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SERVICE DATE – LATE RELEASE MAY 9, 2012

SURFACE TRANSPORTATION BOARD

DECISION

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

ARKANSAS MIDLAND RAILROAD COMPANY, INC.—ABANDONMENT  
EXEMPTION—IN PHILLIPS COUNTY, ARK.

Decided: May 9, 2012

Arkansas Midland Railroad Company, Inc. (AKMD) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 2.66-mile rail line known as the West Helena Industrial Lead extending from milepost 0.00 to milepost 2.66 at the end of the track, in Phillips County, Ark. Notice of the exemption was served and published in the Federal Register on March 21, 2012 (77 Fed. Reg. 16,585). The exemption became effective on April 20, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on March 26, 2012. In the EA, OEA states that the National Geodetic Survey (NGS) has advised OEA that two geodetic station markers have been identified that may be affected by the proposed abandonment. OEA recommends that a condition be imposed requiring that AKMD 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.

OEA states that the Arkansas Natural Resources Commission (ANRC) has expressed concerns about impacts to state designated wetlands as a result of the proposed abandonment and related salvage activities. ANRC has advised that AKMD use an appropriate assessment method to determine compensatory mitigation requirements, and that the appropriate amount of mitigation required to offset the impacts should be implemented. ANRC also recommended that AKMD utilize most current best management practices (BMPs) when conducting salvage of the line to help minimize erosion and maintain water quality in the area. AKMD has indicated that it would utilize BMPs as appropriate. OEA therefore recommends that a condition be imposed requiring AKMD to consult with ANRC prior to commencing any salvage activities to address ANRC's concerns about potential impacts to designated wetlands from salvage activities and, if applicable, to comply with the reasonable requirements of ANRC.

OEA also states that the Department of Arkansas Heritage, State Historic Preservation Office (SHPO), has indicated that there is one archeological site, 3PH470, located adjacent to the railroad tracks. In order to avoid potential impacts to archeological site 3PH470, the SHPO recommends that the track side crane that would be used to remove the rails and timbers during salvage activities be placed on the east side of the tracks in the area from the northern terminus

of the project area south to Plaza Avenue. AKMD believes that track removal can be accomplished from its own right-of-way or on the east side thereof and is agreeable to this condition. With the stipulation that archeological site 3PH470 be avoided, the SHPO concurs that the proposed undertaking would have no effect on historic properties. OEA therefore recommends that a condition be imposed requiring that AKMD shall, prior to conducting any salvage activities related to the abandonment, ensure that archeological site 3PH470 is not adversely impacted by the salvage activities.

Comments to the EA were due April 10, 2012. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on March 21, 2012, exempting the abandonment of the line described above, is subject to the conditions that AKMD shall: (1) notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers; (2) prior to commencement of any salvage activities, consult with ANRC to address its concerns about potential impacts to designated wetlands from salvage activities and, if applicable, shall comply with the reasonable requirements of ANRC; and (3) prior to conducting any salvage activities related to the abandonment, ensure that archeological site 3PH470 is not adversely impacted by the salvage activities.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.