

28597

SERVICE DATE - JANUARY 13, 1998

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-477 (SUB-NO. 3X)

Owensville Terminal Company, Inc.  
-- Abandonment Exemption --  
in Edwards and White Counties, IL and  
in Gibson and Posey Counties, IN

### BACKGROUND

In this proceeding, the Owensville Terminal Company, Inc. (OTC) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 205.0 near Browns, IL and milepost 227.5 near Poseyville, IN, a distance of 22.5 miles in Edwards and White Counties, IL and in Gibson and Posey Counties, IN.<sup>1</sup> A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### DESCRIPTION OF THE LINE

No traffic has originated or terminated on the Browns-Poseyville line during the past two years; and no overhead traffic has moved over the line for over nine months. OTC has not owned the rail line continuously during the immediately preceding two-year period during which the line has been out of service.

### ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that

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<sup>1</sup>The information contained in this Environmental Assessment is essentially unchanged from that contained in the Environmental Assessment prepared for the same rail line segment in Docket No. AB 477 (Sub-No. 1X). The Surface Transportation Board denied applicant's petition for exemption in that case, based on grounds other than potential environmental impacts.

concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the National Geodetic Survey, the U.S. Fish and Wildlife Service, the USDA National Resources Conservation Service, the Indiana Department of Environmental Management, Indiana Department of Natural Resources (including the Division of Historic Preservation and Archaeology (SHPO)), and Illinois Department of Natural Resources.

#### **CONDITIONS**

The U.S. Fish and Wildlife Service in Marion, IL stated that the abandonment is not likely to adversely affect any known threatened or endangered species. However, since the Service is implementing conservation agreements to protect the copperbelly watersnake, it recommends the killing of any snakes encountered during salvage operations be prohibited.

The U.S. Fish and Wildlife Service in Bloomington, IN recommended nine specific mitigation measures to minimize adverse impacts on fish and wildlife resources.

The National Geodetic Survey has identified one geodetic station marker along the rail line and requests 90 days notice to plan relocation of markers which may be disturbed or destroyed.

The Indiana SHPO has identified Bridge Nos. 215.67 and 221.4 as eligible for listing in the National Register of Historic Places.

The Indiana Department of Environmental Management raised concerns about impacts on ambient air quality in the project area, specifically, disposal of organic debris from land clearing and fugitive dust. It also expressed concern regarding disposal of contaminated soils.

The Illinois Department of Natural Resources noted that the federally endangered Clubshell mussel is located in White County, IL. While the abandonment is not likely to result in adverse impacts to this species, if the rail line, including ties,

bridges, and other structures were to be removed, further coordination would be necessary with both ILDNR and the U.S. Fish and Wildlife Service.

SEA recommends that the following conditions be imposed on any decision granting abandonment authority:

1. Owensville Terminal Company shall consult with the U.S. Fish and Wildlife Service in Marion, IL concerning measures that OTC may take to protect the copperbelly watersnake during salvage operations.
2. Owensville Terminal shall, prior to salvaging or disposing of the entire right-of-way, consult with the U.S. Fish and Wildlife Service office in Bloomington, IN to implement the specific mitigation measures to minimize adverse impacts on fish and wildlife resources.
3. Owensville Terminal shall consult with the National Geodetic Survey and provide NGS with 90 days notice prior to disturbing or destroying geodetic markers.
4. Owensville Terminal shall retain its interest in and take no steps to alter the historic integrity of Bridge Nos. 215.67 and 221.4, until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
5. Owensville Terminal shall, prior to salvaging or disposing of the entire right-of-way, consult with the Indiana Department of Environmental Management to implement mitigation measures to minimize adverse impacts on air quality and to address disposal of contaminated soils.
6. If Owensville Terminal intends to remove the rail line (including ties, bridges, and other structures), it shall consult with the Illinois Department of Natural Resources and the U.S. Fish and Wildlife Service to further assess potential impacts on the Clubshell mussel.

#### CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude that, as currently proposed, abandonment of the line will 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 four-part showing for imposition of a public use condition (49 CFR 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 the petition for 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 CFR 1152.29).

#### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 700, Washington, DC 20423, to the attention of Victoria Rutson who prepared this environmental assessment. **Please refer to Docket No. AB-477 (Sub No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: January 9, 1998.

**Comment due date: February 6, 1998.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

\*\*\*\*\*MAP HAS TO BE SCANNED.

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