each street. The delay and lack of available secondary roads in our town makes the idea of having more and longer trains frequenting the Town a negative one.

Secondly, the current noise and vibrations of passing trains is already enough for majority of the citizens in our Town. I understand railroad transportation is a necessity, but increasing our existing traffic of trains by over 400% would be an *undue burden* on our community. We only have one crossbar intersection so when the trains pass through, especially after mid-night, they have to honk their horns for an extended period of time, which wakes numerous residents on a nightly basis. This is something that is complained about on a regular basis and is also a reason stated why some potential homeowners refuse to live in the Town.

Lastly, the proposed extensive increase in train traffic per day will create a substantial risk of danger for the Town's citizens. Majority of the railroad crossings within the Town do not have crossbars and if longer, heavier, and faster trains are passing through more frequently, it will only be a matter of time before there is a tragic accident. Therefore, at the very least, if this transaction commences despite our concerns and objections, I would request that CSXT and/or L&I create a quiet zone and install crossbars at every crossing prior to any increase in train traffic. This requirement would be an important and very positive step by the industry to minimize the negative impact on our community and demonstrate a sincere concern for the welfare and wellbeing of the citizens of our community.

Sincerely,


Paul Rhodes
Town Council President
Town of Sellersburg



TOWN
OF
Edinburgh

ADMINISTRATIVE OFFICES

107 SOUTH HOLLAND STREET

P.O. BOX 65

EDINBURGH, INDIANA 46124-0065

812-526-3512 Fax 812-526-3542

www.edinburgh.in.us

September 6, 2013

Mr. Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

EI-20312
Redd 9/24/13

Re: Docket No. FD 35523, CSX Transportation, Inc. – Joint Use – Louisville & Indiana Railroad Company, Inc.

VIA E-MAIL AND US MAIL

Dear Mr. Navecky:

Thank you for the opportunity to comment on the above-referenced project. The Town of Edinburgh has concern related to the impact the increased rail traffic will have on the Emergency Services the town provides to residents east of the railroad track.

The location of and/or the existence of the Edinburgh Emergency Service Providers may have been overlooked by the planners as referenced by Table C-7, *Appendix C* of the Draft Environmental Assessment – August 2013. The Edinburgh Fire Station and EMS Rescue are located at 203 S Walnut Street, within 500 feet west of the Rail Line. The Edinburgh Police Department is located at 200 S Main Street, approximately 1000 feet west of the Rail Line.

Louisville & Indiana Rail Line effectively divides the population of our residential community in half. The proposed increased rail traffic and train length will potentially have a substantial detrimental effect on the ability of the Edinburgh Emergency Service Providers to respond to our citizens who reside on the east side of the Rail Line. Table C-6 of *Appendix C* of the Draft Environmental Assessment – August 2013 indicates an anticipated increase in Total Vehicle Traffic Delay (24-Hr) at the Crossing of Center Cross St. from 16.59 minutes in a 24 hour period (No-Action) up to 188.55 minutes in a 24 hour period (Proposed Transaction).

We trust that this potential negative community impact will be a carefully considered with the proposed upgrades CSX has planned for the rail lines. We would welcome the opportunity to work toward a mutually satisfactory solution for this concern.

Sincerely,

John Drybread
Director of Utilities
Town of Edinburgh

FARROW 
THOMPSON, P.C.
ATTORNEYS AT LAW

EI-20317
Redd 9/26/13

113 East Second Street
Post Office Box 644
Seymour, Indiana 47274
Phone: 812-522-6949
Fax: 812-523-6829

September 26, 2013

Mr. Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

Re: Docket No. FD 35523, CSX Transportation, Inc.—Joint Use—Louisville & Indiana Railroad Company, Inc.

Dear Mr. Navecky:

I am writing as an interested citizen to comment on the Draft Environmental Assessment that has been distributed regarding the above-noted proposed project.

The City of Seymour is bisected by the north-south L&I line which passes through the downtown commercial district of the City. Additionally, the City is bisected by an east-west CSXT line that was formerly the B& O Railroad. CSXT currently routes two (2) trains daily north on the L&I line from Louisville to Seymour and then transferring to the CSXT line for travel eastward from Seymour toward Cincinnati. The CSXT trains that travel from south to east through Seymour currently cause delays in automobile traffic on two major highways through the City, e.g. highway U.S. 50 (E. Tipton Street) at the L&I rail line and State Highway 11 (Broadway Street) at the CSXT rail line. Motor vehicle traffic comes to a standstill in downtown Seymour because both highway crossings are blocked simultaneously as the trains travel along the circular tracks northbound and then eastbound. If those trains are to be eliminated as the Application filed in this case contends, the aggravation of these traffic jams would be eliminated. However, a significant increase in the number of trains traveling that route and blocking those two highway grade crossings simultaneously could have a negative impact on public safety vehicles being able to cross over the rail lines in an emergency.

There is an underpass on the west side of Seymour and an overpass on the east side of Seymour for automobile traffic to use in avoiding trains on the east-west CSXT rail line. However, there are no such structures allowing motorists to avoid train traffic on the north-south L&I rail line. Additional train traffic on that line will likely result in more delays to automobile traffic and adversely impact the movement of public safety vehicles in the event of an emergency. The addition of an overpass or an underpass somewhere in the City of Seymour would exacerbate that situation. Substantial financial assistance from state and federal government and the railroads would have to be made available for such a project to be built.

Rodney E. Farrow
Travis J. Thompson

There was mention in the EA of a Hamilton Township Fire station within close proximity of the L&I line. I think that information is incorrect. The Hamilton Township fire station is actually located in the unincorporated community of Cortland, Indiana, approximately 3 miles west of the City of Seymour. That fire station may have a Seymour mailing address but it is not within the city limits of Seymour, nor is it close to the L&I rail line.

It was not mentioned in the Draft EA, but the Redding Township Fire District has a relatively new fire station that is situated just north of the City of Seymour in the unincorporated community of Rockford (at the northeast corner of High Street and Reddington Street). This fire station is located approximately 2 blocks east of the L&I rail line, and houses equipment of the Redding Township Volunteer Fire Department. Fire and rescue runs made from that station to rural areas of Redding Township that are situated north of the fire station and west of the L&I rail line could be delayed by increased train traffic on the rail line.

Thank you for your consideration of my comments.

Sincerely,



Rodney E. Farrow

Surface Transportation Board

Incoming Correspondence Record

#EI-20319

Filing Correspondence Information		Status/In Process	
* Required Fields		Recorded by David Navecky on 09/27/2013	
*Docket #:	FD 35523 0	Affiliation:	Local Interest
*Name of Sender:	Gary A. Meyer	Letter Type:	E-filing
Group:	Schneck Medical Center	NEPA Type:	EA Comment
Attention Of:	Dave Navecky	In Public Docket?	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Date Received:	09/27/2013	Phone Number:	8125222349
Date of Letter:	09/27/2013	Email Address:	gmeyer@schneckmed.org
Group's Address:	411 West Tipton Street	Group's Zip Code:	47274-
Group's City:	Seymour		
Group's State:	IN		

Submitter's Comments
If transmission of the response letter is not successful, please contact my assistant Robin Clark at rclark@schneckmed.org or 812.524.4238.

STB's Comments

Image Attachment(s)
An attachment has not been added.

Dear Mr. Navecky:

On behalf of Schneck Medical Center, please accept this response letter regarding the CSX Transportation (CSXT), Inc., and Louisville and Indiana Railroad Company (L&I) proposal to increase rail traffic on the L&I rail line between Indianapolis, Indiana and Louisville, Kentucky.

Schneck Medical Center is the sole provider of hospital and emergency medical services in Seymour, Indiana, located approximately midway between Louisville and Indianapolis. The hospital is located west of the current north-south railway. The majority of the population of Seymour lives east of the railway as well most of the large retail outlets and industrial parks.

While we support industry growth and development, we are concerned with community safety and emergency services response times, in a scenario where nearly all east-west crossings in the community are blocked by the railway. We feel the increase in train traffic will have a negative impact in the following areas:

1. **1-65 Corridor Response Time** In addition to extending the response time to all calls originating east of the railway, the increased train traffic will grossly extend emergency services response times to the I-65 corridor, which runs on the east side of the city.
2. **Critical Patient Response Time** Extending transfer times of critical patients to the hospital and those that are transferred from Schneck Medical Center to other hospitals north and south of Seymour.
3. **Cardiac Catheterization Response Time** Schneck and Jackson County EMS have established world-class response times in the treatment of heart attack patients, a situation in which "time is heart muscle". This process involves transferring patients to the cardiac catheterization lab at Columbus Regional Hospital north of Seymour, accessible only by crossing the railway.
4. **No Alert Mechanisms at Crossings** Many of the railroad crossings in our community have poor or no alert mechanisms (flashing signal, barriers) of oncoming trains. Often times these crossings are only marked by a railroad crossing sign.
5. **Poor Visibility at Crossings** Compounding the above problem is the fact that many crossings have poor visibility when approaching to cross the railway.
6. **Increased Rail Traffic--Increased Train Speed** Trains that pass through our community are typically moving at a slow rate of speed. We are concerned the poor visibility and no alert mechanisms at some of the crossings is a "recipe for disaster". Communication will be critical in educating the community of the railway changes.
7. **Operational Issues that Block Crossings** While every minute can be precious in an emergency, crossings blocked for extended periods of time are a much greater problem than simply having to wait while a train passes. A variety of railroad operational issues can lead to trains stopping in a position that blocks a crossing. Given the growth in both rail and highway traffic, it is likely that the problem of blocked crossings will only continue to increase.

We request that CSXT and L&I work actively with our community to identify safety and access issues and develop remedies including constructing grade separations allowing continuous east-west access on US Highway 50 through the Seymour community.

Thank you for your attention to our comments and concerns in this very important matter.

Sincerely,

Gary A. Meyer, MHA
President/CEO

EI-20324
Rec'd 9/30/13

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2225

September 30, 2013

Mrs. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Re: Docket No. FD-35523, *CSX Transportation, Inc. –Joint Use—Louisville & Indiana Railroad Company, Inc.*

Dear Mrs. Rutson:

On July 2, 2013, CSX Transportation, Inc. (“CSXT”) and the Louisville & Indiana Railroad Company, Inc. (“L&I”) filed an application pursuant to 49 U.S.C. §11323(a)(6) and 49 C.F.R. Part 1180 (the “Application”) seeking approval from the Surface Transportation Board (the “Board”) for the joint use by CSXT and L&I of L&I’s 106.5-mile railroad line between its connection with CSXT in Indianapolis, IN, milepost 4.0±, and its connection with CSXT in Louisville, KY, milepost 110.5±, including designated sidings and turnouts (the “Line”). In order to jointly use the Line with L&I, CSXT seeks authority to acquire and jointly use a perpetual non-exclusive freight railroad operating easement over the Line (the “Easement”). The joint use and acquisition of the easement is referred to as the “Proposed Transaction.” CSXT and L&I are collectively referred to as the “Applicants.” On August 30, 2013, the Board’s Office of Environmental Assessment (“OEA”) served a Draft Environmental Assessment (“Draft EA”). In the Draft EA, OEA encouraged comments on the recommended mitigation measures. Below are CSXT’s comments on the recommended mitigation measures.

There are several mandatory mitigation measures (“MMM”) that are somewhat duplicative of the voluntary mitigation measures proposed by CSXT. While the mandatory mitigation measures and voluntary mitigation measures require the same outcome, the phrasing of each measure is slightly different, thus requiring compliance with both conditions. CSXT is willing to adopt many of OEA’s the duplicative mandatory mitigation measures to remove the duplicative effect.

MMM 1 duplicates portions of voluntary mitigation measures (“VM”) 4 and 35. Voluntary Mitigation measures 4 and 35 do not use the same wording as MMM (Grade Crossing Mitigation Plan) but lay out a grade crossing mitigation plan nonetheless. MMM 1 does not expand how to address the potential safety impacts at public at-grade crossings beyond the measures described in VMs 4 and 35. MMM 1 adds a timeframe for the initial meetings between Applicants and INDPT and KYTC. Applicants are willing to adopt the time timeframe in MMM 1 with regard to INDPT and KYTC.

Mrs. Victoria Rutson
September 30, 2013
Page 2

Applicants believe that MMM 2 is a subset of VM 34 and is unnecessary. MMM 2 requires that the siding extensions and new sidings be located and designed to minimize blockage of public at-grade crossings. VM 34 generally requires Applicants to identify ways to reduce highway/rail at-grade crossings. The general language in VM 34 also covers the more limited condition in MMM 2.

MMM 5 duplicates the language and cooperative requirements of VM 5 with regard to schools and park districts, but adds residential communities to the list of parties. Applicants are willing to cooperate with residential communities to identify at-grade crossings where additional pedestrian warning devices may be warranted.

MMM 6 duplicates the purpose of VM 2 to advise motorists of the increase in number, length and speed of trains on the Line associated with the Proposed Transaction. MMM 6 and VM 2 both require Applicants to coordinate with the appropriate state departments of transportation, appropriate counties and affected communities to install temporary notification signs or message boards along the Line's right-of-way advising of the increase in number, length and speed of the trains on the Line. MMM 6 and VM 2 differ on what triggers the notice requirement. Applicants are willing to adopt OEA's language but believe that "Transaction-related train traffic" should be more clearly defined as when train traffic associated with the upgrade begins to move over the Line.

MMM 6 also includes written notification to OEA of when signage is installed and a newspaper publication requirement. Applicants are willing to comply with the written notification and newspaper publication requirements.

CSXT contends that MMM 14 should be limited to (1) the Flatrock River Railroad Bridge, which the Indiana SHPO has suggested may be eligible for inclusion on the Historic Register, and (2) the areas where a siding could be extended or new siding built. The Draft EA states that the Indiana SHPO identified eight archaeological sites and six cemeteries that have been recorded adjacent to the Line, and raised concern about the potential presence of previously unknown archaeological sites. If ground disturbing activities do occur, such activities will occur within the railroad right-of-way at the locations of the Elvin and Brook sidings and the proposed Crothersville and Underwood sidings.

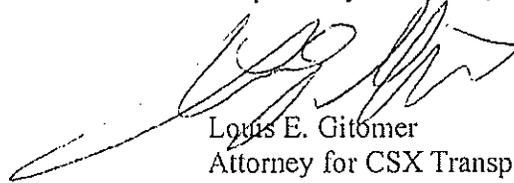
Applicants also believe that mitigation measure 4 should be limited to the Schneck Medical Center and the Seymour fire departments. The Hamilton Fire Station is no longer located at 414 W 2nd Street in Seymour. Applicants sent the Draft EA to the Hamilton Fire Station at 414 W. 2nd Street in Seymour via FedEx. FedEx conveyed to Applicants that the Fire Station was not located at this address. Applicants then sent the Draft EA to an address listed for the Hamilton Fire Station in Courtland, IN. That package was also returned. Applicants could not find an address for the Hamilton Fire Station within 2 miles of the line. Based on additional

Mrs. Victoria Rutson
September 30, 2013
Page 3

research, the Hamilton Fire Station maybe located at 6843 N 400 E, Seymour, IN. This location is more than 2 miles from the Line and from Schneck Medical Center.

Finally, CSXT recommends that the Final EA clarify that the extension of the Elvin and Brook sidings and the construction of the Crothersville and Underwood sidings will only occur if necessary. If volume warrant and at the sole discretion of the Applicants, L&I or its contractor will extend the existing sidings at Elvin and/or Brook and/or add capacity via construction of new sidings at Crothersville and/or Underwood. The exact siding locations will be determined based on operating needs and to minimize impact on highway crossings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", written over a horizontal line.

Louis E. Gitomer
Attorney for CSX Transportation, Inc.



United States Department of the Interior
Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

September 30, 2013

EI-20320
Redd 9/30/13

Mr. Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

RE: Docket No. FD 35523, CSX Transportation, Inc. – Joint Use – Louisville & Indiana Railroad Company, Inc.

Dear Mr. Navecky:

The U.S. Fish and Wildlife Service (FWS) has reviewed the draft Environmental Assessment (EA) for the aforementioned project and is providing the following comments. These comments are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Our office provided early coordination comments for this project on July 28, 2011, which also incorporated the Kentucky Field Office comments as well. At that time, we included threatened and endangered species information, as well as general comments and recommendations to minimize and avoid impacts to natural resources. The following comments and recommendations serve to update the FWS's Indiana and Kentucky Field Office's reviews based on the most recent project and species information.

According to the information provided in the EA, the proposed transaction would allow CSX Transportation, Inc. (CSXT) to jointly operate the Louisville & Indiana Railroad Company, Inc.'s rail line from Indianapolis, IN to Louisville, KY. As part of the joint use, CSXT proposes to fund improvements of the Line estimated to cost \$70 to \$90 million and to be completed within seven years. The upgrades would result in a Federal Railroad Administration (FRA) Class 4 track standard. With these upgrades, CSXT and L&I would operate at up to 49 mph over a majority of the Line. Improvements include: installing heavier weight and continuously welded rail over the entire 106.5-mile rail line, adding "hot box" detectors (devices located trackside that can prevent overheating by measuring the temperature of bearings), replacing older cross-ties, adding new ballast; and replacing the Flatrock River Railroad Bridge near Columbus, Indiana. CSXT would also increase the size of rail sidings at Elvin and Brook, Indiana, and build new sidings at Crothersville and Underwood, Indiana on the L&I rail line to make it easier for trains to pass one

another. Once the upgrades to the railroad are completed, it is anticipated that CXST will shift an estimated 13 to 15 trains per day to the upgraded route.

General Comments

Overall, the project appears to have minimal impacts to natural resources adjacent to the proposed project area. Most of the work will be contained within the existing right of way. The applicant and the Surface Transportation Board have proposed numerous measures to avoid and minimize impacts due to project construction, including seasonal tree-clearing restrictions for Indiana bat conservation, seasonal stream channel disturbance restrictions for the Flatrock River crossing; and various best management practices to reduce erosion, sedimentation, turbidity, and pollution of streams and adjacent habitat. Although there is a brief discussion of the bridge replacement project across the Flatrock River near Columbus, it is unclear if any other bridges or culverts will need to be constructed, including at the two new siding projects (Crothersville and Underwood locations). This information should be included, if applicable, in order to understand the full scope of the project's impacts. The EA indicates that over a mile and a half of new siding would be constructed in two locations but does not discuss how much forest clearing may be needed or what potential wetland and stream impacts would occur as a result of these projects. If additional bridges and culverts are required for perennial and large intermittent streams, we recommend minimizing the disturbance of stream channels and avoiding work during the primary fish spawning season (April 1 – June 15).

Endangered Species

Since the time of our original correspondence, changes in the status of several freshwater mussel species have occurred. Just this month, the rabbitsfoot mussel was added to the FWS's Threatened and Endangered Species List.¹ The rabbitsfoot is now listed as a threatened species. It is found in rivers and streams in Alabama, Arkansas, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia. The FWS estimates that it has been lost from about 64 percent of its historical range. While 51 of 140 historical populations are still present, only 11 populations are viable; 23 populations are at risk of extirpation and 17 populations do not seem to be reproducing at a level that can sustain the populations. Most of the existing rabbitsfoot populations are marginal to small and isolated. In Indiana it is found in Carroll, Cass, Fulton, Miami, Pulaski, Shelby, Spencer, Starke, Tippecanoe, and White counties.

Recently, the rabbitsfoot mussel has been found in the Flatrock River, which is one of the streams crossed by the project. Currently, the rabbitsfoot mussel is known to occur in the Flatrock River just across the border of Bartholomew County in adjacent Shelby County. These recent records are approximately 15 river miles upstream of the proposed railroad bridge replacement near Columbus, IN. We have contacted the state aquatic biologist to help further determine the distribution of this species in the Flatrock River, but have not yet obtained a

1. The U.S. Fish and Wildlife Service published a final rule in the Federal Register on September 17, 2013 determining that the rabbitsfoot mussel (*Quadrula cylindrica cylindrica*) is considered a threatened species under the Endangered Species Act. This final rule implements the protections provided by the Act for this species and will become effective October 17, 2013.

response. Because of the limited survey information we have, a mussel habitat survey in the area of the Flatrock River Bridge replacement project may be necessary (if any instream work is required) to determine if any suitable habitat is present for the rabbitsfoot mussel prior to bridge construction activities. If suitable habitat is present, a mussel survey may be warranted. Based on this, we cannot determine at this time what, if any, impacts the bridge project may have on the rabbitsfoot mussel. Once final bridge plans are developed, please re-coordinate with our office for further consultation on this species.

In addition to the new listing of the rabbitsfoot mussel, within the past two years, three proposed species with occurrences in Indiana have become federally listed: Both the rayed bean (*Villosa fabalis*) and snuffbox mussel (*Epioblasma triquetra*) were listed on March 15, 2012. These species are considered extant in portions of Sugar Creek in central Indiana. The nearest snuffbox mussel record occurs in Sugar Creek in northern Shelby County. This site is over 15 river miles northeast of the railroad's crossing of Sugar Creek. The rayed bean is known to occur in a stretch of Sugar Creek in Johnson County, just west and north of Edinburgh. This area is very near where the line crosses Sugar Creek; however, according to the information provided, no bridge, culvert, or other instream work associated with the project is proposed in or near Sugar Creek, and therefore the project is not likely to adversely affect either of these species.

The sheepsnose mussel (*Plethobasus cyphus*) was also recently listed as an endangered species on April 12, 2012. The sheepsnose mussel is found in Carroll, Cass, Clark, Floyd, Fulton, Harrison, Jefferson, Knox, Marshall, Martin, Perry, Pulaski, Spencer, Starke, Switzerland, Tippecanoe, Vanderburgh, Warrick, and White Counties. In 2007, a fresh-dead specimen was found near 18 Mile Island in the Ohio River in Clark County. Based on the project description, no work is expected to occur in the Ohio River and therefore the project is not likely to adversely affect the sheepsnose mussel as well.

The project is within the range of two endangered bat species, the Indiana bat (*Myotis sodalis*) and the gray bat (*Myotis grisescens*). Indiana bats hibernate in caves, then disperse to reproduce and forage in relatively undisturbed forested areas associated with water resources during spring and summer. Young are raised in nursery colony roosts in trees, typically near drainageways in undeveloped areas. Like all other bat species in Indiana, the Indiana bat diet consists exclusively of insects.

There is suitable summer habitat and several summer records for this species along the project corridor. The project will not eliminate enough habitat to affect this species, but, as discussed in the EA, the applicant has agreed to avoid incidental take from removal of an occupied roost tree by avoiding tree-clearing activities in the Indiana portion of the project during the period **April 1 - September 30**. If this measure is implemented we concur that the proposed project is not likely to adversely affect this listed species.

Gray bats inhabit caves year-round, although they migrate from summer foraging areas to winter hibernation caves. This species forages chiefly along waterways. Its range is primarily the southeastern US, and the only known summer colony in Indiana is located in an abandoned part of a gravel quarry adjacent to the project corridor near the city of Sellersburg, IN. The foraging territory of this colony includes the Silver Creek/Muddy Fork watershed and other nearby Ohio

River tributaries. Based on the information you provided, the proposed project will not have significant adverse **physical** impacts on the gray bat roosting site or foraging habitat; however, increased noise level in the vicinity of the summer colony could negatively affect the colony.

At the time of our original coordination, no information was provided related to the potential increase in noise along the rail line and adjacent parcels. The EA indicates that along the portion of the line that runs through the Sellersburg area, the anticipated increase in A-weighted decibel (dBA) noise over a 24-hr period (L_{dn}) would be 4 dBA (from an estimated existing 76.4 dBA level to an anticipated 80.4 dBA). Based on this information, a 65 dBA L_{dn} contour line was developed along the entirety of the line to depict areas that would experience noise levels greater than 65 dBA, which is considered a threshold value for incompatibility with residential areas. According to a discussion with Mr. Dave Davecky of the Surface Transportation Board on September 30, 2013, the 65 dBA contour extends out approximately 500 feet from the line, across the central portion of the quarry lake. The 70 dBA contour is much tighter along the rail line and only extends approximately 120 feet out towards the quarry area from the line. Bats at this colony are currently exposed to train noise on a daily basis, in addition to noise from the adjacent active quarry and the Clark County Airport. Although the noise level will increase somewhat in the vicinity of the track and the western part of the quarry lake, and the number of times the bats are exposed to the train noise will increase, we believe the bats are somewhat acclimated to these types of noises and anticipate impacts to the bats from this activity to be insignificant and discountable.

Specific Comments

Section 3.6.1.2 should be updated to reflect the current status of the rayed-bean, sheepsnose, snuffbox, and rabbitsfoot mussels in the project area.

In Table 3.8-4, the City of Greenwood is listed as occurring in Marion County and should be listed under Johnson County.

Design Recommendations

We recommend the following standard mitigation measures in the final project plans to minimize adverse impacts on fish and wildlife resources (many of these have already been included as proposed mitigation measures per the EA):

1. Post DO NOT DISTURB signs at the construction zone boundaries in forested areas, and do not clear trees or understory vegetation outside the boundaries.
2. Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottomed culvert is used in a stream with good bottom substrate for aquatic habitat (gravel, cobbles and boulders), the existing substrate should be left undisturbed beneath the culvert.

3. Construct bridges and culverts in wildlife habitat areas with benches and/or high water shelves for wildlife crossings.
4. Restrict channel work, especially low-water work, and vegetation clearing to the minimum necessary for installation of bridges or culverts.
5. Minimize the extent of artificial bank stabilization and use bioengineering methods wherever feasible. If riprap is used, extend it below low-water elevation to provide aquatic habitat.
6. Implement temporary erosion and siltation control devices such as placement of riprap check dams in drainage ways and ditches, installation of silt fences, covering exposed areas with erosion control materials, and detention basins, in accordance with INDOT specifications.
7. Revegetate all disturbed soil areas immediately upon project completion, using native species of plants in undeveloped areas.
8. Avoid channel work in perennial and intermittent streams during the fish spawning season (April 1-June 30).

Permits under Section 404 of the Clean Water Act may be needed for the proposed project. Our recommendations to the U.S. Army Corps of Engineers for permit conditions would be consistent with our comments here.

The FWS has a continuing interest in working with the Surface Transportation Board to ensure that project impacts to resources of concern are adequately addressed. Please continue to coordinate with Robin McWilliams Munson, project biologist, particularly with regards to the Flatrock River bridge replacement project.

If project plans change such that additional fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call Robin Munson at (812) 334-4261 (Ext. 1207).

Sincerely yours,



Scott E. Pruitt
Field Supervisor

cc: Christie Stanifer, Indiana Division of Fish and Wildlife, Indianapolis, IN
Jason Randolph, IDEM, Water Quality Standards Section, Indianapolis, IN
Danny Gautier, Indiana Division of Fish and Wildlife, Bloomington, IN
Katie Smith, Indiana Division of Fish and Wildlife, Indianapolis, IN
James Gruhala, USFWS, Frankfort, KY Field Office

ES: RMunson/332-4261/Sept 26, 2013

Surface Transportation Board

Incoming Correspondence Record

#EI-20321

Filing Correspondence Information		Status: In Docket	
* Required Fields		Recorded by <i>David Navecky</i> on <i>09/30/2013</i>	
*Docket #:	FD 35523 0	Affiliation:	Local Interest
*Name of Sender:	Laurence Brown	Letter Type:	E-filing
Group:	CAMPO	NEPA Type:	EA Comment
Attention Of:	Dave Navecky	In Public Docket?	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Date Received:	09/30/2013	Phone Number:	(812) 376-2502
Date of Letter:	09/30/2013	Email Address:	lbrown@columbus.in.gov
Group's Address:	123 Washington St.	Group's Zip Code:	47201-
Group's City:	Columbus		
Group's State:	IN		

Submitter's Comments
Please see attachments

STB's Comments

Page Attachment(s)
An attachment has not been added.



CAMPO
City of Columbus
123 Washington St
Columbus, IN 47201

Sept 30, 2013

Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

Board Members,

We write this letter as a comment to the Draft Environmental Assessment CSX Transportation, Inc. Joint Use Louisville & Indiana Railroad Company, Inc., and the Surface Transportation Board Decision Document, Docket Number: FD_35523_0.

Columbus Area Metropolitan Planning Organization (CAMPO) is concerned about the impact of this increased train traffic to the movement of people and goods in Columbus. The impact of increasing from 2 trains per day to up to 17 trains per day, and longer trains is substantial. The document also indicates that the track upgrades may take 7 years to accomplish such that the trains continue at their current slow speeds until then.

Of key importance is where SR46 and the L&I railroad meet. This is a very high traffic area where many local commuters, students and shoppers travel along with inter-state travelers. This is the main corridor in our city and there are currently no reasonable alternatives to this corridor when traveling east-west. This also separates a large portion of the city and its residence from the area's hospital. Although there are emergency services on both sides, they share resources when necessary and use this corridor to do so.

Given the importance of this corridor to all modes of travel, including transit and People Trail users, the CAMPO Policy Board has asked CAMPO staff to look into a grade separation at this intersection. Given that this intersection is in a flood plain, the solution would likely be SR46 going over the railroad, and given the clearances required for these larger railroad cars and the close proximity of the rail to the SR46 bridges, it would be very difficult and extremely expensive to develop such an overpass that allows us to use the existing bridges as they are currently used for SR46.

Much of the new development in Columbus has been on the west side, but yet the schools, hospital, employment centers and governmental facilities are east of the tracks. Our new transit

COLUMBUS AREA METROPOLITAN PLANNING ORGANIZATION



center finds itself east of the river, but west of the tracks, and the new trains have caused the buses to be up to 20 minutes late multiple times.

In short, CAMPO staff believes this will have a substantial impact on our city's ability to function well, and ask that all options be considered to optimize our ability to use this corridor. At the least, we imagine that a realignment of the railroad might make it easier and cheaper to build an overpass. Such an overpass will take years to plan and build and require significant resources. In the interim, we reiterate our concerns and welcome further discussion.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Laurence C. Brown".

Laurence Brown
CAMPO Director

Cc: Mayor Kristen Brown
CAMPO Board Members
Jeff Bergman, Planning Director
Jim Ude, INDOT Planning



E-filed comment on CSX joint easement, concerns about enviro impacts in
 Austin, IN from citizen
 Vicki Rutson to David Navecky

EI - 20323
 Rec'd 9/30/13

09/30/2013 05:20 PM

Victoria Rutson
 Director, Office of Environmental Analysis
 Surface Transportation Board
 (202) 245-0295 (phone)
 (202) 245-0454 (fax)
 ----- Forwarded by Vicki Rutson/STB on 09/30/2013 05:19 PM -----

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: - - - - -

Subject: * L&I Railroad & CSX Transp.
 First Name: * Janie
 Middle Name:
 Last Name: * Alexander
 Address: * 1425 W. State Rd. 256

City: * Austin
 State: * IN
 Zip Code: * 47102-
 Email Address: * alexander1425@frontier.com
 Group/Affiliation:
 Message:

I am concerned about the new easement proposing faster trains and more of them through Austin. There are 3 crossings without barriers or lights and it will be unsafe. Noise is also a factor for residents and businesses close by. Please consider the safety of everyone in our area as well as noise of the train whistles. Thank you.



Docket No. FD 35523
 McMullen, Kenneth B.
 to:
 naveckyd
 10/02/2013 07:59 AM
 Cc:
 "Riley, Michael D.", "Andrews, Chris"
 Hide Details
 From: "McMullen, Kenneth B." <KMCMULLEN@indot.IN.gov>

El- 20327
 Redd 10/2/13

To: <naveckyd@stb.dot.gov>

Cc: "Riley, Michael D." <MDRiley@indot.IN.gov>, "Andrews, Chris"
 <CANDREWS@indot.IN.gov>

History: This message has been replied to.

1 Attachment

 review FD 35523 CSXT LIRC 9.25.13.pdf.lnk

Suspect Attachment

Mr. Navecky,

I was asked to provide comments on this document by INDOT. We have done so, please be advised we are not used to this form of review and so our comments are based on how documents that are written for us and FHWA are reviewed. I hope you find some of them helpful.

Kenneth B. McMullen, CHMM
 Environmental Policy Manager
 Division of Environmental Services
 Indiana Department of Transportation
 (317)233-1164 office
 (317)460-6865 cell
 kmcmullen@indot.in.gov

" Real knowledge is to know the extent of one's ignorance."

Confucius

Summary of Comments on Microsoft Word - 20130820 Draft EA_18.docx

Page: 3

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:43:03 AM

First use of words and introduction of acronym, change all instances of this after this point to Board's OEA

Page: 4

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 9:45:12 AM

This would be an "Adverse Effect" to a historic bridge according to Section 106.

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 9:44:08 AM

You also have impacts to Cultural Resources, i.e. the Flat Rock River Railroad Bridge. If you will be replacing the bridge, that will be a significant "Adverse Effect" to a historic bridge.

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 9:46:38 AM

It will be difficult to issue a Final EA by November 6, 2013. INDOT ES cannot issue formal approval the ES document until all requirements under Section 106 are met.

Page: 7

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:15:27 AM

There are both environmental and historic impacts of the proposed transaction. This will require more documentation than has been provided, especially for Section 106.

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 1:32:30 PM

Again, INDOT ES cannot formally approve the ES, draft or final, until Section 106 is completed. In reading *40 CFR 1105.8*, there should be a Historic Report prepared for this ES.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:41:08 AM

Use OEA since this was already detailed earlier.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:18:28 AM

Section 106 is not complete, until it is complete the environmental portion is not complete nor final.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 1:34:24 PM

This US code has nothing to do with environmental rules. Change wording as to not confuse environmental rules with rules associated with Consolidation, merger, and acquisition of control. See 49 CFR 1105.7 and 1105.8

Page: 8

Author: togiffin Subject: Sticky Note Date: 9/25/2013 8:59:45 AM

Suggest possibly shortening the Executive Summary, some of the same information that is stated there is also stated in the sections following it. Makes it redundant for the reader and a long project to read and distill information from.

Page: 9

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 1:35:32 PM

Section 106 must be complete before INDOT ES approves the final ES document. This includes all mitigation measures and signed MOA if appropriate. Especially given that there will be replacement of the historic bridge, Flat Rock River Railroad Bridge.

Page: 11

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 11:31:22 AM

Need an appendix for Cultural Resources/Section 106. Include all maps, correspondence and information shared with SHPO and relevant information such a Historic Properties Report and an Archaeology Phase 1 report. See INDOT ES Categorical Exclusions Manual for guidance at: http://www.in.gov/indot/files/ES_2013CEManual.pdf

Page: 13

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:42:28 AM

Replace all instances of INDNR with IDNR.

Page: 19

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:41:42 AM

This has been detailed already, change to "Board's OEA" instead of spelling it out.

Page: 20

Author: ToGiffin Subject: Highlight Date: 9/24/2013 3:02:06 PM

INDOT ES uses either "Firm" commitments or "For Consideration" commitments. The reader may interpret voluntary mitigation to imply that these mitigation measures are "voluntary" and may or may not be completed. Terminology and definition needs to be defined here, early in the document, so as not to confuse the reader.

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 10:39:46 AM

This statement is not true, replacing a historic bridge is significant and in terms of archaeology there is mention of several cemeteries in close proximity to the rails being replaced/rehabilitated. The presence of these cemeteries may require a "cemetery development plan" according to Indiana Law...IC 14-21-1-26.5

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:52:19 AM

What about IDNR Division of Fish and Wildlife?

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 1:42:23 PM

What about assessing the cultural resources impacts. This sentence neglects to mention mitigation measures for Section 106 resources, i.e. Flat Rock River Railroad Bridge and various cemeteries along the route.

Page: 21

Author: ToGiffin Subject: Highlight Date: 9/24/2013 1:45:18 PM

This does not take into account the impacts on Cultural Resources, per Section 106.

Also, further in the document in several instances it says OEA determined there is no significant impacts to noise or emergency vehicles. Although you have mitigation measures for these, it does not mean that there is no significant impact. Mitigation measures address the significant impacts.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 10:48:22 AM

This date seems unrealistic, since Section 106 is not complete and INDOT ES cannot put final approval on the document until it is complete. SHPO has 30 days to respond and when you include mitigation through a MOA, there is potential for additional days due to the review process for the MOA as well. INDOT ES has 10 business days to complete our review, which includes all documentation related to Section 106 and mitigation measures.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 1:47:36 PM

What are the Board's environmental rules? Section 106 not complete.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 10:56:12 AM

I looked up this code and cannot find any reference to NEPA, only to labor and commerce.

Page: 23

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 3:03:22 PM

Just because there are mitigation measures put in place does not mean there are no adverse effects/significant impacts. Mitigation measures are in place as a result of impacts.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 1:50:48 PM

This entire statement is confusing. Needs clarification. Also, again Section 106 needs to be completed before INDOT ES approves the final document.

Page: 24

Author: ToGiffin Subject: Highlight Date: 9/24/2013 1:51:25 PM

Since this is considered a historic bridge by the IN SHPO, it is a significant impact (Adverse Effect) on a Cultural Resource.

Page: 25

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:11:39 AM

According to documentation further along in the document, Cultural Resources, i.e. a historic bridge and cemeteries, will be impacted. This needs to be stated in the next sentence along with the other environmental concerns.

Author: togiffin Subject: Highlight Date: 9/24/2013 3:34:26 PM

There is no mention of mitigation measures in place for Cultural Resources. These need to be present before final approval of the EA document. Above you only mention noise and emergency vehicles. Water resources and biological resources should also be mentioned. Be sure to consult with IDNR Division of Fish and Wildlife. Also, again the replacement of the Flat Rock River Railroad Bridge is an Adverse Effect on a historic property. Mention this here as well.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 3:37:29 PM

Mitigation is a result of impacts. Again, voluntary mitigation maybe interpreted by the reader to mean may or may not occur. Also, OEA recommended mitigation measures seems to imply that they are only recommendations not "Firm" mitigation measures to be carried out. This is present throughout the document, reword as not to confuse the reader.

Page: 29

Author: togiffin Subject: Highlight Date: 9/24/2013 2:17:34 PM

How this sentence reads is a bit confusing. Rephrase to indicate that these entities did not foresee any increases in rail shipping or industrial development base on their specific area's future needs.

Author: togiffin Subject: Highlight Date: 9/24/2013 3:39:03 PM

What does this statement about overhead trains have to do with generating employment opportunities? Clarify why this is so.

Page: 30

Author: togiffin Subject: Highlight Date: 9/24/2013 2:22:46 PM

Use of this term should include more detail of what the BMP's are specific to each area that is to incorporate BMP's as mitigation. Do this through out the document.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 2:24:39 PM

What about permits specific to each state? IDNR, IDEM, US Army Corp, won't these entities require permits as well?

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:33:51 AM

Replacing the bridge is a Section 106 issue as well. It would also bring into place IDNR requirements for water resources.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:35:48 AM

Again IDNR would need to be notified of this. Include any documentation from IDNR in appropriate appendicies.

Page: 31

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:37:26 AM

Should be (IDNR) not (INDNR). Replace all instances of INDNR with IDNR.

Author: togiffin Subject: Highlight Date: 9/24/2013 2:37:56 PM

This is a requirement to obtain a permit, not a recommendation to be required to obtain a permit. Remove last sentence, or replace it with a statement such as "OEA concurs that Construction in a Floodway Permit is required."

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:37:44 AM

Replace all instances of INDNR with IDNR.

Author: togiffin Subject: Highlight Date: 9/24/2013 3:44:17 PM

Reword to clarify the mitigation measure wording as stated above.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:47:26 AM

This sentence as written seems at first to indicate an increase in wildlife. Can wording be changed around to indicate in the first few words, i.e. "increase in strikes to"?

Author: ToGiffin Subject: Highlight Date: 9/25/2013 8:15:37 AM

Impacts such as.....?

Author: ToGiffin Subject: Highlight Date: 9/25/2013 8:19:27 AM

Isn't the mussels stream disturbance a different time of year and a different "period"? Or separate issue from the Indiana bat?

Page: 32

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:54:56 AM

Noise impact. Is Pigeon Roost Memorial Park a 4(f) or 6(f) resource?

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 1:16:50 PM

I don't understand this paragraph.

Page: 33

Author: togiffin Subject: Sticky Note Date: 9/25/2013 8:28:43 AM

Clark County is a Non-attainment area for Fine Particle Standards (PM 2.5). Johnson and Marion counties are in an Attainment Area with a Maintenance Plan.

Page: 34

Author: togiffin Subject: Sticky Note Date: 9/25/2013 8:44:26 AM

All of the noise section seems ok.

Page: 35

Author: ToGiffin Subject: Highlight Date: 9/23/2013 1:34:43 PM

This analysis should be documented in detail in a separate appendix for Cultural Resources/Section 106.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 1:37:11 PM

This will be hard to obtain before the anticipated final approval of the EA document. Also, all correspondence and related documentation pertaining to Section 106 impacts, historic and archaeology, should be included in appendix as well.

Page: 36

Author: ToGiffin Subject: Highlight Date: 9/23/2013 1:47:05 PM

Documentation from Indiana SHPO should be included, provide all details. Accordingly, SHPO will most likely need more detail of the proposed construction activities and the delineation of an area of potential effects.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 1:41:19 PM

This is Indiana State Law to notify SHPO when artifacts or human remains occur, not a recommended mitigation condition. See IC 14-21-1-26.5

Author: ToGiffin Subject: Sticky Note Date: 9/23/2013 1:44:01 PM

In reference to Kentucky SHPO, all of their requests are valid in order to complete Section 106. Again, not sure if this can be completed before the anticipated final approval date of December 2013

Page: 39

Author: togiffin Subject: Sticky Note Date: 9/25/2013 8:49:56 AM

Possibly move the sections explaining the difference between voluntary and OEA recommended mitigation to earlier in the document for clarification.

Page: 40

Author: ToGiffin Subject: Highlight Date: 9/25/2013 8:50:52 AM

Again this may be difficult to accomplish since full Section 106 is not complete.

Author: ToGiffin Subject: Sticky Note Date: 9/25/2013 8:57:52 AM

Mitigation measures should be put in terms of "Firm" or "For consideration" according to INDOT ES CE Manual.

Page: 41

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:20:58 AM

This should be done prior to initiating operational changes.

Page: 42

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:25:21 AM

This should be coordinated with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:26:16 AM

This should be coordinated with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:27:43 AM

This should be coordinated with IDNR

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:28:41 AM

This should be coordinated with IDNR

Page: 43

Author: ToGiffin Subject: Highlight Date: 9/24/2013 3:51:02 PM

This should be coordinated with IDNR. Also, give more detail as to what BMP's will be used.

Author: ToGiffin Subject: Comment on Text Date: 9/24/2013 8:30:01 AM

More here about Noise.

Author: togiffin Subject: Highlight Date: 9/24/2013 3:53:49 PM

You should also mention here to check for the archaeology sites indicated by IN SHPO in an attempt to avoid them.

Page: 44

Author: ToGiffin Subject: Highlight Date: 9/20/2013 2:19:42 PM
What is this program? Please explain.

Page: 45

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 8:53:44 AM
IDNR should be included as well.

Page: 47

Author: ToGiffin Subject: Highlight Date: 9/23/2013 1:32:57 PM
This was already detailed earlier in the document, use "Board's OEA"

Author: togiffin Subject: Highlight Date: 9/24/2013 2:33:48 PM
Insert "Recommended" before Mitigation Measures.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 8:59:30 AM
Is this possible?

Page: 48

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:02:06 AM
How is this supplemental? It is the exact same thing that is said in VM 5.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:03:14 AM
Depending on the scope of work, this could require NEPA review of its own.

Page: 49

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:07:28 AM
IDNR, since full spelling appears earlier in document.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 3:57:12 PM
There may be more mitigation required by IDNR Fish and Wildlife. Be sure to check with that Division.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:25:20 AM
The final approval of funds cannot be approved until Section 106 is complete. Seems as the December 6, 2013 final approval date is not feasible. According to 16 U.S.C. 470(f): The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, ***prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.*** The head of any such Federal agency shall afford the

Advisory Council on Historic Preservation established under part B of this subchapter a reasonable opportunity to comment with regard to such undertaking.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:40:04 AM
Accidental discoveries should fall under Indiana Code: IC 14-21-1-26

Page: 54

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:39:06 AM
This was already detailed earlier, use OEA instead of spelling it all out.

Page: 55

Author: ToGiffin Subject: Highlight Date: 9/24/2013 9:43:48 AM
The replacement of Flat Rock River Railroad Bridge is a significant impact.

Page: 56

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 10:12:04 AM
Include, Cultural Resources/Section 106

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:13:04 AM
The replacement of Flat Rock River Railroad Bridge is a significant impact.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:14:02 AM
This may not be possible since Section 106 is not complete.

Page: 61

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:19:01 AM
Removal of this bridge is a Section 106 issue.

Page: 63

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:23:56 AM
This new construction will involve ground disturbance, may need to include this in the Section 106 documentation.

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:25:01 AM
Section 106 issue, since this is considered a historic structure.

Page: 64

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:25:55 AM
Indiana Permits?, IDNR, IDEM?

Page: 76

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:28:08 AM
check this

Page: 79

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 10:32:13 AM

What about Cultural Resources impacts to archaeology and historic structures? i.e. Flat Rock River Railroad Bridge and cemeteries.

Page: 81

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:30:51 AM
What does this mean?

Page: 86

Author: ToGiffin Subject: Highlight Date: 9/24/2013 10:33:18 AM
4(f) and 6(f) impacts?

Page: 93

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 10:34:43 AM
4(f) and 6(f)?

Page: 113

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:38:07 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:38:20 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:38:33 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:38:58 AM
Replace all instances of INDNR with IDNR.

Page: 114

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:39:12 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:39:26 AM
Replace all instances of INDNR with IDNR.

Page: 115

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:39:40 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:40:15 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:40:27 AM
Replace all instances of INDNR with IDNR.

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:40:46 AM

Replace all instances of INDNR with IDNR.

Page: 117

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:41:14 AM

Replace all instances of INDNR with IDNR.

Page: 119

Author: ToGiffin Subject: Highlight Date: 9/23/2013 11:41:27 AM

Replace all instances of INDNR with IDNR.

Page: 146

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 10:43:36 AM

This should all be completed before the final EA document is approved.

Page: 163

Author: ToGiffin Subject: Highlight Date: 9/24/2013 11:39:53 AM

This was already detailed earlier, use OEA instead of spelling it out.

Page: 165

Author: ToGiffin Subject: Sticky Note Date: 9/24/2013 10:47:49 AM

This needs to be completed before final approval of the EA not after.

Surface Transportation Board

Incoming Correspondence Record



#EI-20322

Filing Correspondence Information		Status Information	
* Required Fields		Recorded by David Navecky on 10/03/2013	
*Docket #:	FD 35523 0	Affiliation:	State Agency
*Name of Sender:	Christie Stanifer	Letter Type:	E-filing w/ Attachments
Group:	Indiana DNR	NEPA Type:	EA Comment
Attention Of:	Dave Navecky	In Public Docket?	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Date Received:	10/03/2013	Phone Number:	317-232-8163
Date of Letter:	10/03/2013	Email Address:	cstanifer@dnr.in.gov
Group's Address:	402 W Washington St, Room W273	Group's Zip Code:	46204-2781
Group's City:	Indianapolis		
Group's State:	IN		

Submitter's Comments
See attachment.

SIB's Comments

Image Attachment(s)
An attachment has not been added.

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-17172

Request Received: September 3, 2013

Requestor: Surface Transportation Board
Dave Navecky
395 E Street SW, Room 1104
Washington, DC 20423

Project: CSX Transportation and Louisville & Indiana Railroad Company, Draft EA: easement acquisition for joint operation and improvement of 106.5 miles of rail line from Indianapolis, IN to Louisville, KY, including a bridge replacement over Flatrock River in Columbus; Docket No. FD 35523

County/Site info: Bartholomew - Clark - Jackson - Johnson - Marion - Scott

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1. An individual permit will be required for each affected stream having a drainage area greater than one square mile. Please submit a copy of this letter with the permit application.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The species and natural community below have been documented within 1/2 mile of the project area. The Crothersville proposed siding construction in Jackson County will share a boundary to the east with Chestnut Ridge Seep Springs, which is a site that has long been on the Registry of Significant Sites. This site is home to a high quality natural community called an acid seep, which is a rare wetland type. The Division of Nature Preserves (DNP) recommends that construction activities at this site remain within the right-of-way, with special care taken to prevent impacts to the adjacent acid seep and other wetlands, including siltation impacts from runoff. Primarily, the ballast materials to make up the base of the new siding cannot spread into the adjacent communities, and no stockpiling, earthmoving, parking, or equipment staging should take place outside of the right-of-way in this area.

JOHNSON COUNTY (Sec 8, T11N, R5E)

Mussels (all in Sugar Creek at the RR crossing, except salamander mussel was at US31 crossing):

1. Snuffbox (*Epioblasma triquetra*); Federally & State Endangered
2. Clubshell (*Pleurobema clava*); Federally & State Endangered
3. Rayed Bean (*Villosa fabalis*); Federally & State Endangered
4. Rabbitsfoot (*Quadrula cylindrica cylindrica*); Fed. Candidate & State Endangered
5. Round Hickorynut (*Obovaria subrotunda*); State Special Concern
6. Little Spectaclecase (*Villosa lienosa*); State Special Concern
7. Wavyrayed Lampmussel (*Lampsilis fasciola*); State Special Concern
8. Kidneyshell (*Ptychobranhus fasciolaris*); State Special Concern
9. Salamander Mussel (*Simpsonaias ambigua*); State Special Concern

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
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BARTHOLOMEW COUNTY (Sec 2, T9N, R5E & Sec 19, T8N, R6E)
Animal: American Badger (*Taxidea taxus*); State Special Concern

JACKSON COUNTY (Sec 9, T5N, R6E) - all found within Chestnut Ridge Seep Springs
A) State Significant Community: Acid Seep
B) Plants:
1. Southern Rein Orchid (*Platanthera flava* var. *flava*); State Endangered
2. Atlantic Sedge (*Carex atlantica* ssp. *atlantica*); State Threatened
3. Bog Bluegrass (*Poa paludigena*); Watch List
C) Animal: Four-toed Salamander (*Hemidactylium scutatum*); State Special Concern

CLARK COUNTY (in quarry near Sellersburg)
Animal: Gray Bat (*Myotis grisescens*); Federally & State Endangered

Fish & Wildlife Comments: Two of the new rail sidings appear to be partly or mostly in forested and/or wetland habitat and will impact streams. The end of one of the siding extensions is within the forested riparian corridor of the Flatrock River. Impacts to forested and/or wetland floodway habitat will likely require mitigation. More detailed project maps are needed to fully assess the potential impacts as the maps indicate the sidings will vary in distance from the main track (from about 40' from the main track to over 200' from the main track based on the map scale). Thousands of feet of siding, even a siding track adjacent to the main track, will result in significant permanent impacts to habitat adjacent to the rail line (not only direct impacts from habitat destruction, but also indirect impacts from habitat fragmentation). The extended sidings and new sidings appear to cross several streams at each location of the siding work. Additional information on potential stream impacts from siding stream crossings is needed.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Animal Species:

a. GRAY BAT: Gray bats are very sensitive to disturbance, and while we cannot say for certain that this project will impact the colony, it appears to have the potential to impact the colony considering the increase in trains and cars on each train. If this proposal must be implemented, and if possible, we recommend maintaining current traffic/disturbance levels when the colony is present (which likely is primarily during summer).

The noise footprint of the rail line traffic will expand significantly with the current line upgrade proposal, and other users such as Amtrak have expressed interest in increasing the speed of their trains and potentially expanding future service on the rail line which would increase the noise impacts beyond the proposed use by CSX and LIRC. The proposed line upgrade and increase of noise impacts may have a negative effect on the gray bat colony near the rail line in Sellersburg. The USFWS's letter dated June 28, 2011 (in Appendix A of the Draft EA) did not explain whether it was the track construction/upgrade that would not impact the gray bat or if it was the increased noise and vibration from longer, heavier and faster trains after the track was upgraded that would have no impact on the gray bat. We recommend further coordination with the USFWS to determine if the projected increased noise and vibration from an increase of train traffic will impact the gray bat colony.

b. FOUR-TOED SALAMANDER: As indicated above, this species was documented in Chestnut Ridge Seep Springs. DNP's recommendations above should be implemented to minimize impacts to this species. We also recommend that no work take place in this area during the egg laying/hatching season, which is April 1 through June 1.

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

c. MUSSELS: The above mussel species are not likely found live in the area of the rail line crossing; therefore, we do not foresee any impacts to these mussel species as a result of this project.

d. BADGER: Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

2) Riparian Habitat & Mitigation:

With the lack of information regarding the Flatrock River bridge replacement, we are unable to determine the impacts to the river or the forested riparian habitat along the river. We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at:
<http://www.in.gov/legislative/fac/20120801-IR-312120434NRA.xml.pdf>.

Impacts to habitat in the floodway (forested, wetland or early successional habitat) may require mitigation whether the habitat is in the right-of-way or not. Impacts to non-wetland forest under one (1) acre should be mitigated at a 1:1 ratio. Impacts to non-wetland forest over one (1) acre should be mitigated at a minimum 2:1 ratio. Impacts to wetlands should also be mitigated at the appropriate ratio.

Any mitigation site(s) should be located in the floodway, downstream of the one (1) square mile drainage area of that stream (or a nearby stream) and adjacent to existing forested riparian habitat. Mitigation sites should be within the same 8-digit HUC as the habitat impact location.

Only locally-native hardwood trees and shrub species should be planted in the floodway. The tree planting list should have a strong component of hard mast tree species and comparatively few wind-dispersed tree species. Mitigation sites located in the floodway should be developed following the species selection and planting guidelines in the DNR's Floodway Habitat Mitigation guidelines mentioned above.

Herbaceous seeding within the floodway, except in areas that will be maintained/mowed regularly, should be done with a seed mix composed of native grasses, sedges and wildflowers (native seed mix to contain at least 10 species which should include native grasses, sedges and forbs).

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants (e.g. crown-vetch).
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
5. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.

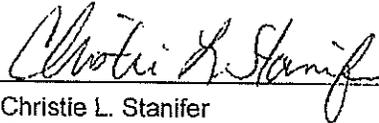
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State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction.
8. Post "Do Not Mow or Spray" signs along the right-of-way.
9. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
10. Seed and protect disturbed stream banks that are 3:1 or steeper with heavy-duty biodegradable erosion control blankets (follow manufacturer's recommendation for installation); seed and apply mulch on all other disturbed areas.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: October 3, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
OCT 31 2013

EI-20346
Rec'd 11/1/13

REPLY TO THE ATTENTION OF
E-19J

Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW, Room 1104
Washington, DC 20423

**RE: Comments on the Draft Environmental Assessment for the Docket No. FD 35523,
CSX Transportation, Inc. - Joint Use - with the Louisville & Indiana Railroad
Company, Inc.**

Dear Ms. Rutson:

Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. Environmental Protection Agency (EPA) reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements (EIS), but we also have the discretion to review and comment on other environmental documents prepared under NEPA as interest and resources permit. We received the Draft Environmental Assessment (EA) for the above project, dated August 30, 2013. We contacted David Navecky by phone on September 27, 2013, regarding our concerns for the above project in Indiana and Kentucky, and in light of the then-pending federal government shutdown. Following the shutdown, we again contacted David Navecky on October 17, 21 and 28, 2013, and confirmed the deadline for public comment had been extended to November 1, 2013. Our specific comments are presented in the following five points and more general NEPA comments are provided in the enclosed Addendum.

1- Based upon Figures 2.2-1 inset, 2.9-1 and 2.10-1, we believe the full extent of this decision includes additional impacts that need to be considered in the NEPA analysis. We understand that eleven additional trains will run daily between Sidney, Ohio, and Indianapolis, Indiana, with some or all of them then routed south along the proposed Louisville & Indiana Railroad Company (LIRC) line to Louisville, Kentucky. These additional trains will pass through Indianapolis and terminate at a new location in Louisville. These will impose new impacts in Louisville, Indianapolis and along the Indianapolis to Sidney route of at least eleven additional trains magnitude. These impacts are not considered in this NEPA evaluation. Although these impacts are beyond the "logical termini" of the proposal, they are connected actions and should be addressed in this NEPA analysis.

2- The noise analysis results on Page 3-65 and Appendix G Figures 144, 145 and 146 did not appear to include Louisville or Indianapolis populations where a greater number of communities.

including those with environmental justice concerns, may be impacted. The Draft EA indicates that 1,551 noise receptor sites will experience adverse noise increases. The voluntary mitigation measures VM 57 and 58 are important steps to take. More importantly, the Draft EA is not clear that, with all the mitigation measures proposed, these 1,551 receptors will experience decreased noise impact to acceptable levels. Further, there is no post-project monitoring proposed to determine that these target reductions are achieved.

3- We understand that the proposed construction will be constrained to be within the existing right-of-way (ROW) resulting in some wetlands, ponds and floodplain areas that will not be avoided. Nevertheless, a NEPA analysis of water impacts should provide the public and decisionmakers with a full understanding of which waters will be impacted, their type, description and size, the amount and type of impact at each water body, and mitigation provided for each. This could be in a table format, but to simply state these impacts will be dealt with in permitting is inadequate. We concur with the U.S. Fish and Wildlife Service (USFWS) recommendations for construction measures on Page 3.36.

4- One bridge will require replacement, over the Flat Rock Creek. From the illustrations in Mark Wallschloger's letter from the Indiana Department of Natural Resources (INDNR), Appendix Figures 144, 145 and 146, it is clear the current bridge has caused extensive scouring of the banks. The new replacement structure should take extra care in design and construction to repair this scour and prevent future erosion at this site.

5- In discussion of project impacts to wildlife and habitats, the Draft EA states on Page 3-44, "The proposed increase in train traffic on the Line [sic the LIRC] could result in an increase in wildlife strikes. However, as noted previously, the proposed increase in train traffic on the Line would result from CSXT diverting existing train traffic from its connecting rail lines. Therefore, any increase in animal strikes on the Line could be offset by fewer animal strikes on CSXT's connecting rail lines." This conclusion is not supported by any analysis. Without further analysis available in the Draft EA than Figure 3.6-1, we conclude two impact outcomes. First, more trains at higher speeds are likely to produce more strikes to all species. Second, there is far more "priority Habitat" illustrated in Figure 3.6-1 in relation to the proposed LIRC Line than along the Ohio River CSXT Line; therefore greater impacts to threatened and endangered species, state priority species, and migratory birds are expected. While animal strike numbers have not been recorded and could be very difficult to obtain, we recommend that some method of estimating these impacts be devised, and mitigation measures be developed in concert with USFWS and/or INDNR.

We acknowledge the proposed care for threatened and endangered (T&E) species and mitigation measures presented on Page 3-45. Applicants have agreed "to limit project-related tree removal during the Indiana bat's roosting period (VM 21). Additionally, Applicants have agreed to best management practices (BMPs) during project-related construction to protect water quality and avoid or minimize potential impacts to the three mussel species discussed above (VM 12, VM 13, VM 14, VM 15, VM 16, VM 17, VM 18, VM 19, VM 27, and VM 28)." We commend these measures. However, the Draft EA further indicates that migratory bird roosting areas will experience potential impacts. We recommend there be mitigation with nearby habitat restoration at appropriate ratios to compensate such losses.

Thank you for the opportunity to comment on this Draft EA. If you have any questions on our comments, please contact me or have your staff contact Norm West of my staff at (312) 353-5692 or at west.norman@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: Addendum- Comments by USEPA Region 4

Addendum: Comments by U.S. EPA Region 4 on the STB Environmental Assessment for Their Docket No. FD 35523 Proposed CSX Transportation, Inc. Joint Use with the Louisville & Indiana Railroad Company, Inc.

Rafael Santamaria

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Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA), Region 4 offers the following general comments/suggestions for your consideration /inclusion that could help facilitate your compliance with the NEPA regulations for this project **(Draft EA for CSX Joint use Louisville and Indiana Railroad)**

1. The Draft Environmental Assessment (DEA) development must be consistent with Section 309 of the Clean Air Act.
2. Any deconstruction (demolition) should be done according to the State Historic Preservation Officer (SHPO), the National Historic Preservation Act (NHPA)'s rules, regulations and guidelines and should ensure disposal of federal property is done according to federal regulations for disposal of federal property. Ensure the demolition and construction debris be properly handled by licensed contractors (if needed) and disposed in licensed sanitary landfills for each type of debris.
3. In construction/demolition projects, the DEA should address: proper handling of hazardous materials removal and disposal (asbestos, PCBs, lead from paint), and waste management (e.g., reuse or recycling as opposed to landfill dumping); wastewater management, indoor air quality, energy and water conservation (e.g., low flow toilets, energy efficient windows and doors, efficient lighting, etc.); other pollution prevention measures (e.g., use of materials with recycled content) as well as impacts to noise, traffic, air and water quality, wildlife and vegetation (could any endangered or threatened species be impacted?); erosion, sedimentation control, and impacts to historic resources.
4. The DEA and draft Finding of No Significant Impact (FNSI) should be made available for public inspection at various public locations. It would be very beneficial to ensure the public is well informed at all times through frequent public meetings, flyers, announcements and public hearings.
5. The DEA should address the needed and required permits, how to obtain them from the associated regulatory agencies and how to implement and comply with them.
6. The DEA should address land cleared, if any, or forested clear-cut harvested trees and should describe the type and age of trees present; will the trees be harvested? Concerning cumulative impacts, recently (in the near past/present/future) how many other sites and cumulative number of acres of land will or have been cleared at the facility/project?
7. The DEA should make sure decisions made based on archaeological surveys done in previous years are still valid.
8. The DEA should address impacts to traditional American Indian resources, if any, under the various alternatives. Consultation with the American Indian Tribes/organizations should be made and it should include a list of Tribes and or Native American Indian Organizations consulted about this project along with their responses and comments.
9. The DEA should address the Graves and Repatriation Act – (NAGPRA) to identify National Register-eligible archaeological sites; to ensure proper evaluations are carried out in order to

minimize the adverse impacts to historic properties in the project areas; and so that in the event burials are located during ground-disturbing activities, the proper procedures for unexpected discoveries are followed.

10. The DEA should discuss in some detail if there was any EJ community involvement, follow-up analyses, and/or outreach efforts performed. Also, what impact will the project have on minority businesses?

11. In addition to the noise analyses to be done related to the entire site, the DEA should also discuss what noise effects can be attributed to the temporary (state type and length of time) demolition and construction that will take place on the site.

12. The DEA should establish the contractor's procedures for borrow materials which should be according to local and state soil conservation rules and regulations to ensure the quality of the fill to be used and where the fill is borrowed from (to ensure protection of that environment).

13. If there are any reasons to expect the contractor to encounter any contaminated soils, this should be discussed in detail in the DEA and the proper studies of the site should be done along with the corrections before any work on the project is done by the contractor.

In addition, contaminated soils, solid wastes, chemicals and hazardous materials should be properly handled by licensed contractors and disposed in licensed sanitary landfills according to the type of waste; that chemicals and hazardous material be disposed of according to local, state, Federal rules, regulations, guidelines and requirements.

14. The DEA should include the latest cumulative impacts (past, present and future and also the total direct and indirect impacts) analysis as they affect the air quality in the area.

15. The DEA should address handling of above ground/underground storage tanks (AST/UST), if any, according to the State and Federal rules regulations and guidelines. The DEA should address the issue of removing or not removing them and should include state and federal documentation concurring/not concurring with the final decision.

16. The DEA should address the potential for impacts from air toxics associated with the project.

17. In general, construction activities should be restricted to existing rights-of-way, if possible and best management practices should be utilized. Impacts to wetlands, floodplains, and other sensitive resources should be avoided. If avoidance is not possible, mitigation must be offered to minimize adverse impacts. If construction must run through a wetland, the area should be restored to its "natural" state. That is, the affected area should be returned to its original soil horizon as well as original contours. Also, the area should be re-vegetated with indigenous species.

If structures must be placed in a floodplain, they should be constructed to minimize the infiltration/inflow (I/I) of flood waters and should be sturdy enough to withstand the uplift and velocity forces of such waters. To minimize impacts to prime farmland and public health, water and sewer lines should not run directly through fields or obstruct the flow of water to crops. The land should be returned to its original contour and re-vegetated with indigenous plant life.

Ancillary facilities (e.g., pump stations) should be designed so not to impede the natural flow of flood waters.

Since soil disturbance associated with the demolition and construction would require disturbance to the existing site soils topography it could generate considerable amounts of storm water, erosion and environmental harm, the owner should require the personnel involved in the project, including the consultant engineers and contractors to comply with existing local, state and federal rules, regulations and guidelines to minimize potential adverse impacts on wetlands, groundwater, aquifers, creeks/rivers, lakes, ponds, reservoirs, and water quality. The owner should comply with

the local and state erosion and sediment rules and guidelines; the Clean Water Act; the required state and Corps of Engineers permits; the Executive Order 11988 - Flood Plain Management and the Executive Order 11990 - Protection of Wetlands. Runoff controls should be updated periodically for the duration of the construction (e.g., every 2-3 months and maintained to help ensure success - e.g., silt fences emptied and hay bales replaced).

18. The owner should encourage the contractors to maintain and operate all construction equipment per manufacturer's specifications and recommendations to minimize air emissions. The owner should also consider offering incentives for contractors to specify the use of retrofitted diesel equipment or purchase of available ultra-low diesel fuel in their bids. The DEA should address the impact of the construction on the air quality if some of the construction could be done at night.

19. The Final EA should include Time Schedule showing proposed start and finish dates for each project task.

20. The long-term and indirect impacts of the proposed action should be considered. If the extension of service to the proposed users could cause further development of an environmentally sensitive area, alternate alignments/sites should be considered.

21. Recycling should be done according to DoD 4160.21-M/chapter 7 RESOURCE RECOVERY AND RECYCLING PROGRAM (RRRP) which states: All installations, worldwide, shall have recycling programs as required by Executive Order 12780. Pursuant to Public Law 97-214 (10 USC 2577), and DoD Instruction (DoDI) 4715.4, Pollution Prevention.

22. The EPA suggests the recommendations made by Green Building to be followed whenever possible. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. Research and experience increasingly demonstrate that when buildings are designed and operated with their lifecycle impacts in mind, they can provide great environmental, economic, and social benefits.

Elements of Green building include:

*Smart Growth and Sustainable Development *Energy Efficiency and Renewable Energy *Water Stewardship *Environmentally Preferable Building Materials and Specifications *Waste Reduction *Toxics and *Indoor Environments.

Additional information on Green Building can be found at:

<http://www.epa.gov/greenbuilding/>

<http://www.greenbuilding.com/>

www.epa.gov/greenbuilding

www.greenhighways.org

<http://www.usgbc.org/>

www.greenseal.org

Other links

Waste Reduction Resource Center - hosted by North Carolina but it is an EPA Region 4 resource

<http://wrrc.p2pays.org/>

Industrial materials - <http://www.epa.gov/osw/consERVE/rrr/imr/index.htm>

http://www.fema.gov/plan/prevent/fhm/dl_zonea.shtml

C&D - <http://www.epa.gov/osw/consERVE/rrr/imr/cdm/>

www.epa.gov/nscep/

<http://www.pavementpreservation.org/toolbox/links/arrafull.pdf>
<http://www.secement.org/fdr.htm>
http://www.cement.org/pavements/pv_sc_fdr.asp
<http://www.techtransfer.berkeley.edu/newsletter/04-2/refs.php>
<http://www.youtube.com/watch?v=s7w7gsFYNzA>