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OEA

SERVICE DATE – FEBRUARY 14, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1087 (Sub-No. 1X)

Grenada Railway Company LLC – Abandonment Exemption – in Montgomery, Carroll, Holmes, Yazoo, and Madison Counties, Miss.

BACKGROUND

In this proceeding, Grenada Railway LLC (GRYR) filed a petition under 49 C.F.R. § 10502 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Montgomery, Carroll, Holmes, Yazoo, and Madison Counties, Mississippi. The rail line proposed for abandonment extends approximately 77.7 miles between Milepost 626.1 near Elliot, Mississippi and Milepost 703.8 near Canton, Mississippi (the Line). Maps depicting the Line in relation to the area served are appended to this Environmental Assessment (EA). If the petition becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

GRYR filed its petition with the Surface Transportation Board (the Board) on December 17, 2013. On January 17, 2014, the Mississippi Transportation Commission (the Commission) filed a letter with the Board stating that the Commission would like to explore all alternatives to the proposed abandonment and requesting that the Board defer the due date for filing protests or comments until April 28, 2014. On January 22, 2014, GRYR filed a letter with the Board in response to the Commission's request. In its letter, GRYR expresses support for the Commission's interest in exploring alternatives to the proposed abandonment and agrees with the Commission's postponement request. The Board favors the private resolution of disputes wherever possible. Accordingly, the Board has modified the procedural schedule for this proceeding, including the comment period for this EA. Comments on this EA will be due on April 28, 2014, rather than within 30 days of issuance as is typically required for petitions for exception in abandonment cases.

ENVIRONMENTAL REVIEW

GRYR 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. GRYR 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

Citing safety concerns, GRYR states that, on July 26, 2011, it embargoed a concrete bridge located at Milepost 656.4 that had fallen into disrepair. GRYR states that it subsequently removed two sections of track, located at Milepost 625.6 and Milepost 703.8, respectively, at the request of the Federal Rail Administration in order to prevent the embargoed bridge from being crossed inadvertently. The embargo of the bridge and the removal of the two sections of the track effectively embargoed all approximately 77.7 miles of the Line. Accordingly, no rail traffic has moved over the Line since July 2011.

GRYR states that there are two shippers located on the Line. These are Winona Hardwood, located in Winona, Mississippi and Winona and Burrows Paper Corporation located in Pickens, Mississippi. According to GRYR, Winona Hardwood anticipated shipping 5 carloads of lumber in the second half of 2011 and Winona and Burrows Paper Corporation anticipated shipping 25 boxcars of wood pulp in the second half of 2011. Due to the embargo of the bridge at Milepost 656.4, neither these nor any other shippers have been active on the Line since July 2011.

Because no traffic has moved on the Line in over two years, OEA concludes that the proposed action would not adversely impact the development, use, or transportation of energy resources or recyclable commodities; the 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

If the proposed abandonment is approved, GRYR states that it would remove rail, ties, and related material from the Line, but would leave existing bridges, trestles, and culverts in place. GRYR states that salvage would be conducted within the existing rail right-of-way. Following abandonment and salvage, GRYR states that the right-of-way would be suitable for public use, such as use as a recreational trail.

GRYR requested comments on the proposed abandonment from the U.S. Environmental Protection Agency (USEPA). In its response, USEPA recommends that GRYR coordinate with the Mississippi Department of Environmental Quality (MDEQ). GRYR has requested comments from MDEQ, but has received no response to date.

¹ The Environmental and Historic Records 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 1087 (Sub-No. 1X).

GRYR requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the potential impacts of the proposed action on prime agricultural land, but has received no response to date. Because salvage would be limited to the removal of track, ties, and related material, OEA believes it is unlikely that any prime agricultural land would be affected by the proposed abandonment. Accordingly, no mitigation regarding the conservation of prime agricultural land is recommended.

GRYR received comments from the Mississippi Department of Marine Resources stating that the proposed abandonment would not require Mississippi Coastal Zone Consistency. Accordingly, no mitigation regarding coastal zone management is recommended.

GRYR states that the proposed abandonment would not affect water quality. To date, OEA has not received comments from the USEPA or MDEQ regarding the need for a pollutant discharge permit under Section 402 of the Clean Water Act (33 U.S.C. § 1251). Although the Line crosses numerous streams, OEA believes that impacts to water quality are unlikely because salvage would take place within the existing rail right-of-way and would be limited to the removal of rail, ties, and related track material. Bridges, culverts and other structures would remain in place requiring minimal ground disturbance and alternation to the prevailing water flows along the Line. Accordingly, no mitigation regarding potential impacts to water quality is recommended. OEA is sending a copy of this EA to MDEQ for that agency's review and comment.

GRYR requested comments from the U.S. Army Corps of Engineers (the Corps) regarding the need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). In its comments, the Corps states that the project, as proposed, would not affect any waterways or wetlands and therefore would not require a Corps permit. Accordingly, no mitigation regarding impacts to waterways or wetlands is recommended.

GRYR 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's review has confirmed that there are no federally listed Superfund sites in the vicinity of the Line.² Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1536), OEA conducted a search of the U.S. Fish and Wildlife Service (USFWS) Endangered Species Database to identify any federally listed endangered or threatened species that may be affected by the proposed abandonment.³ The search indicated that the following protected species are known or thought to be present in the counties through which the Line passes.

² Environmental Protection Agency, NEPAAssist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited February 5, 2014).

³ U.S. Fish and Wildlife Service, Endangered Species Database, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited February 10, 2014).

Protected Species in Montgomery, Carroll, Holmes, Yazoo, and Madison Counties, Mississippi				
Group	Common Name	Scientific Name	Status	Counties
Mammals	Louisiana black bear	<i>Ursus americanum luteolus</i>	Threatened	Holmes, Yazoo, Madison
Clams	Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	Threatened	Yazoo, Madison
Reptiles	Ringed map turtle	<i>Graptemys oculifera</i>	Threatened	Madison

To date, USFWS has not submitted comments regarding the potential effects of the proposed abandonment on these protected species. OEA believes that any potential impacts could be appropriately mitigated through consultation with USFWS. Accordingly, OEA recommends that a condition be imposed requiring the GRYR to consult with USFWS prior to beginning salvage activities. GRYR shall report the results of this consultation to OEA in writing. Should any potential impacts be identified, the railroad shall consult with OEA and USFWS to develop appropriate mitigation measures. OEA is providing USFWS with a copy of this EA for review and comment.

GRYR has requested comments from the National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of geospatial data, OEA has determined that the proposed abandonment 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.

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

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 the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for their review and comment: MDEQ and USFWS.

HISTORIC REVIEW

According to the GRYR, the northern portion of the Line, between Elliot and Aberdeen Junction, was originally constructed between 1852 and 1860 by Western Pacific Railroad. The southern portion of the Line, between Aberdeen Junction and Canton, was constructed between 1852 and 1855 by the Canton, Kosciusko, Aberdeen, and Tuscumbia Railroad. The two railroads were reorganized in 1874 into the New Orleans, St. Louis and Chicago Railroad, controlled by the Illinois Central Railroad Company (IC). In 1877, the Line was reorganized into the Chicago, St. Louis and New Orleans Railroad, which was leased to IC for a period of 400 years. IC sold the Line to GRYR in 2009.

GRYR has identified 125 bridges, trestles, and culverts along the Line that are 50 years or older. If the proposed abandonment is approved, GRYR states that it would leave these structures in place in order to preserve the right-of-way for public use. GRYR states that, based on available information, none of the structures are listed in or eligible for listing the National Register of Historic Places (the National Register).

GRYR served its Historic Report on the Mississippi Department of Archives and History (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). In a letter dated August 29, 2011, the SHPO concurs with GRYR that no bridge, trestle, culvert, or abutment along the Line is eligible for listing in the National Register. The SHPO further states that the abandonment of the Line would not result in an adverse effect on archaeological or architectural resources. The SHPO also states, however, that segments of the Line that pass through towns that developed as a result of the railroad may be contributing resources to local historic districts.

In a subsequent letter, dated October 7, 2011, the SHPO states that portions of the Line may be eligible for listing on the National Register for their significance to Transportation and Community Planning and Development. The SHPO states that salvage of these portions of the Line may constitute an adverse effect on an historic resource. The SHPO requests that GRYR provide additional information regarding the specific locations of any planned salvage activities in order to determine whether an adverse effect would occur.

OEA notes that the Line traverses the Winona Commercial Historic District in Winona, Mississippi and forms the eastern border of the West Historic District in West, Mississippi. Each of these historic districts is listed in the National Register. OEA concurs with the SHPO's determination that portions of the Line, including those portions that are included in the Winona Commercial Historic District and the West Historic District, may be contributing resources to historic resources listed in the National Register.

In its review of the proposed abandonment, OEA determined that an additional portion of the Line may have historic significance due to its association with the Casey Jones Wreck Site, located north of Vaughn, Mississippi. The site, which has been listed in the National Register since 1973, is the location of the April 30, 1900 crash of the IC passenger train "The Cannonball Express," which resulted in the death of its engineer, Jonathan Luther "Casey" Jones. Jones,

who was the only person to be killed in the wreck, is reported to have remained at the controls of his engine in order to slow the train prior to the collision and has been credited with preventing additional casualties. Following his death, Jones became a major figure in American folklife.⁴

On February 12, 2014, NSR provided the SHPO with a Supplemental Historic Report in response to the SHPO's request for additional information. In the Supplemental Historic Report, NSR notes that a portion of the Line was used during the Civil War, serving as the route of Union forces on route to Vicksburg, Mississippi, and of the Confederate retreat to Memphis, Tennessee. NSR notes that the track that was in place during the Civil War has since been replaced.

In its Supplemental Historic Report, NSR also states that, if the proposed abandonment is approved, NSR would leave an approximately 50 foot section of rail in place at Vaughn, Mississippi in order to mark the location of the Casey Jones Wreck Site. It is OEA's understanding that, with the exception of the 50 foot section, NSR intends to salvage rail, ties, and related track material along the remaining approximately 77.2 miles of the Line. To date, the SHPO has not provided comments in response to the Supplemental Historic Report.

In recognition of the SHPO's concerns regarding the potential eligibility of portions of the Line for listing in the National Register, OEA is recommending a condition requiring GRYR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (6 U.S.C. § 470f) has been completed. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

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 knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.⁵ The search identified one federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment. The identified tribe is the Eastern Band of Cherokee Indians of North Carolina. Accordingly, OEA is sending a copy of this EA to that tribe for its review and comment.

⁴ Mississippi Department of Archives and History Historic Resources Inventory Database, <http://www.apps.mdah.ms.gov/Public/params.aspx?rpt=nrListings> (last visited February 10, 2014).

⁵ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited February 10, 2014).

CONDITIONS

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

- 1. Prior to the commencement of any salvage activities, Grenada Railway LLC (GRYR) shall consult with the National Geodetic Survey (NGS). If NGS identifies geodetic station markers that may be affected by the proposed abandonment, GRYR 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.**
- 2. Grenada Railway LLC (GRYR) shall contact the U.S. Fish and Wildlife Service (USFWS) prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. GRYR shall report the results of this consultation to the Board's Office of Environmental Analysis (OEA) in writing. Should any potential impacts be identified, the railroad shall consult with OEA and USFWS to develop appropriate mitigation measures.**
- 3. Grenada Railway LLC (GRYR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) 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. § 470f, has been completed. GRYR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Mississippi Department of Archives and History (State Historic Preservation Officer or SHPO) and the public. GRYR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are 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

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 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-1087 (Sub-No. 1X) 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: February 14, 2014

Comment due date: April 28, 2014

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