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SERVICE DATE - AUGUST 27, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-865X

Honey Creek Railroad, Inc. – Abandonment Exemption – In Henry County, IN

BACKGROUND

The Honey Creek Railroad (HCR) has filed a notice of exemption under 49 CFR 1152 to abandon its entire line of railroad between Sulfur Springs and New Castle, IN in Henry County, IN, a distance of approximately 5.9 miles. 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.

CONTACTS AND PROCEDURES

The railroad 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. 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 Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

HCR states that there has been no overhead traffic and no local traffic on the rail line for over two years. The proposed abandonment should have no effect on regional or local transportation systems and patterns. No land use conflicts are anticipated. All activities associated with the proposed abandonment would be confined to the rail line right-of-way (ROW) and would not affect adjacent land use or any important farmland along the line. The ROW is not within a designated coastal zone. The Indiana Department of Natural Resources (DNR) advises that formal approval by the DNR under the regulatory programs administered by the Division of Water is not required for this abandonment. However, DNR states that any work

proposed on the bridge over Bell Creek may require prior approval from DNR under the Flood Control Act, unless the work qualifies for an exemption. The DNR states that the proposed abandonment is not likely to result in any adverse effects on endangered or threatened species or area designated as critical habitat. A few small wetland areas exist along the railroad. According to DNR these wetland sites would not be negatively impacted by the abandonment. Further, the project would have no impact on Land and Water Conservation Fund property or scenic streams, trails, or rivers. HCR believes that the ROW is suitable for alternative public use. HCR is not aware of any reversionary interest which would affect the transfer of title or the use of the property for non-rail purposes.

The U.S. Environmental Protection Agency, Region 5 (US EPA), has expressed concerns about the removal and salvage methods to be used by HCR during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, bridge and culvert maintenance, and erosion mitigation practices to be utilized during abandonment activities. Specific mitigation measures suggested by the US EPA include: utilizing existing public and private crossings when removing materials, particularly in wooded areas and areas adjacent to wetlands; restoring disturbed soil to original grade; and reseeding disturbed areas with native flora. Accordingly, SEA will recommend a consultation condition requiring that HCR contact the US EPA, Region 5, prior to commencement of any salvage activities on this project.

Cultural and Historic Resources

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) have been identified within the area of potential effects that would be affected by the proposed abandonment. We have reviewed the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

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

1. Based on the comments of the U.S. Environmental Protection Agency, Region 5 (US EPA), we recommend that HCR contact the US EPA, Region 5, prior to commencement

of any salvage activities on this project in order to discuss: removal and salvage methods to be used by HCR; final disposition of any crossties preserved with creosote; procedures for storing and fueling of construction equipment; procedures for the prevention and/or control of spills from construction equipment; bridge and culvert maintenance; and erosion mitigation practices to be utilized during abandonment activities. We also recommend that HCR utilize existing public and private crossings when removing materials, particularly in wooded areas and areas adjacent to wetlands; restore disturbed soil to original grade; and reseed disturbed areas with native flora.

2. Based on the comments of the Indiana Department of Natural Resources (DNR), we recommend that HCR consult with DNR to determine if any permits are required prior to undertaking any salvage activities that would impact Bell Creek.

CONCLUSIONS

Based on the information provided from all sources to date, 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 any 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-Filing" link. Please refer to Docket No. AB 865X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 8/27/04.

Comment due date: 9/13/04.

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

Vernon A. Williams
Secretary

Attachment

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 67 km E of Indianapolis, Indiana, United States 01 Jul 1984



Image courtesy of the U.S. Geological Survey
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