

Table 5 – VMT Impact, by County

Sc. Location	Trucks		In-State Trip Length			O-O-S Trip Length			VMT Total				
	In-State	O-O-S	Aroos.	Penob.	Else.	Aroos.	Penob.	Else.	Aroos.	Penob.	Else.	Total	
Without Bridge Traffic	Ft. Kent	2304	2304	104	92	19	104	109	155	479,232	463,104	400,896	1,343,232
	Portage	4176	4176	66	92	19	66	109	155	551,232	839,376	726,624	2,117,232
	Skerry	8100	8100	64	92	19	64	109	155	1,036,800	1,628,100	1,409,400	4,074,300
	Ashland	1152	3456	55	92	19	55	109	155	253,440	482,688	557,568	1,293,696
	St. Croix	1372	1372	40	92	19	40	109	155	109,760	275,772	238,728	624,260
	Caribou	996	996	90	92	19	90	109	155	179,280	200,196	173,304	552,780
	Presque Isle	2304	2304	77	92	19	77	109	155	354,816	463,104	400,896	1,218,816
	Easton	1372	1372	74	92	19	74	109	155	203,056	275,772	238,728	717,556
	Houlton	1248	1248	37	92	19	37	109	155	92,352	250,848	217,152	560,352
										Total	3,259,968	4,878,960	4,363,296
With Bridge Traffic	Ft. Kent	3496	3496	104	92	19	104	109	155	727,168	702,696	608,304	2,038,168
	Portage	6332	6332	66	92	19	66	109	155	835,824	1,272,732	1,101,768	3,210,324
	Skerry	12288	12288	64	92	19	64	109	155	1,572,864	2,469,888	2,138,112	6,180,864
	Ashland	1748	5244	55	92	19	55	109	155	384,560	732,412	846,032	1,963,004
	St. Croix	2080	2080	40	92	19	40	109	155	166,400	418,080	361,920	946,400
	Caribou	1512	1512	90	92	19	90	109	155	272,160	303,912	263,088	839,160
	Presque Isle	3496	3496	77	92	19	77	109	155	538,384	702,696	608,304	1,849,384
	Easton	2080	2080	74	92	19	74	109	155	307,840	418,080	361,920	1,087,840
	Houlton	1892	1892	37	92	19	37	109	155	140,008	380,292	329,208	849,508
										Total	4,945,208	7,400,788	6,618,656

In the “without bridge traffic” scenario, the resultant truck traffic would increase VMT in Aroostook County by 3.3 million, in Penobscot County by 4.9 million, and elsewhere in the state of Maine by 4.4 million. In the “with bridge traffic” scenario, the VMT impacts would rise by about 50%, to 4.9 million, 7.4 million, and 6.6 million, respectively.

Table 6 compares the additional VMT generated in each county with the existing VMT reported by Maine DOT.

Table 6 – Percentage Increase in VMT, by Location

Location	Existing VMT	Additional VMT		% Traffic Increase	
		Without bridge traffic	With bridge traffic	Without bridge traffic	With bridge traffic
Aroostook County	777,979,692	3,259,968	4,878,264	0.42%	0.64%
Penobscot County	1,706,342,227	4,878,960	7,392,900	0.29%	0.43%
Statewide	14,531,993,749	18,826,716	18,826,716	0.09%	0.13%

Source for Existing VMT: Maine DOT Bureau of Planning

As Table 6 illustrates, the additional truck traffic that would be generated by the proposed MMA abandonment would have a negligible impact on both county and statewide VMT. Even in the “with bridge traffic” scenario, Aroostook County VMT would only increase by about two-

thirds of one percent. Penobscot County and Statewide VMT would only increase by less than a half percent. In other words, even though the additional trucks associated with the proposed rail abandonment could generate about 19 million vehicle-miles traveled, this is a very small number when compared to the statewide annual VMT of over 14 billion.

This diversion analysis suggests that the additional trucks on the major roadways in the region would have minimal impact on the roadway network. Even under the worst case scenario (i.e., including bridge traffic) assumed, as shown above, there would be no discernable adverse effects to the regional or local transportation systems and traffic patterns.

3.4 Transportation Safety Impacts

In the analysis set forth below, SEA preliminarily concludes that the existing roadway networks at issue here could safely accommodate the potential additional truck traffic that would result if the proposed abandonment were authorized. As stated in the application, most of MMA's existing shippers currently use the trucking industry for more than 90% of the movement of their commodities.

SEA reviewed the *Maine DOT High Crash Location Listings, 2006-2008* for Aroostook County to determine if the truck diversions resulting from the proposed abandonment would have an impact on area roadway safety increasing the risk of crashes. Maine DOT defines High Crash Locations (HCL) as locations meeting two criteria: the location must have experienced eight or more crashes over the previous three years; and the location must have a "critical rate factor"¹⁷ of 1.0 or more.

The available information indicates that US-1 has eight HCLs: three in Presque Isle; one in Houlton; one in Monticello; one in Bridgewater; one in Westfield; and one in Caribou. The highest number of crashes was at the intersection of Doyle Road and US-1 in Caribou where 32 crashes were recorded from 2006 through 2008. The second highest number of crashes occurred at the intersection of Academy Street and US-1 in Presque Isle with 14 accidents in three years. The available information also indicates that there is one HCL in Houlton at the I-95/US-1 interchange; three HCLs in urban areas along Route 11 with 31 crashes; and two HCLs in Sherman at the I-95/Route 158 interchange in Sherman.

In conducting its analysis, SEA recognizes that potential safety impacts could occur where SR-11 and US-1 connect to I-95. Transportation improvements for this connection have been identified in the State of Maine's long range plan. Some other locations have already been identified by Maine DOT in the *Aroostook County Transportation Study* (ACT study),¹⁸ which commenced in April 1999 when the United States Congress appropriated \$4.24 million to study and plan for the extension of I-95 in Aroostook County. The purpose of the ACT study was to improve mobility and north-south access to activity centers, and to encourage economic

¹⁷ The "critical rate factor" is a statistical assessment that compares a particular location with other, similar locations throughout the state. A value of 1.0 or more indicates a high level of probability that the crash rate is significantly higher, in a statistical sense, than one would normally expect at a comparable location.

¹⁸ Final Environmental Impact Statement, Aroostook County Transportation Study (FHWA-ME-EIS-02-1-F), December 2009.

development in the region. The ultimate goal is to extend I-95 north of its current terminus at Houlton and provide a four lane, controlled access highway northward to the St. John Valley (Madawaska area). The ACT study area is bounded on the south by I-95, on the west by SR-11, and on the east and north by the Canadian border (see Figure 3). The ACT study is tiered or segmented to allow for a series of improvements to be made gradually, based on funding and feasibility.

The ACT study identifies four north-south corridors for further study and analysis. Three of the corridors were divided into 11 different segments, each with logical termini and independent utility. Although a preferred corridor has not been selected, Maine DOT indicates that the 11 segments could be advanced within reasonable timeframes as funding becomes available. Maine DOT has advanced two of the segments – the Caribou Connector, a 43-mile stretch between Route 161 and US-1 in Caribou; and the Presque Isle Bypass, a 10-mile stretch of US-1 north of the Aroostook River and extending to near the Presque Isle/Westfield town line – based on the economic, environmental and transportation analyses. Construction of these two segments would not necessarily improve traffic flow through Houlton or safety at HCLs outside of Caribou or Presque Isle. Rather, these changes would occur as the corridor-wide improvements are made.

A review of accident data from Maine DOT¹⁹ suggests that the increased truck traffic that could result from the proposed abandonment would have minimal impact on overall highway safety in the region. Table 7 illustrates accident data for the past three years along routes that are utilized by trucks serving the industries and communities along the subject rail lines.

Table 7: Accident data for major highways in Aroostook County, Maine

	Route 11 Corridor	Route 212 Corridor	Route 1 Corridor
Total Accidents	275	21	1095
Total Vehicles Involved	348	23	1802
% of Trucks Involved	15%	0%	5%
Crash Types			
<i>Ran off road</i>	34%	33%	15%
<i>Deer / Moose</i>	36%	52%	21%
<i>Other</i>	30%	15%	64%
% Single-Vehicle Accidents	79%	91%	61%

Source: Maine Department of Transportation, Traffic Engineering, Crash Records Section, January 2006- December 2008

The truck diversion analysis presented above identified potential routings for trucks that would carry products from shippers located on the rail segments proposed for abandonment. SEA expects that most of the north-south traffic would follow the US-1 and SR-11 corridors, with the east-west Route 212 providing connectivity to I-95. Northern Maine-based truckers also

¹⁹ Source: Maine Department of Transportation, Traffic Engineering, Crash Records Section, January 2006- December 2008.

have the alternative of using Route 2 in Canada, a slightly longer but more efficient travel route to reconnect back to I-95 at the border near Houlton.

The available information indicates that truck traffic has not been responsible for the majority of traffic accidents on the major highways in Aroostook County, as shown below:

- SR-11 – Trucks constitute no more than 25% of the average daily traffic—ADT—along this route, with much of the road having as little as 7% truck share. The percentage of accidents involving trucks is a small share of the total traffic accidents. The available information indicates that additional trucks that could result from the proposed abandonment would not substantially contribute to more accidents. In fact, 70% of accidents are single-vehicle accidents.
- Route 212 – Route 212 connects SR-11 with Route 2 and I-95. No trucks were involved in any collisions on this roadway over the past three years. Therefore, it is not likely that the small increase in trucks that could result from the proposed abandonment would substantially contribute to more accidents.
- US-1 – This corridor has the most traffic, and—as a result—the most accidents. This route is one of the most truck-intensive corridors in the state of Maine. However, trucks account for only 5% of the accidents in the corridor. Again, there is little basis to conclude that the small increase in truck traffic that could result from the proposed abandonment would result in a substantial impact on safety.

SEA has determined that the diverted truck traffic that could result from the proposed abandonment likely would generally follow well-established truck routes that have adequate roadway capacity. As shown above, SR-11 had 275 total accidents, of which 32 (15%) involved heavy trucks; US-1 had 1,085 total accidents, of which 46 (5%) involved heavy trucks; and Route 212 had total of 21 accidents, with no accidents (0%) involving heavy trucks. The ACT study identified key improvements that should be made to overall traffic operations to reduce congestion at select intersections and improve the roadway network. While the ACT study indicated the importance of transportation to the local economy, it did not suggest the need for additional rail service, or investment in the existing railway system. Public comment on the ACT study focused on extending I-95 north from Houlton to the Presque Isle and Caribou region and beyond.

Should this proposed abandonment be approved and implemented, there would be minimal short-term increase in trucks hauling track materials or debris from rail salvage activities on the local roads. This is because MMA states that it would transport most if not all salvaged materials from the rail segments by rail.

The Penobscot Court of County Commissioners commented that it is opposed to the proposed abandonment because it would generate additional truck traffic on state and local roads, which could cause safety concerns and increased fuel consumption, and require cash-strapped shippers to find alternative modes of transportation for their goods. As SEA's analysis shows, however, the existing roadways could support the additional truck traffic that would be

generated if the proposed abandonment were authorized and implemented. Moreover, it was determined that the additional truck traffic that could result from the proposed abandonment would have a minimal effect on the rate of accidents involving heavy trucks.

Response to Maine DOT Comments on the PDEA: SEA response is included at the end of Section 3.

3.5 Energy

The proposed discontinuance of service and abandonment would result in an overall increase in energy consumption because trucks are generally less fuel efficient than trains. MMA states that the proposed abandonment may result in the diversion of approximately 6,044 rail carloads per year and 3,124 bridge traffic carloads for a total of 9,168 rail carloads. Under the Board's environmental regulations at 49 CFR 1105(e)(4)(iv)(A), if the proposed abandonment would cause diversions from rail to trucks of more than 1,000 rail carloads per year, then the resulting net change in energy consumption must be quantified. SEA conducted this analysis using two scenarios: the "without bridge traffic" and "with bridge traffic" or worst case scenario. Both scenarios are discussed further above.

Under the "without bridge traffic" scenario, SEA determined that if the proposed abandonment were approved and implemented, there would be an additional 24,176 loaded trucks per year and 24,176 empty trucks per year. SEA calculated that the loaded trucks would consume 1,611,733 gallons of diesel fuel (based on 24,176 truckloads times 300 miles divided by 4.5 miles per gallon). The empty trucks would consume 1,115,815 gallons of diesel fuel (based on 24,176 truckloads times 300 miles divided by 6.5 miles per gallon). Because MMA reported that it consumed approximately 862,296 gallons of diesel fuel in the base year handling the 9,168 carloads on the rail line, the difference between the fuel consumed by MMA and the fuel that would be consumed by trucks would be an additional 1.9 million gallons of diesel fuel. This analysis is based on the following assumptions:

- An average truck trip length of 300 miles.
- Loaded trucks would have a fuel efficiency of 4.5 miles per gallon.
- Empty trucks would have a fuel efficiency of 6.5 miles per gallon.
- One rail carload would equal 4.0 loaded trucks and 100% of the trucks would arrive or return empty.

This amount is about 1.1% of the total 180 million gallons of diesel fuel consumed annually by motor carriers in the State of Maine.²⁰

Under the "with bridge traffic" or worst case scenario, SEA determined that the 9,168 rail carloads from the base year would be diverted to 36,672 loaded trucks per year and 36,672 empty trucks per year. SEA calculated that the loaded trucks would consume 2,444,800 gallons of diesel fuel (based on 36,672 truckloads times 300 miles divided by 4.5 miles per gallon). The empty trucks would consume 1,692,554 gallons of diesel fuel (based on 36,672 truckloads times

²⁰Maine Department of Revenue, Diesel Tax collection data, 2004 (most recent available).

300 miles divided by 6.5 miles per gallon). Because MMA reported that it consumed approximately 862,296 gallons of diesel fuel in the base year handling the 9,168 carloads on the rail line, the difference between the fuel consumed by MMA and the fuel that would be consumed by trucks would be an additional 3.3 million gallons of diesel fuel. This analysis is based on the same assumptions for the “without bridge traffic” scenario above:

- An average truck trip length of 300 miles.
- Loaded trucks would have a fuel efficiency of 4.5 miles per gallon.
- Empty trucks would have a fuel efficiency of 6.5 miles per gallon.
- One rail carload would equal 4.0 loaded trucks and 100% of the trucks would arrive or return empty.

The estimated 3.3 million additional gallons of fuel is about 1.8% of the total 180 million gallons of diesel fuel consumed annually by motor carriers in the State of Maine.²¹ When compared with the annual state fuel consumption total, the worst case increase in fuel consumption resulting from the additional trucks that could result from the proposed abandonment would be minor and, therefore, would not have a significant adverse effect.

3.6 Air Quality and Noise

In its environmental rules adopted in 1991, the Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrants detailed analysis.

Air Analysis: Under the Board’s environmental rules, the applicable threshold for analyzing potential impacts to air pollution is an increase in truck traffic of more than 10 percent of the Average Daily Traffic (ADT) or 50 vehicles a day on any affected road segment.²² As stated above in this Draft EA, should the proposed abandonment be approved and implemented, there would be an increase of more than 50 vehicles a day on affected road segments. For example, I- 95 could experience an increase of 306 trucks a day, and Route 11 could experience an increase of a maximum of 251 vehicles a day. These roadways could see increases of 2.9%-4.4% and 7.6% -11.5% respectively over existing ADT levels (see Table 3) using the 4 trucks to 1 rail car diversion ratio explained in detail above.

Penobscot and Aroostook Counties are currently in attainment with all National Ambient Air Quality Standards (NAAQS) (40 CFR 50). Penobscot County achieved attainment status in 1997 having been in non-attainment for violation of the sulfur dioxide (SO₂) NAAQS. The SO₂ emissions were from a point source. Air pollution control measures enacted at the source reduced SO₂ emissions and no further violations occurred. Aroostook County achieved attainment status in 1995 having been in violation of the particulate matter (PM₁₀) standard.

²¹ Maine Department of Revenue, Diesel Tax collection data, 2004 (most recent available information).

²² Argonne National Laboratory, Analysis of Major Trends in U.S. Commercial Trucking, 1977 – 2002 (ANL/ESD/09-3).

The source of the violation was identified as re-entrained (suspended in the air) road dust specifically from the sand placed on the roadways during the winter ice and snow season. In late winter and early spring the pavement dried and the sand was pulverized by traffic and became airborne. This was eliminated by implementing scheduled road sweeping and using cleaner sand. No further violations have occurred.

The maintenance plan for the County does not contain any restrictions on VMT as the source of the pollution was not a VMT issue. Since the original air pollution issues in both counties were not VMT-related, it has been determined that the potential increase in truck traffic through these counties would not contribute to any violation of the NAAQS. In addition, there would be no adverse impacts on air quality associated with the proposed salvage activities. Any generation of dust would be considered short term and could be mitigated by using standard best management practices for dust suppression, such as suspending operations during periods of high wind and watering work areas as necessary. SEA is including a condition in this Draft EA that would require MMA to use best management practices during salvage activities to ensure that dust is adequately controlled.

Noise Analysis: Noise disturbance from the salvage activities would be temporary and would not have an impact on the area surrounding the proposed rail line abandonment. Noise disturbances during the proposed salvage activities would be of short-term duration and could be adequately mitigated through best management practices, such as limiting salvage activities to appropriate daytime hours, if appropriate. Should the proposed abandonment be approved and implemented, noise generated from rail operations on those MMA rail segments would be eliminated.

Other areas that could be affected by additional noise should the rail segments be abandoned would be residences located along highways that would be experience additional truck traffic as a result of abandonment. For the additional truck traffic worst case scenario, average daily "with bridge traffic" truck volumes would increase from 59 to 306 vehicles per day during a two shift 16 hour workday. Residences and businesses adjacent to US-1, which would experience an additional 59 trucks per day or approximately 4 more trucks per hour, would not be exposed to a noticeable increase in the "Ldn noise level" (an average of the sound generated during a continuous 24 hour period) and therefore would not experience a noise impact. For I-95, additional truck traffic along the interstate would be approximately 19 trucks per hour over the 16 hour work day. This would increase noise, but that increase would not result in an increase equal to or more than 3 dBA Ldn, the Board's noise threshold set forth in 49 CFR 1105.7(e)(6)(i). Therefore SEA has preliminarily determined that the proposed abandonment would not result in significant noise impacts to the residences proximate to I-95.

The noise level increase along SR-11 for the worst case scenario would exceed the Board's noise threshold because residences are closer to the roadway than the residences adjacent to I-95. Moreover, SR-11 has greater truck volumes than US-1. On SR-11 north of Ashland, the existing percentage of trucks varies from 7% to 14%. Adding 231 trucks per day or approximately 15 trucks per hour, the number of trucks that could result in this area from the proposed abandonment would create an increase of 4 dBA with the future average noise levels equaling 65 dBA in the rural and undeveloped wooded areas along the corridor. Total noise

levels considering the potential addition of all vehicles, including heavy trucks, that could result from the proposed abandonment, even those traveling at lower operating speeds through towns, would be 60 dBA, below the Board's criteria of 65 dBA.

On SR-11 south of Ashland, the proposed abandonment could add 231 trucks per day to the southern section of SR-11 would increase noise by an average of 2.7 decibels. This increase is below the Board's 3 decibel criteria and, consequently, SEA preliminarily concludes that there would not be a noise impact. In the rural areas south of Ashland, the Ldn noise levels along SR-11 would be 65 dBA. The Ldn noise level in Ashland and the communities to the south along SR-11 would decrease to 60 dBA as the vehicular traffic, including heavy trucks, slows and travels through these towns. The additional trucks, although creating more than 3 dBA increase in the Ldn noise level north of Ashland, would not introduce a new traffic noise source to this primarily rural and undeveloped wooded area. Ldn noise levels in all the communities along SR-11 would be 60 dBA, which is below the Board's criteria of 65 dBA.

3.7 Rail Safety on the Rail Segments Proposed for Abandonment

Based on its analysis to date, SEA anticipates no significant safety concerns related to the proposed discontinuance of service and abandonment. One minor safety concern that currently exists on the active MMA rail segments proposed for abandonment has been the possibility of injury to individuals trespassing on railroad right-of-way. This safety concern would cease if abandonment is approved and implemented. Another safety concern related to current rail service operations is the interaction of the train with vehicular traffic and pedestrians at public or private at-grade rail/road crossings. If the proposed abandonment is approved, rail operations would no longer occur at 52 public signalized at-grade road crossings along the rail segments proposed for abandonment. Moreover, approximately 46 un-signalized public crossings and 214 private crossings (includes private, temporary access, service and farm crossings), would be eliminated, also eliminating the possibility of grade crossing accidents at these locations.

No hazardous materials spills have occurred on the lines to be abandoned under the present owner and MMA is not aware of any spills that occurred prior to its ownership. The vast majority of commodities that MMA transports within the area of the proposed abandonment are not hazardous and only a small fraction could be considered potentially hazardous.

3.8 Socioeconomics: Existing Environment and Potential Impacts Associated with Changes to the Physical Environment

Based on consideration of the information available to date, SEA preliminarily concludes that the proposed abandonment and discontinuance of service would not result in potential socioeconomic impacts resulting from change to physical environment. The proposal itself, if approved and implemented, could have socioeconomic effects that are not related to the physical environment. For example, there may be substantial potential adverse effects on employment (both locally and state-wide) if rail service in the area were to cease. As explained below, these effects—critically important though they are—are not environmental issues to be assessed in detail in this Draft EA. These important issues, among others, will be carefully considered by the Board as part of the transportation merits of this proceeding under 49 U.S.C. 10903.

Aroostook County is a rural area with an average population density of about 11 persons per square mile. According to the US Census estimates (2008), Aroostook County has an estimated total population of 71,676²³ people living across 6,672 square miles of land. The cities of Presque Isle and Caribou are the two major population centers in the county and have estimated populations of 9,045 and 8,093 respectively.²⁴ Other population centers along the MMA rail line are the towns of Ashland, Easton, Ft. Kent, Houlton, Limestone, Madawaska, Mapleton, New Limerick, Oakfield, Portage Lake and Frenchville.

Penobscot County is also a rural area, though more densely populated than Aroostook County. With an estimated 2008 population of 148,651, Penobscot County has an average population density of about 44 persons per square mile across 3,396 square miles of land. The population in Penobscot County has increased by approximately 3,700 people or 2.5 percent since 2000. Northern Penobscot County, however, where the proposed abandonment lines are located is very rural and sparsely populated.

Aroostook County's per capita personal income was reported at \$27,633 in 2007, about 72 percent of the national per capita income of \$38,615 and about 81 percent of the State of Maine's per capita personal income of \$33,991. Penobscot County's per capita income was reported to be slightly higher than Aroostook County at \$30,574.²⁵ Aroostook County's 24-month unemployment rates were 6.2 percent and 7.3 percent for 2007 and 2008, respectively, higher than the national average of 4.6 percent and 5.8 percent for the same periods.²⁶ Penobscot County's unemployment rates have fared better at 5.6 percent and 5.1 percent during the same time period.

Some shippers have asked SEA assess the socio-economic harms that would likely befall many communities in Northern Maine and possibly the entire state if the Board were to allow this abandonment and the shippers lost rail service. By having to rely on trucks, the shippers argue, they would suffer further economic harms that could drive them to the point of ceasing their operations and closing their businesses. Workers would lose their jobs in areas where well paying jobs are rare.

As explained earlier in this Draft EA, socio-economic impacts are only required to be assessed in a NEPA analysis to the extent that the potential economic harms are a result of changes in the physical environment. For example, if an agency approved an action that caused wide-spread erosion into waterways and the water quality degraded to the point where fisherman could no longer make a living fishing those waters, that would be a socio-economic impact that must be assessed in the environmental review process. Based on the available information, it

²³U. S. Census Bureau. (2000). *American FactFinder fact sheet: Aroostook County, ME*. Retrieved October 29, 2009, from <http://factfinder.census.gov>

²⁴U. S. Census Bureau. (2000). *American FactFinder fact sheet: Presque Isle & Caribou, ME*. Retrieved October 29, 2009, from <http://factfinder.census.gov>

²⁵Bureau of Economic Analysis, Regional Economic Accounts, Local Area Personal income, retrieved November 17, 2009, from <http://www.census.gov/popest/cities/SUB-EST2008-states.htm>.

²⁶Maine Department of Transportation. *ARRA TIGER Grant Application: Northern Tier Preservation Project*. September 15, 2009. p.8.

does not appear that the socio-economic concerns that have been raised in this case, if they occur, would be caused by changes to the physical environment. Thus, those socio-economic concerns, though very serious for the people of Maine and those of us who are studying, analyzing, and considering options to abandonment, do not require the kind of detailed environmental analysis that some have suggested should be prepared here. Rather, such socio-economic concerns are more appropriately addressed as part of the transportation merits of this proceeding. SEA believes this approach is appropriate and reasonable under the circumstances presented in this case.

3.9 Biological Resources

The proposed abandonment is not likely to have an adverse impact on the existing biological resources within the right-of-way. MMA has used vegetation suppression techniques along the right-of-way to minimize vegetation growth as required by federal regulations and Maine statutes. Statewide databases have been reviewed for threatened and endangered species, and accordingly noted that the area to be abandoned contains habitat for inland waterfowl certain wading bird species, bald eagles, salmon and lynx. SEA will send this Draft EA to the US Fish and Wildlife Service, the Maine Department of Conservation (MDC)(both of whom received copies of the PDEA), and the Maine Department of Inland Fisheries and Wildlife to obtain additional information and determine with certainty whether the proposed abandonment could adversely impact any threatened or endangered species. In addition, SEA has included a condition in this Draft EA that requires MMA to consult with US Fish and Wildlife Service and report the outcome of consultation to SEA to determine what steps may be necessary under the Section 7 of the Endangered Species Act.

MDC's Natural Areas Program commented that it searched its system files to determine if there are any rare or unique botanical features documented within the area of the proposed abandonment. MDC found that the area within and surrounding the proposed abandonment contains 15 rare or significant natural plant communities and 67 different types of rare plant species. MDC commented that any disturbances associated with salvage activities, and possibly following abandonment, could affect these plant species. Specifically, MDC noted that two sites – the Little Crystal Fen in the towns of Crystal and Sherman and the area of rail line following the Aroostook River in the City of Caribou – should be given special consideration during salvage activities. MDC requested that its Natural Areas Program be contacted prior to salvage to ensure that these two sites are flagged and protected. Accordingly, SEA is recommending a condition in this Draft EA that would require MMA to consult with MDC's Natural Areas Program prior to initiating salvage and report to SEA the outcome of consultation.

Based on the analysis conducted to date, SEA preliminarily concludes that the proposed abandonment is not likely to have an adverse effect on rare, threatened and endangered species if appropriate mitigation measures are imposed. In addition, to the condition requiring consultation with MDC's Natural Area Programs, SEA is recommending a condition that would require MMA to develop a salvage plan in consultation with SEA and the US Fish and Wildlife Service. SEA is also recommending a condition requiring MMA to consult with the US Fish and Wildlife Service regarding the potential impacts of salvage of the rail segments proposed for abandonment on Federally-listed threatened and endangered species and report the results of

those consultations to SEA for appropriate action under Section 7 of the Endangered Species Act.

3.10 Water

The MMA rail segments proposed to be abandoned cross numerous unnamed wetlands, streams and rivers in addition to the following list of named resources shown in Table 8. Some lakes, ponds and large wetland systems abutting the line are noted as well.

Table 8: Water Resources Near Rail Segments Proposed for Abandonment

Madawaska Subdivision

Madawaska – Factory Brook, Albert Brook, Martin Brook, Beaulieu Brook
Frenchville – Gagnon Brook, Rosignal Brook, Burgoin Brook, Dickey Brook
Fort Kent – Daigle Brook, Audibert Brook, Regiest Daigle Brook, Perley Brook, Fish River Falls, Dinette Brook
Wallagrass – Wallagrass Stream, Clark Brook
Eagle Lake – Gilmore Brook, Brown Brook, Devoe Brook, Pond Brook, Pennington Brook
Winterville PT – None Named
T14 R7 Wells – None Named
T14 R6 Wells – None Named
Portage Lake – None Named, Portage Lake
Nashville PT – Sterling Brook, Little Machais Pond
Ashland – Little Machais River
Masardis – Squapan Stream, St. Croix Stream, Blackwater River
T9 R5 Wels – Fowler Brook
Saint Croix Twp – Matherson Brook, Boody Brook, Harper Brook, Beaver Brook, Howe Brook, Saint Croix Lake
Webbertown Twp – Smith Brook
Dudley Twp – Smith Brook
Smyrna – Moose Brook, Dudley Brook, Soule Brook, Duck Pond Outlet, White Lake, Cold Brook
Oakfield – Colbroth Brook, Thomas Brook
Dyer Brook – Battle Brook
Island Falls – Peasley Brook, Alder Brook, Bog Brook
Crystal – Cold Brook, Crystal Brook, Thousand Acre Bog
Sherman – Scudder Brook, Sandy Brook, Bog Brook, Kelly Bog
Herseytown Twp – Mud Brook
TI R6 Wels – Hay Brook
Grindstone Twp – Seboeis River, Grindstone Falls, Schoodic Deadwater
Millinocket – Jerry Pond, Ledge Cut Brook, Smith Brook, Little Smith Brook

Presque Isle, Limestone and Easton Subdivisions

Masardis – Clayton Brook, Squapan Lake, Nowland Brook,

T11 R4 Wels – Squapan Inlet, West and East Branch
Chapman – Dudley Brook
Mapelton – Libby Brook, Teakettle Brook, North Branch Presque Isle Stream
Presque Isle – Hanson Brook, Presque Isle Stream, St. Croix Stream, Birch Brook, Richardson Brook,
Hardwood Brook , Aroostook River

Presque Isle – Williams Brook, Prestile Streams; Easton – Elliot Brook, Driscoll Brook

Caribou – Prestile Brook, Aroostook River, Little Madawaska River

Ft. Fairfield – Gray Brook, Goodrich Brook, Colony Brook

Houlton Subdivision

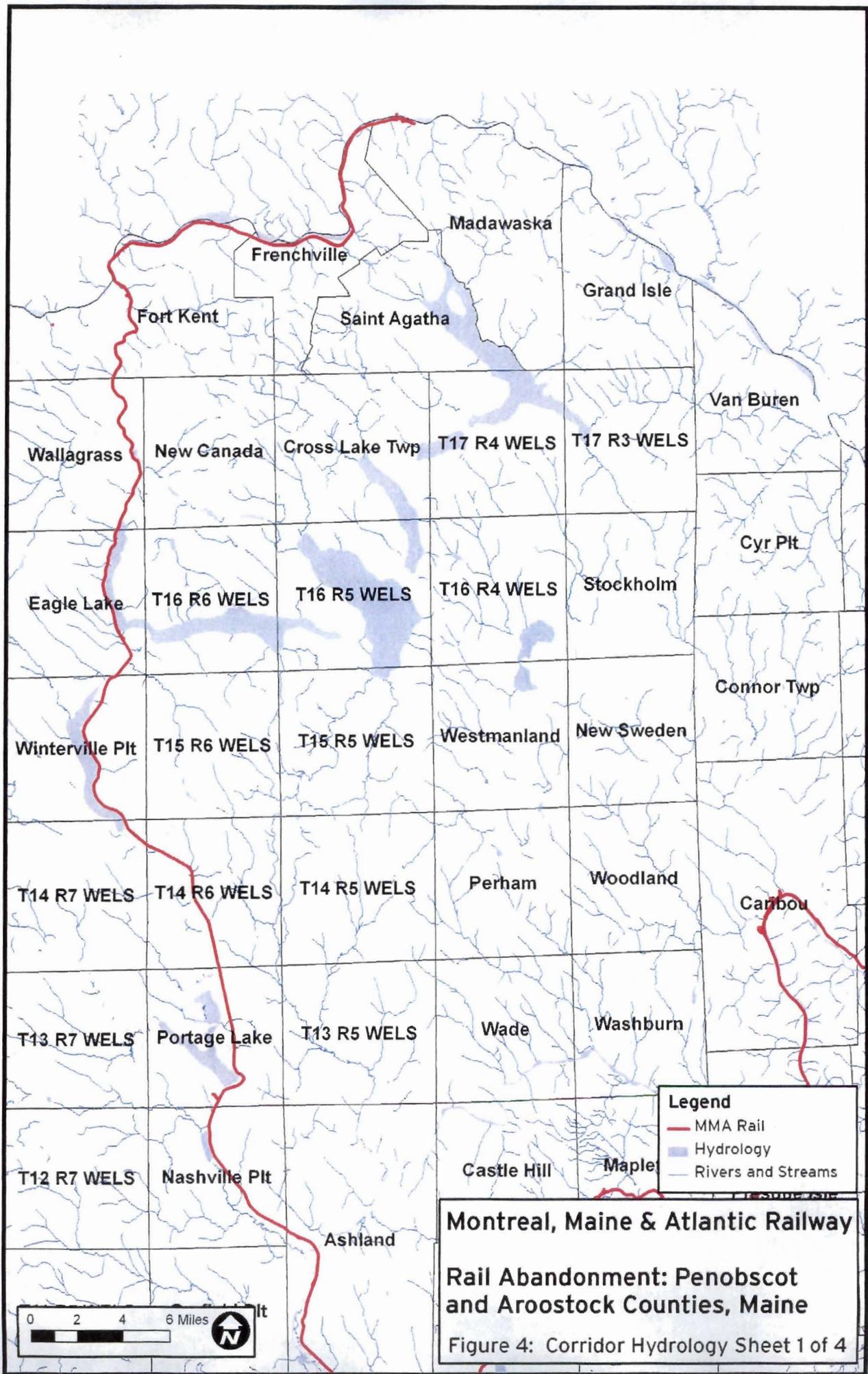
Oakfield – Colbroth Brook, Long Lake, Spaulding Lake

Smyrna – Limestone Brook, Marley Brook, Dunn Brook

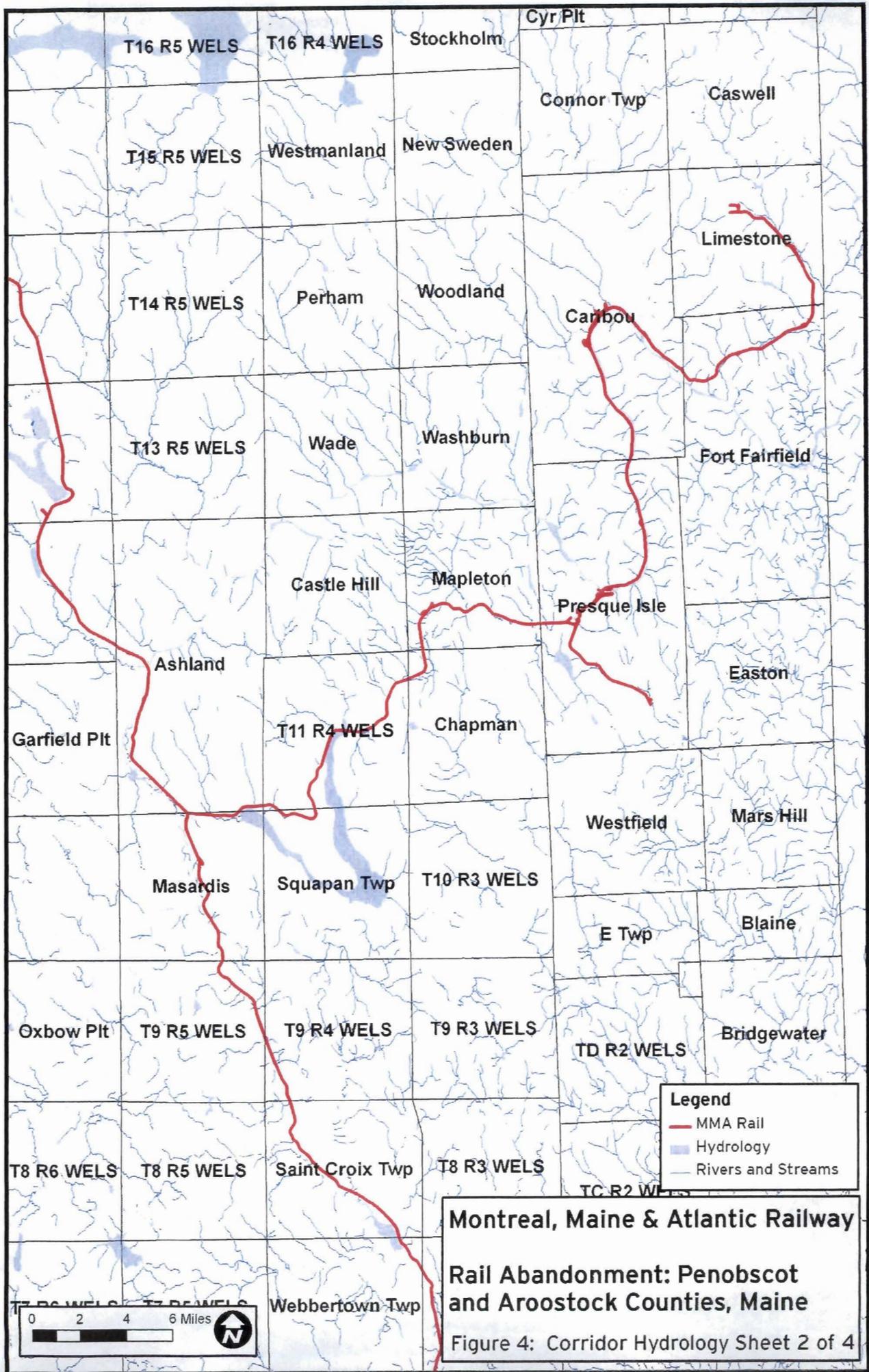
New Limerick – Cochrane Lake, Lamb Brook, Mill Brook

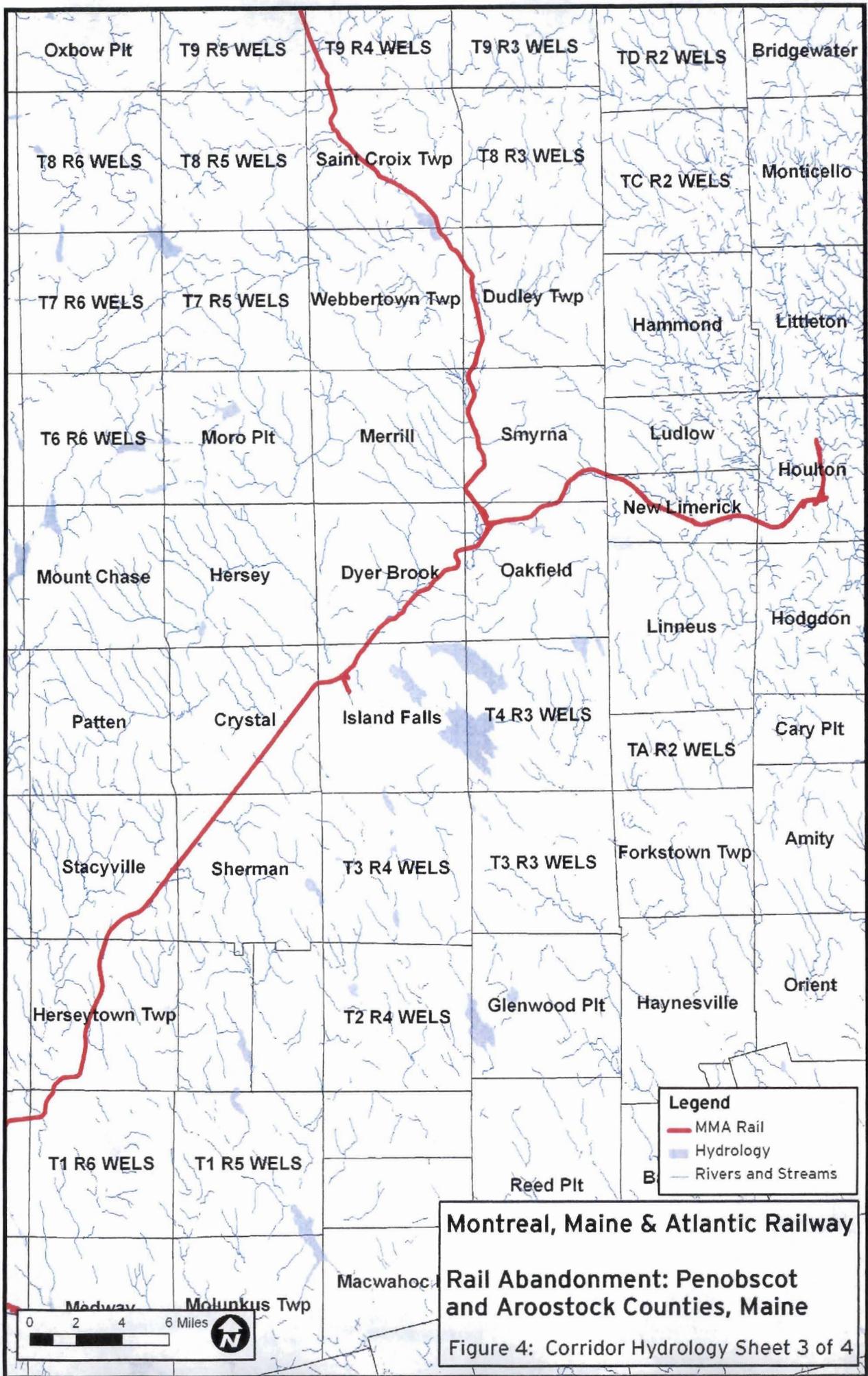
Houlton – Dog Brook, B Stream, South Branch Meduxnekeag River

Figure 4 depicts the hydrological features of the area along the rail segments proposed to be abandoned. MMA has stated that the proposed abandonment and track salvage activities would not contaminate water bodies because the proposed salvage activities would not result in the placement of dredged or fill material below the ordinary high water mark of the state's rivers, streams, lakes or in jurisdictional wetlands. MMA further states that salvage activities would not result in disturbance to any stream banks or railroad bridges. SEA will send this Draft EA to the U.S Army Corps of Engineers (Corps), the U.S. Environmental Protection Agency (EPA), the Maine Environmental Protection Agency (Maine EPA), and MDC for comment. These agencies also received copies of the PDEA. SEA is also recommending conditions in this Draft EA requiring MMA to consult with each of these agencies prior to initiating salvage activities to determine if the proposed abandonment would require any permits under Sections 401, 402, and 404 of the Clean Water Act (33 U.S.C. § 1342-44). Based on the information available to date, this mitigation should be sufficient to reduce any potential impacts.



Montreal, Maine & Atlantic Railway
Rail Abandonment: Penobscot and Aroostock Counties, Maine
 Figure 4: Corridor Hydrology Sheet 1 of 4





3.11 Historic and Cultural Resources

The original BAR line dates back to 1891. MMA states that there are 41 bridges on the rail line that are 50 years old or older. Table 9 lists the rail bridges by subdivision and milepost location. The rail bridges are typical of the era in which they were constructed, containing open decks, through trusses, steel girders and stone piers. Many of these bridges have undergone significant improvements through the years, with most of the original members being replaced with modern components. As previously stated, MMA does not plan to remove any bridges as part of the proposed abandonment.

Based upon current information provided by MMA, there are three structures that are over 50 years old adjacent to the proposed abandonment line. Two of the structures, the rail stations at Oakfield and Fort Kent, are no longer owned by the MMA railroad. The rail station at Fort Kent is also not on MMA right-of-way, and therefore not in the Area of Potential Effect (APE). The station at Oakfield is on MMA land under annual lease to the local historical society and is located within the APE (15-20 feet from the track centerline). MMA does not have any plans to remove, demolish or take any other action on this station.

A coal tower from 1933 is located in the Oakfield rail yard and is within the APE. If the proposed abandonment is approved, the yard at Oakfield would be included in the salvage activities but only the tracks, ties and other track material would be removed. The coal tower would not be demolished as a result of track salvage.

MMA is not aware of any known cultural or subsurface archaeological sites or resources on or adjacent to the lines to be abandoned. During salvage activities, MMA will only remove track and rail ties leaving ballast and other subsurface track materials intact.

Table 9: Inventory of Rail Bridges on Proposed Abandonment Lines by Subdivision and Milepost						
SUBDIVISION						
	Main Line	Ft. Fairfield	Houlton	Limestone	Presque Isle	
	111.14	2.61	0.35	1.66	10.07	
	113.14		7.02	14.60	14.03	
	128.54		11.67	18.80	17.75	
	131.32		16.56	25.54	21.26	
	136.48		14.16		24.91	
	139.56		17.25			
	139.66					

		140.66					
		148.28					
		148.70					
		151.54					
		154.04					
		154.59					
		161.03					
		164.74					
		167.76					
		179.34					
		185.84					
		193.50					
		224.51					
		236.44					
		241.83					
		242.73					
		251.75					
		253.87					
	Sub-Total	25	1	6	4	5	
	Total	41 Bridges					

SEA submitted the PDEA to the Maine Historic Preservation Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO responded to SEA, recommending that MMA conduct a formal survey and inventory of the rail segments proposed for abandonment to determine if the rail line, or any portion of the rail line, is eligible for inclusion in the National Register of Historic Places (National Register). No determination of eligibility has been made at this time; however, given the age of the line and length of service, the SHPO has stated that abandonment of the rail segments, even if the segments themselves are left in place, could constitute an adverse effect on historic properties. The SHPO further commented that it believes there are no prehistoric and archeological resources of concern. Accordingly, SEA is recommending a condition that would require MMA to retain the rail segments proposed for abandonment and take no steps to alter the segments themselves or any structures on the rail right-of-way until the Board completes its responsibilities under the National Historic Preservation Act, 16 U.S.C. § 470(f).

Pursuant to 36 CFR 800.2, SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes which may have ancestral connections to the project area. SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed

abandonment. The data base indicated that the following four Federally-recognized tribes may have ancestral connections to the project area: Aroostook Band of Micmacs, Houlton Band of Malaseets, the Passamaquoddy Tribes (Indian and Pleasant Point Townships), and the Penobscot Tribe. SEA has added the Tribes to the service list for this proceeding to ensure that they receive a copy of this Draft EA for comment.

3.12 Response to Maine DOT Comments on PDEA

This section responds to comments received from the Maine Department of Transportation (Maine DOT) on the Preliminary Draft Environmental Assessment (PDEA) issued by the Board on February 4, 2010 in this proceeding. SEA has considered Maine DOT's comments in preparing this Draft EA, but because the comments provided by Maine DOT were submitted so close to the issuance of the Draft EA, we have responded to the comments in this separate attachment.

Description of Line

- 1. SEA should examine the impacts on all shippers that use and rely on MMA, not only the "significant users" listed in this section. Even small customers can be greatly affected by the loss of rail service, and the impacts on rural communities of harm to any shipper / local employer can be significant.**

The application filed by MMA identifies customers that originated and/or received the largest number of carloads for the 12 month Base Year (October 1, 2008 through September 30, 2009). The Board will fully consider the impacts on employees, shippers, and local communities in reaching its final decision on the abandonment application. SEA recognizes that concerns have been raised related to possible job loss and reduced business, such issues are not the focus of the Board's environmental review process under NEPA unless the impacts would result in any change or disruption to the physical environment, which does not appear to be the case here.

- 2. The potential effect on local employment by shippers should be further explored with the shippers. Further, MMA has indicated that the abandonment would lead to a reduction in railroad employment.**

See response to Comment #1.

History of Rail Operations

- 3. Table 4 significantly understates the carload history on the lines subject to abandonment by excluding overhead or "bridge" traffic. MMA handles thousands of additional carloads to and from a customer in Madawaska that pass over the lines. Further, based on MMA's abandonment filing, it should be clarified whether the 2009 figures are for the complete year, or only through September 2009.**

The Draft EA does not exclude bridge traffic and the 2009 figures are for the complete year. As explained in the Draft EA, in the 12 month Base Year, October 1,

2008 through September 30, 2009, MMA handled 6,044 carloads of traffic that either originated or terminated on the line, and 3,124 carloads of "overhead" or "bridge" traffic (traffic that does not originate or terminate on the rail segments proposed for abandonment). The overhead carload data includes rail shipments that traverse the lines between Millinocket and Madawaska as overhead or bridge rail traffic. Thus, the Draft EA appropriately considers as bridge traffic.

Alternatives to Abandonment

- 4. At this time Maine DOT does not believe that is clear that abandonment of the lines is justified. Further, the State continues to explore options for possible acquisition and continued operation. The State is exploring bond funding for a purchase, and Secretary of Transportation LaHood has instructed the Federal Railway Administrator to explore federal funding assistance. SEA's conclusions are based on the assumption that the abandonment will be granted, and that funding will not be available for a public purchase.**

In Section 2.0, Alternatives to Abandonment, SEA addresses in detail a number of alternatives to the proposed abandonment: No-Action (denial of the abandonment application); opportunities for continued operation of the lines through an acquisition by another carrier or a subsidy to MMA; authorization of discontinuance of service and not full abandonment; and the opportunity for railbanking/interim trail use or other public use, which could keep the right-of-way within the national rail transportation system. The discussion of alternatives in the Draft EA Section 2.0 discusses possible federal funding assistance and bond issues.

Existing Conditions and Environmental Impacts of Abandonment

- 5. SEA should examine and address the long term secondary/cumulative impacts of the berm areas along the railroad that could be prone to slumping, failure, or eroding if left un-maintained.**

If abandonment authority is granted, MMA states in its abandonment application that it plans to salvage track, ties, and other track materials and sell the underlying real estate. MMA is responsible for maintenance of the right-of-way while it retains ownership and use of it. If the right-of-way were to be acquired for continued rail service, the new owner would assume responsibility for maintenance. If abandonment were to be granted and MMA salvaged the rail segments and sold the right-of-way, the new owner would be responsible for future maintenance of the property. Under a railbanking/interim trail use arrangement under the Trails Act, the trail sponsor would be responsible for maintenance. To ensure that any salvage activities that could be conducted by MMA are done so with a minimum of environmental impact, SEA has recommended a condition that would require MMA use best management practices to prevent erosion during salvage activities.

- 6. It has been assumed that all bridges will be left in place; however, the effects of leaving the bridges in place following an abandonment needs to be further explored.**

SEA should consult further with appropriate State and Federal agencies with jurisdiction over waterways.

This abandonment may not be approved or consummated, and many of the alternatives examined in this Draft EA would require that the bridges continue to be maintained. SEA welcomes comments from the US Coast Guard, the US Army Corps of Engineers and other state and federal agencies and will appropriately address any comments that it receives in its further environmental documentation.

Transportation

- 7. The analysis set forth assumes that truck is an alternative for all customers. Customers should be interviewed to determine if, based on commodity or truck rates, this is true. As explained in the Draft EA, MMA indicates that in the absence of rail, the majority of its commodities – logs – could be transported by logging trucks.**

The information that is currently available supports the discussion in the Draft EA explaining that alternative sources of transportation are available to all shippers currently served by MMA. The Draft EA evaluates the current estimates of traffic volumes and road capacities, and concludes that the regional network could absorb increased truck traffic based on projected levels of rail to truck diversion. Information provided by MMA in its application indicates that each of the customers located on the lines proposed for abandonment already use truck transportation, in some cases exclusively either for inbound or outbound transportation.

- 8. Maine DOT (Mobility Management Division and Transportation Analysis Section) should be consulted further with respect to the SEA's statement that the existing roadways could support the additional truck traffic that would be generated if the proposed abandonment were authorized. Maine DOT believes that the local roads that serve several of the shippers would be substantially impacted by the additional truck traffic. SEA should examine impacts not only on the major routes but on all affected routes. Examination should be not only of capacity, but also of road construction and ability to handle heavy truck traffic. SEA should examine and address how the proposed impacts will affect or influence the findings and recommendations of the Aroostook County Transportation Study.**

In preparing the transportation section of the Draft EA, SEA evaluated regional transportation impacts on major public highways and on local roads. For the major public highways, SEA's analysis considered the potential impacts on key travel routes, US-1, Route 11 and I-95 as described in this Draft EA. In examining the potential impacts to local roads, SEA determined that due to the large road network in Aroostook County and the wide distribution of the shippers throughout northern Penobscot and Aroostook Counties, the impacts to local roads by additional truck traffic would be minimal.

SEA also reviewed the Aroostook County Transportation Study (ACT Study), and determined that the proposed abandonment would be consistent with the proposed transportation improvements. SEA has added the Mobility Management Division and Transportation Analysis Section to the service list for this proceeding. They will receive a copy of this Draft EA for review and comment.

9. Page 16, Paragraph 2 references "Table X." This table is not included.

The reference was for Table 5 in the PDEA. In the Draft EA, all tables are numbered and properly labeled in the document.

10. Maine DOT does not believe that there is adequate support for applying the more conservative rail to truck diversion factor (2.3 trucks per railcar) versus the accepted industry standard (4.0 trucks per railcar). The 4.0 standard would significantly increase the impacts of the proposed action, especially if, as noted above, the PDEA and MMA have understated the volume of traffic that would be affected.

SEA agrees with Maine DOT and has not used the 2.3 to 1 rail to truck conversion ratio for its diversion analysis.

An alternative method for converting commodity volumes to truck counts is presented in 2004 Truck Weight Report (page 10-12):
<http://www.state.me.us/mdot/freight/documents/Non20Exempt.20Final20Report.pdf>.

SEA reviewed the 2004 Truck Weight Report and still believes the 4 to 1 rail to truck conversion ratio is an acceptable and conservative approach in calculating potential truck diversion impacts in this proposed abandonment case.

The STB should consult with Maine DOT Transportation Analysis Section to determine the appropriate methodology for converting rail volumes to truck traffic.

SEA has added the Maine DOT Transportation Analysis Section to its service list for this proceeding.

11. The EA should quantify the pavement and bridge cost impacts for the proposed action. Maine DOT developed a methodology to perform such cost analysis for 5- and 6- axle trucks in the 2004 Truck Weight Report (page 31):
<http://www.state.me.us/mdot/freight/documents/Non20Exempt20Final20Report.pdf>.

The Draft EA adequately evaluates the current estimates of traffic volumes and road capacities and reasonably concludes that the regional network could absorb increased truck traffic based on projected levels of rail to truck diversion. MMA states in its application for abandonment that 90% of this traffic currently moves by truck; and any

impacts on area roadways are already occurring. Given the potential for a small impact, SEA does not find that quantifying pavement and bridge costs is necessary.

Air Quality and Noise

- 12. Air and noise impacts may increase if the 4.0 truck to railcar diversion factor is used.**

In the Draft EA, SEA performed an appropriate analysis of traffic resulting from the diversion from rail to truck using the 4.0 rail to truck conversion factor “with bridge traffic” and the 4.0 rail to truck conversion factor “without bridge traffic.” Based on that analysis, SEA concluded that for each scenario, including the worst case with the bridge traffic, there would be and no unacceptable increase in air emissions and noise levels.

- 13. Maine had one nonattainment area for particulate matter (PM10) that was redesignated to attainment effective October 30, 1995. This area is located in downtown Presque Isle, within a one-half mile radius of the Northeastland Hotel. Figure 1 shows the boundaries of Presque Isle PM10 maintenance area.**

The Draft EA addresses the Presque Isle PM 10 maintenance area in Section 3.

- 14. The SEA should analyze the impacts of the increased diesel emissions from the diverted truck traffic on Route 1 and fugitive dust emissions from salvage operations on the Presque Isle PM 10 maintenance area. More specifically, SEA should determine whether the proposed action will cause or contribute to any new local violations of the National Ambient Air Quality Standards (NAAQS) for PM10.**

Penobscot County and Aroostook Counties are currently in attainment with all NAAQS standards. Penobscot County achieved attainment status in 1997. Aroostook County achieved attainment status in 1995 having been in violation of the particulate matter (PM10) standard. The source of the violation was identified as road dust from the sand placed on the roadways during the winter ice and snow season. No further violations have occurred. In the Draft EA, SEA explains that the increase in truck traffic through these counties would not contribute to any violation of the NAAQS. As the Draft EA shows, SEA’s evaluation of air quality concluded that there would be no unacceptable increase in air emissions.

Safety

- 15. Are there safety concerns, based on the list of chemicals, corrosives and fertilizers in Table 2, with hauling hazardous materials via truck through various downtowns in Aroostook County?**

The vast majority of commodities that MMA transports over the lines proposed for abandonment are not hazardous and only a small fraction could be considered potentially

hazardous. In the Draft EA, SEA has determined that there would be little increase in the rate of traffic accidents involving heavy trucks due to the proposed abandonment, and, therefore, the increased risk of hazardous materials spills should be minimal. Moreover, all hazardous products carried by the trucking industry are subject to stringent US DOT transport regulations. Thus, SEA sees no significant safety concerns with hauling hazardous materials by truck through downtowns in Aroostook County, based on the information that is currently available.

Biological Resources

- 16. Increased truck traffic as a result of the proposed abandonment will result in additional impacts on local species, with higher potential for road kill. In particular, Maine DOT is concerned about secondary and indirect impacts to the Canadian lynx.**

To ensure that any potential impacts to federally-listed threatened and endangered species are properly considered during salvage. SEA has recommended a condition in the Draft EA regarding salvage. There would be no way to impose a condition on MMA to reduce instances of road kill.

- 17. The inventory of rare animal and plant features needs to be better described. Data from Maine Department of Inland Fisheries and Wildlife and the Maine Natural Areas Program show a number of features of interest that need to be identified and assessed. These Departments need to be consulted more fully.**

SEA, in cooperation with the Maine Department of Conservation, has identified several species that should be given special consideration during any salvage activities. To ensure that these species are properly considered, SEA has recommended an appropriate condition in the Draft EA.

- 18. SEA should further examine the need for maintenance of stream crossings to minimize blockage and impacts to salmon. If bridges are not removed as part of the abandonment, then a method needs to be established to ensure that crossing structures will be maintained after abandonment to prevent crumbling and the blocking of passage.**

In abandonment proceedings, the environmental analysis appropriately focuses on the potential environmental impacts of the diversion of rail to truck traffic and the salvage of the railroad. Subsequent activities such as reuse are not part of the Board's environmental review. See Goos v ICC, 911 F.2d 1283 (8th Cir 1990).

Historical and Cultural Resources

- 19. A full Section 106 analysis needs to be completed under the auspices of the State Historic Preservation Officer.**

As explained in the Draft EA, SEA served the Preliminary Draft EA on the Maine Historic Preservation Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO submitted comments to SEA recommending that MMA conduct a formal survey and inventory of the rail segments proposed for abandonment to determine if all or some of them, are eligible for inclusion in the National Register of Historic Places (National Register). No determination of eligibility has been made at this time; however, given the age of the line and length of service, the SHPO has stated that abandonment of the rail lines, even if the track and structures are left in place, may constitute an adverse effect on historic properties. The SHPO further commented that it believes there are no prehistoric and archeological resources of concern. Given the SHPO's comments, SEA has recommended a condition in the Draft EA that would require MMA to retain its interests in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f). This should alleviate the concerns raised by Maine DOT.

- 20. As noted, there are at least 41 bridges on the lines proposed for abandonment. From the report and lack of photographs it cannot be determined if they have historic value, or what condition they are in. This should be more fully addressed in the Section 106 analysis.**

As explained in the Draft EA, any bridges 50 years old or older will be considered as part of the Section 106 process that will be undertaken for this project.

- 21. Maine DOT believes that the station at Oakfield is still owned by MMA (although it may be leased to a local organization). Accordingly, preservation of the station needs to be addressed as part of the Section 106 analysis.**

Any structures 50 years or older will be considered as part of the Section 106 process for this project.

Social and Economic

- 22. Considering the fragile nature of the agriculture and forest product industries, the economic impacts of increasing the overall costs to move goods should be addressed in detail.**

Social and economic impacts associated with the abandonment are issues considered by the Board as part of the transportation merits. Socio-economic issues are only part of the environmental review process if the proposed abandonment or related salvage activities would result in any change or disruption of the physical environment that would result in adverse socioeconomic effects, which does not appear to be the case here.

23. **Although there may be a marginal benefit to the local trucking industry, the countervailing increased costs to customers, increased fuel costs and consumption, and increased pavement and bridge costs discussed above, need to be analyzed to determine the net effect on the economy.**

The Board will consider all socioeconomic issues raised in this case in its decision on the transportation merits of the abandonment application.

24. **Rail dependent shippers are some of the major employers in this rural region. Adverse effects on the shippers could have significant socio-economic impacts on the communities in which they and their employees are located, Further study needs to be made of these potential impacts.**

The Board will consider socioeconomic issues in its decision on the transportation merits of the abandonment application.

4.0 SEA's Preliminary Conclusions

Based on the information available to date as well as the comments received on the PDEA, SEA preliminarily concludes in this Draft EA that the increased truck traffic resulting from the proposed abandonment would be within the level of traffic allowed by area roads. And it appears that the potential effects on the environment, though adverse, would not be significant with the addition of the mitigation measures being recommended here. But we have not yet heard directly from a pivotal group--the citizens of Maine--on our preliminary conclusions. We welcome their comments and all comments will be considered during the EA process.

5.0 Preliminary Environmental Mitigation Recommendations

SEA preliminarily recommends that the following environmental conditions be imposed by the Board if it should decide to grant this abandonment and discontinuance proposal:

- 1. Prior to commencement of any salvage activities on the rail segments proposed for abandonment, the Montreal, Maine & Atlantic Railway, Ltd. (MMA) shall contact the Maine Department of Conservation's Natural Areas Program regarding potential impacts to rare species and/or significant natural communities and shall comply with its reasonable requirements.**
- 2. MMA shall consult with the National Geodetic Survey (NGS) prior to beginning salvage activities on the rail segments proposed for abandonment. If NGS identifies geodetic station markers that may be affected by the proposed abandonment, MMA 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. MMA shall report the results of**

these consultations in writing to the Board's Section of Environmental Analysis (SEA) prior to initiating salvage activities.

3. Prior to commencement of any salvage activities on the rail segments proposed for abandonment, MMA shall consult with the United States Army Corps of Engineers (Corps) to determine if a Section 404 permit under the Clean Water Act (33 U.S.C. 1344) would be required during salvage activities for any potential impacts to waters of the United States, including wetlands, and if applicable, shall comply with the reasonable requirements of the Corps. MMA shall report the results of its consultation back to SEA in writing.
4. Prior to commencement of any salvage activities on the rail segments proposed for abandonment, MMA shall prepare a salvage plan in consultation with SEA, U.S. Fish and Wildlife Service, Maine Department of Conservation, and the Maine Department of Inland Fisheries and Wildlife. MMA shall consider the potential impacts from salvaging activities to listed threatened and endangered species that may occur in the vicinity of the rail segments proposed to be abandoned. MMA shall report the results of these consultations in writing to SEA prior to initiating salvage activities.
5. Prior to commencement of any salvage activities on the rail segments proposed for abandonment, MMA shall prepare a salvage plan in consultation with SEA and the U.S. Fish and Wildlife Service to minimize potential impacts from salvaging activities to Federally listed threatened and endangered species that may occur in the vicinity of the rail segments proposed to be abandoned.
6. Prior to commencement of any salvage activities on the rail segments proposed for abandonment, MMA shall consult with the United States Environmental Protection Agency (EPA) or the appropriate state designee, to ensure that any concerns regarding applicable stormwater management requirements are addressed. MMA shall report the results of these consultations in writing to SEA prior to initiating salvage activities.
7. To control sedimentation and prevent spills and fugitive emissions (dust and other applicable particulate matter) into surrounding waterways during salvage activities on the rail segments proposed for abandonment, MMA shall implement the following best management practices:
 - MMA shall utilize appropriate techniques, such as silt fences, to minimize soil erosion during salvage.
 - MMA shall disturb the smallest area possible around streams and wetlands, and shall immediately revegetate any areas it disturbs during salvage.
 - Prior to consummating the proposed abandonment, MMA shall regularly maintain and inspect culverts, bridge abutments and bridges left in place to avoid degradation to wetland and wildlife habitat areas.
 - During the performance of salvage activities on the rail segments to be abandoned, MMA shall comply with all applicable Federal, state, and local

regulations regarding fugitive dust. MMA shall minimize fugitive emissions created during salvage by using such control methods as water spraying and wind barriers.

- MMA shall observe all applicable Federal, state and local regulations regarding handling and disposal of any waste materials, including hazardous waste, encountered during salvage.
8. To reduce noise generated while conducting salvage activities on the rail segments proposed for abandonment, MMA shall to the extent possible, employ best management practices, such as limiting salvage activities to appropriate daytime hours.
 9. MMA shall retain its interest in and take no further steps to alter the historic integrity of the rail segments proposed for abandonment, as well as buildings and structures within the project right-of-way (area of potential effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f), has been completed. MMA shall report back to SEA regarding any consultations with the Maine State Historic Preservation Office. MMA may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition

6.0 Public Participation and How to Submit Comments

SEA requests comments on all aspects of this Draft EA. To encourage public comment, SEA is distributing this Draft EA widely to the Federal, State, and local agencies, shippers, Federally-recognized Indian Tribes, and the parties of record listed on the Board's official service list for this proceeding. Written comments must be **postmarked by May 12, 2010**.

After readers have had a chance to review our Draft EA, SEA would appreciate comments on ways to improve our analyses, identification of corrections that should be made and areas that may warrant further work, and ideas about mitigation that could reduce potential environmental impacts. The more specific the comments are, the better SEA will be able to respond to them. Please submit comments on any aspect of this Draft EA during the 30-day public comment period provided for this purpose. Written comments on the Draft EA must be **postmarked by May 12, 2010** and may be submitted by following the instructions below.

- **By mail:** Please send an original to Surface Transportation Board, Case Control Unit, Washington, DC, 20423, attention Diana Wood. Please reference Docket No. AB 1043 (Sub-No. 1).
- **Electronically:** Access the Board's Web site at www.stb.dot.gov, click on "E-FILING" link. Please reference Docket No. AB 1043 (Sub-No. 1).

This Draft Environmental Assessment is also available for viewing (and downloading) on the Board's Web site at www.stb.dot.gov, under "E-Library," then under "Decisions & Notices,"

beneath the date "4/09/10." If you have questions or would like to speak a member of SEA, please feel free to contact Victoria Rutson or Diana Wood at the information below:

Victoria Rutson
rutsonv@stb.dot.gov
(202) 245-0295

Diana Wood
woodd@stb.dot.gov
(202) 245-0302

Finally, on March 12, 2010, the Board announced that it would hold a public hearing in Maine following the close of the written record on the transportation merits. Please check the Board's Web site at www.stb.dot.gov for additional information regarding the public hearing.

Comment due date: May 12, 2010.

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