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OEA

SERVICE DATE – FEBRUARY 28, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1294X

**Eighteen Thirty Group, LLC – Abandonment Exemption –
in Allegany County, MD**

Docket No. AB 1293X

**Georges Creek Railway – Discontinuance Exemption –
in Allegany County, MD**

BACKGROUND

In this proceeding, Eighteen Thirty Group, LLC (ETG) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Allegany County, Maryland. In addition, Georges Creek Railway (GCR) filed a Notice of Exemption to discontinue service. The rail line proposed for abandonment and discontinuance extends 7.54 miles between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD (the Line). There are six (6) stations on the Line; Phi Con 10 at milepost BAI 14 (OPSL 56198); Carlos at milepost BAI 18 (OPSL 56195); Delta 3 at milepost BAI 19 (OPSL 56202); Ocean at milepost BAI 20 (OPSL 56200); Lonaconing at milepost BAI 22 (OPSL 55530); and Mine 5 at mile post BAI 24 (OPSL 56215). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

ETG submitted a combined environmental and historic report (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. ETG served the Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) 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

According to ETG, there has been no traffic on the Line since its acquisition in 2011, and no traffic would be diverted to other modes as a result of the proposed abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; 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

Abandonment of the Line would result in the removal of the track, crossties, and possibly the upper layer of ballast. ETG does not intend to disturb any sub grade or sub grade structures. Any rail related structures, such as bridges, trestles, culverts and tunnels would not be salvaged and would remain in place. The operations and maintenance of the Line would cease. Salvage would be performed within the right-of-way, and no new access roads are contemplated. According to ETG, salvage activities would not cause sedimentation or erosion of the soil, and ETG does not anticipate any dredging or use of fill when removing the track material. ETG states that no debris (crossties, etc.) would be discarded along the right-of-way, and all work would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

ETG states that the proposed abandonment is consistent with existing land use plans. OEA has not heard from the Mayor of Lonaconing or the Planning Commission of Allegany County. Therefore, OEA is sending these county offices a copy of this Draft EA for review and comment.

The United States Department of Agriculture, Natural Resources Conservation Service (USDA) commented that the Line is not subject to the Farmland Protection Policy Act.

ETG states, and OEA has confirmed, that the Line does not pass through a designated coastal zone. The Line is in western Maryland, well removed from any coastal zones. Therefore, no further consultation with the Maryland Department of Natural Resources, Chesapeake & Coastal Service is necessary.

ETG states that the proposed abandonment would be consistent with applicable water quality standards and that no designated wetlands or 100-year flood plans would be affected by

¹ The Report is available for viewing on the Board's website at <https://prod.stb.gov/> by clicking "Search STB Records;" selecting "Filings" in the "Search for:" dropdown menu; entering "AB" "1294" "0" "X" sequentially in the four boxes for "Docket Number,;" then selecting "Search." The Report was filed on February 3, 2020.

the proposed abandonment. ETG also states that it does not believe that any permits under 402 or 404 of the Clean Water Act would be required. OEA has not heard from the State Environmental Protection Agency (SEPA), the United States Environmental Protection Agency (USEPA), or the U.S. Army Corps of Engineers (Corps). Therefore, OEA is sending these agencies a copy of this Draft EA for review and comment.

ETG notified the U.S. Fish and Wildlife Service (USFWS) requesting assistance in determining whether the proposed abandonment would affect endangered or threatened species or areas designated as critical habitat. USFWS submitted comments stating that the Indiana Bat and Northern Long-eared Bat are present in the project area but that no critical habitats, refuge lands or fish hatcheries are located in the project area. USFWS also stated that the proposed abandonment would have “no effect” on these species because while the proposed project is within the range of the species, it is unlikely that the species would occur within the project area. Based on this information, OEA has determined that these federally listed threatened and endangered species would not be affected by the proposed abandonment. OEA is sending a copy of this Draft EA to USFWS for its review.

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. Although the Line crosses through multiple small hamlets in the valley, it is anticipated that the temporary increase in noise levels during the removal of the Line would not create a permanent impact.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board’s service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: Planning Commission of Allegany County; Mayor John W. Coburn, Lonaconing; Maryland State Clearinghouse, Department of State Planning; the Corps; USEPA; USFWS; the National Park Service; the National Geodetic Survey; and USDA.

HISTORIC REVIEW

ETG served the historic report on the Maryland Historical Trust (SHPO), pursuant to 49 C.F.R. § 1105.8(c).² The SHPO submitted comments stating that the proposed abandonment would have no adverse effect on historic properties. Pursuant to the Section 106 regulations of

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board’s website at <https://prod.stb.gov/wp-content/uploads/files/docs/historicPreservation/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf>.

the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <https://prod.stb.gov/>. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview/>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Tribal Directory Assessment Tool at the US Department of Housing and Urban Development <https://egis.hud.gov/tdat/> to identify Federally-recognized tribes, which may have ancestral connections to the project area. The database indicated that the Delaware Nation, Oklahoma, the Eastern Shawnee Tribe of Oklahoma, and the Seneca-Cayuga Nation may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.³

CONDITIONS

OEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, the 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 and no salvage activities), 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 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.

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/TDAT/> (last visited February 19, 2020).

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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

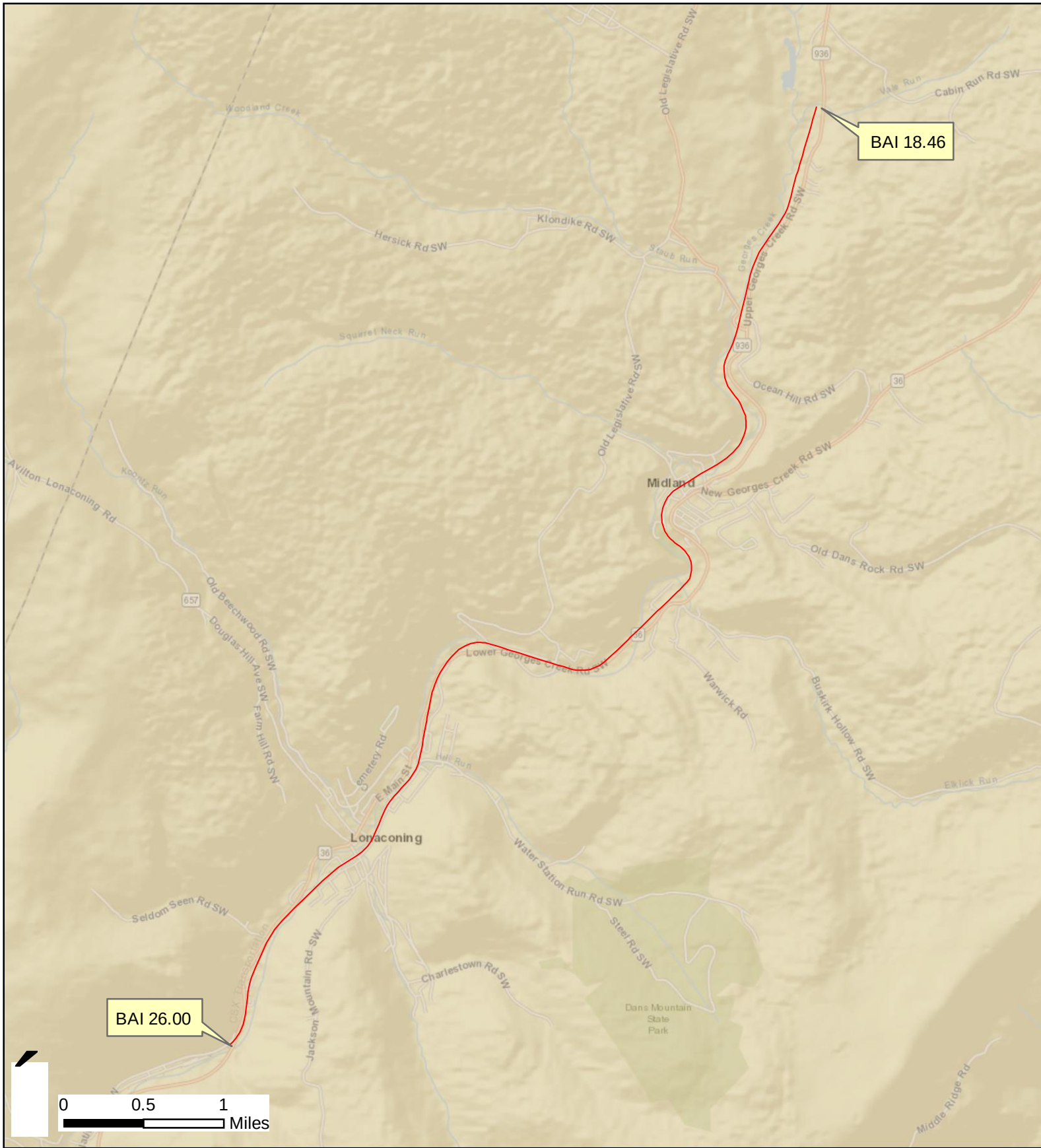
If you wish to file comments regarding this Draft EA, please send your comment letter to Surface Transportation Board, 395 E Street SW, Washington, DC 20423, to the attention of Alan Tabachnick, who prepared this document. Environmental comments may also be filed electronically on the Board's website, <https://prod.stb.gov/>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1294X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Draft EA, please contact Alan Tabachnick, the environmental contact for this case, by phone at (202) 245-0367, fax at (202) 245-0454, or e-mail at alan.tabachnick@stb.gov.

Date made available to the public: February 28, 2020.

Comment due date: March 13, 2020.

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

Attachment



DOCKET NO. AB 1294X

Docket No. AB 1294X
Eighteen Thirty Group, LLC
Abandonment Exemption

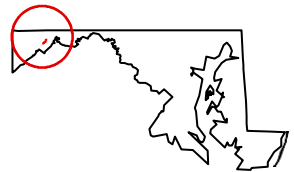
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Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State