

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-43 (Sub-No. 186X)

**Illinois Central Railroad Company – Abandonment Exemption –
in Jackson, Hinds County, Miss.**

BACKGROUND

In this proceeding, Illinois Central Railroad Company (IC) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in the city of Jackson, Hinds County, Mississippi. The rail line proposed for abandonment extends approximately 0.16 miles from milepost 0.36 to milepost 0.20 in Jackson, Mississippi (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

IC submitted an Environmental Report that concludes the quality of the human environment would not be significantly affected as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. IC served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

IC states that no local traffic has moved over the Line for at least two years and that there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-43 (Sub-No. 186X).

Salvage Activities

If abandonment authority is granted in this proceeding, IC states that it would salvage rail, ties, and track material from the Line. IC does not plan to regrade the right-of-way. No bridges or other structures would be affected. Two grade crossings, at South Street and Gallatin Street in Jackson, have already been removed and remediated. No other road crossings would be affected. All salvage activities would be conducted within the right-of-way using existing access points.

IC requested comments from the Hinds County, Mississippi Board of Supervisors, but has received no response to date. IC believes that the proposed abandonment would be consistent with existing local land use plans. OEA is sending a copy of this EA to the Jackson Department of Planning and Development for that agency's review and comment.

The National Geodetic Survey (NGS) has not submitted comments regarding the potential impact of the proposed abandonment on any geodetic survey markers that may be present in the project area. Accordingly, OEA is recommending a condition requiring IC to consult with NGS prior to beginning salvage activities.

The Mississippi Department of Marine Resources submitted comments stating that the proposed abandonment would not require permitting under the Mississippi Coastal Program. Accordingly, no mitigation regarding consistency with coastal zone management is recommended.

IC has requested comments from the U.S. Natural Resource Conservation Service (NRCS), but has received no response to date. Because salvage activities would take place within an existing rail corridor in an urban area, OEA believes that the proposed abandonment would not result in any impacts to prime farmland. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

IC states, and OEA review has confirmed, that the Line does not cross and is not immediately adjacent to any waterways. In its review of the best available data, OEA has concluded that no wetlands are located in the vicinity of the Line.²

IC has requested comments from the U.S. Army Corps of Engineers (the Corps), but has received no response to date. Because the Line does not cross and is not adjacent to any waterways or wetlands, and because abandonment activities would be limited to the salvage of track, ties, and related material, OEA concurs with IC's determination that the proposed abandonment would not require a Corps permit under Section 404 of the Clean Water Act.³

² U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper, <http://www.fws.gov/wetlands/Wetlands-Mapper.html> (last visited August 27, 2013).

³ 33 U.S.C. § 1344.

IC requested comments from the U.S. Environmental Protection Agency (USEPA) regarding compliance with Section 402 of the Clean Water Act⁴ and other applicable local, state, and federal water quality regulations. To date, USEPA has not provided comments. Because salvage activities would be limited to the removal of track, ties, and related material, and because the Line does not cross and is not adjacent to any waterways, OEA concurs with IC's determination that permitting under Section 402 of the Clean Water Act would not be required. OEA is sending a copy of this EA to the Mississippi Department of Environmental Quality (MDEQ) for that agency's review and comment.

IC states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA review has confirmed that there are no listed Superfund sites in the vicinity of the Lines.⁵ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

IC requested comments from the Mississippi Department of Wildlife, Fisheries, and Parks regarding the potential impacts of the proposed abandonment on biological resources, but has received no response to date.

In its review of available geospatial data, OEA has determined that the proposed abandonment is located in an area designated as critical habitat for the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), a federally listed threatened species.⁶ OEA also conducted a search of the United States Fish and Wildlife Service (USFWS) Environmental Conservation Online System in order to identify other federally listed endangered or threatened species that may be present in the vicinity of the Line.⁷ The table below shows the protected species known or thought to occur in the county in which the proposed abandonment is located.

Protected Species in Hinds County, Mississippi			
Group	Common Name	Scientific Name	Status
Mammals	Louisiana black bear	<i>Urus americanus luteolus</i>	Threatened
Reptiles	Ringed map turtle	<i>Graptemys oculifera</i>	Threatened
Fishes	Bayou darter	<i>Etheostoma rubrum</i>	Threatened
	Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened

⁴ 33 U.S.C. § 1342.

⁵ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited August 27, 2013).

⁶ U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://criticalhabitat.fws.gov/crithab> (last visited August 27, 2013).

⁷ U.S. Fish and Wildlife Service, Environmental Conservation Online System, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited August 27, 2013).

Because the Line is located within an urban area, OEA believes that it is unlikely that any of the species listed above would potentially be present within or near the project area. Because salvage activities would be confined to the existing rail right-of-way, and because no waterways would be affected, OEA believes that the proposed abandonment would not impact any federally listed threatened or endangered species. OEA is sending a copy of this EA to USFWS for that agency's review and comment.

In its review of available geospatial data, OEA has concluded that the Line is not located in or adjacent to any local or national park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for their comment and review: USFWS, MDEQ, and the Jackson Department of Planning and Development.

HISTORIC REVIEW

According to IC, the Line was purchased from the Yazoo and Mississippi Railroad Company in 1946. There are no structures located on the Line.

IC served the Historic Report on the Historic Preservation Division of the Mississippi Department of Archives and History (State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment have no effect on cultural resources. OEA has reviewed the report and the information provided by the SHPO, and we concur that the proposed abandonment would not affect any archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have

ancestral connections to the project area.⁸ The search did not identify any federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

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

- 1. Illinois Central Railroad Company (IC) shall consult with the National Geodetic Survey (NGS) prior to beginning salvage activities. If NGS identifies geodetic station markers that may be affected by the proposed abandonment, IC shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the condition above is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in

⁸ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 27, 2013).

a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-43 (Sub-No. 186X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: September 9, 2013

Comment due date: September 24, 2013

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