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OEA

SERVICE DATE – DECEMBER 16, 2011

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1089X**

**Mississippi & Skuna Valley Railroad, LLC – Abandonment Exemption –  
in Yalobusha and Calhoun Counties, Miss.**

**BACKGROUND**

In this proceeding, Mississippi & Skuna Valley Railroad, LLC (MSV) filed a notice of exemption under 49 U.S.C. § 10502 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Yalobusha and Calhoun Counties, Mississippi. The rail line proposed for abandonment extends approximately 21.0 miles from milepost 21.0 at Bruce Junction to milepost 0.0 at Bruce (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

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

MSV received authority from the Board to acquire the 21.0 miles of rail line from the Mississippi & Skuna Valley Railroad Company (MSVR) in a decision served on November 5, 2010 (STB Finance Docket 35429). According to MSV, there was no traffic moving over the Line at the time it was acquired by MSV. The last shipper to use the Line was Weyerhaeuser NR Company, MSVR's parent company. There has been no demand for service over the Line since April 17, 2008.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1089X.

MSV, originally named the Mississippi & Schoona Valley Railroad Company, was incorporated in June 1925 under the laws of Mississippi. The Line was constructed from a connection with the Illinois Central Railroad at Bruce Junction and follows a general northeasterly direction along the Skuna River to Bruce. The Line was completed in September 1926.

Based on information in MSV's possession, the Line does not contain federally granted right-of-way. The right-of-way is approximately 100 feet wide. There are stations located at milepost 0.0 at Bruce Junction and at milepost 21.0 at Bruce. The Line begins at East Railroad Street in Bruce, and runs southwest crossing S. Pontotoc Road and Thompson Street. The Line then crosses County Roads 227, 231, and 245. After crossing County Road 245, the Line runs southwest and parallel to Highway 330. Continuing southwest, the Line crosses Airmount Court at both the east and west ends of the road. The Line then proceeds southwest, crossing New Hope Road, Steen Drive, and County Road 139. The Line crosses York Creek and Coney Creek prior to crossing Elams Road. At Elams Road the Line runs west crossing County Road 179 and County Road 194. At County Road 194 the Line runs northwest crossing Durden Creek before crossing County Road 77 and ending at the connection with the Canadian National Railway.

MSV indicates that there are 32 bridges on the Line that are 50 years old or older. MSV believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. MSV also believes that there are no archeological resources or other railroad related historic properties in the project area. MSV is agreeable to converting the Line to interim trail use/rail banking and does not plan to alter, remove, or dispose of any of the bridges that are on the Line. MSV states that it would like to donate the real estate and right-of-way for a trail. MSV plans to salvage the track and materials on the Line, but leave the bridges and culverts necessary for interim trail use/rail banking in place. The track and materials would be sold as scrap.

### ***Diversion of Traffic***

According to MSV, no local or overhead traffic has moved over the Line since April 17, 2008. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

MSV indicates that abandonment of the Line would result in removal of the rail. The operation and maintenance of the Line would cease. MSV does not intend to remove any bridge structures or disturb any sub-grade or sub-grade structures. Abandonment of the Line would result in the elimination of 17 public road crossings and 10 private road crossings.

MSV considers the proposed abandonment to be consistent with existing land use plans. The area surrounding the Line is rural in nature. MSV does not believe that there is any prime agricultural land that would be affected by the proposed abandonment.

MSV indicates that the proposed action would not adversely affect endangered or threatened species or areas designated as a critical habitat. Although the Line is near the Calhoun County Wildlife Management Area, MSV states that no wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by salvage activities related to the proposed abandonment.

MSV believes that the proposed abandonment is consistent with applicable water quality standards. The Line does not pass through a designated coastal zone. MSV indicates that no designated wetlands or 100-year flood plains would be affected by the proposed abandonment or related salvage activities.

Upon receiving abandonment authority, removal of track material would be accomplished by use of the right-of-way for access. No new access roads are contemplated. MSV does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported away from the Line and would not be discarded along the right-of-way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, MSV does not believe that permits under Sections 402 or 404 of the Clean Water Act would be required for salvage activities related to the proposed abandonment.

The Mississippi Department of Marine Resources (MDMR), Wetland Permitting Division has indicated that it has no objections to the proposed abandonment. MDMR, in cooperation with other state agencies, is responsible under the Mississippi Coastal Program for managing the coastal resources of Mississippi. Based on the information which was submitted to MDMR for review, MDMR has determined that there would be no direct or indirect impacts to coastal wetlands as a result of the proposed abandonment or related salvage activities.

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

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

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

## **HISTORIC REVIEW**

MSV submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Mississippi Department of Archives and History, State Historic Preservation Officer (SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO has reviewed the historic report. Based on the information provided, the SHPO concurs that the abandonment of the Line and removal of the rails is unlikely to have any direct effect on historic resources. The SHPO does not consider abandoning the Line to be an adverse effect to either archaeological or architectural resources.

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 the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment listed in or eligible for inclusion in the National Register. 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 <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that the Eastern Band of Cherokee Indians of North Carolina, a federally-recognized tribe, may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Eastern Band of Cherokee Indians of North Carolina for review and comment.

## **CONDITIONS**

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 9, 2011).

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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 should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

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

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1089X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: December 16, 2011.

**Comment due date: January 16, 2012.**

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

Attachment