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SERVICE DATE - JUNE 2, 2000

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

AB-55 (SUB-NO.579X)

The CSX Transportation, Inc. - ABANDONMENT EXEMPTION - In Parke and Vermillion Counties, Indiana.

**BACKGROUND**

In this proceeding, the CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of service of 1.17 miles of railroad line between railroad milepost BD-191.41 at Montezuma in Parke County, and railroad milepost BD-192.58, at Hillsdale in Vermillion County Indiana, which traverses through United States Postal Code 47862 and 47854. 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**

The proposed right-of-way to be abandoned transverses within the communities of Hillsdale and Montezuma, Indiana. There has been no originating or terminating freight service on the proposed right-of-way within the past two years. In addition, in its application, CSXT states that there are no bridges or structures within the proposed project area that are 50 years old or older.

**ENVIRONMENTAL REVIEW**

CSXT has submitted an environmental report that 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. CSXT 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 Town of Montezuma Planning Board, Parke County Planning Commission, Vermillion County Area Planning Commission, Indiana Department of Environmental Management, U.S. Department of Interior, U.S. Army Corps of Engineers, Natural Resource Conservation Service, U.S. Environmental Protection Agency, State Historic Preservation Officer and the State Budget Agency.

### **CONDITION**

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

1. The U. S. Fish and Wildlife Service (US FWS), has determined that the Indiana bat (*Myotis sodalis*), bald eagle (*Haliaeetus leucocephalus*), and the fat pocketbook pearly mussel (*Potamilis capax*), may be present within the proposed project area. To avoid any adverse impacts to these federally endangered species, the US FWS recommends, that salvage and abandonment activities should be avoided during the period of April 15 thru September 15. Therefore, SEA recommends, that conducting salvage and abandonment activities within, the proposed project area, between the periods of April 15 thru September 15, should be avoided to prevent the possibility of incidental take of the Indiana bat (*Myotis sodalis*), bald eagle (*Haliaeetus leucocephalus*), and the fat pocketbook pearly mussel (*Potamilis capax*).
2. The US FWS has raised concerns about abandonment and salvage activity occurring within the proposed project area, because the route of abandonment crosses the Wabash River and Leatherwood Creek. The US FWS contend that in-channel work should be avoided during the fish spawning season (April 1 - June 30), and that Best Management Practices should be used to avoid or minimize runoff of sediment or toxic substances into the waterways. Therefore, SEA recommends, that (1) CSX Transportation, Inc., avoid in-channel work occurring within the fish-spawning season (April 1 - June 30), and (2) CSX Transportation, Inc., coordinate with US FWS to implement Best Management Practices to avoid or

minimize runoff of sediment or toxic substances into the waterways.

3. The US FWS has identified three (3) forested wetlands adjacent to the proposed abandonment right-of-way. The US FWS request, that CSX Transportation Inc., abandonment and salvage activities should avoid all wetland impacts including drainage, filling, tree clearing, and disposal of debris, occurring within the proposed project area. Therefore, SEA recommends, that CSX Transportation Inc., further consult with the US FWS to devise a plan where abandonment and salvage activities will avoid all wetland impacts including drainage, filling, tree clearing, and disposal of debris, occurring within the proposed project area.
4. The Indiana State Historic Preservation Officer has Identified the Wabash River Bridge and the CH&D Depot as potentially eligible for inclusion in the National Register of Historic Places. Therefore, SEA recommends, that a condition be placed on any decision granting abandonment authority requiring CSX Transportation Inc., to retain its interest in and take no steps to alter the historic integrity of the Wabash River Bridge and the CH&D Depot until completion of the 106 Process, National Historic Preservation Act, 16 U.S.C. 470f.
5. The U.S. Army Corps of Engineers (the Corps) has not completed their review of the proposed abandonment. Therefore, SEA recommends, that CSX Transportation, Inc. further consult with the Corps prior to salvage of the right-of-way, to determine if the proposed project is consistent with applicable Federal, State and local water quality standards, and if permits are required under Section 404 of the Clean Water Act.

## **CONCLUSIONS**

Based on the information provided from all sources to date, and subject to the recommended condition(s), 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 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub No. 579X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1554.

Date made available to the public: June 2, 2000.

**Comment due date: June 22, 2000.**

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

Vernon A. Williams  
Secretary

ATTACHMENT

