

SERVICE DATE – MARCH 13, 2020

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1296X

R.J. Corman Railroad Property, LLC - Abandonment Exemption - in Scott, Campbell and Anderson Counties, Tenn.

Docket No. AB 875 (Sub-No. 1X)

R.J. Corman Railroad Company/Bardstown Line - Discontinuance Exemption - in Scott, Campbell and Anderson Counties, Tenn.

BACKGROUND

In this proceeding, R.J. Corman Railroad Property, LLC (RJC Railroad Property) and R. J. Corman Railroad Company/Bardstown Line (RJCR) (collectively, Applicants) jointly filed a notice of exemption under 49 C.F.R. § 1152.20 for RJC Railroad Property to abandon, and for RJCR to discontinue service over a line of railroad in Scott, Campbell and Anderson counties, Tennessee (TN). The rail line proposed for abandonment is approximately 41.05 miles long and extends from Milepost 0.95 near Oneida, TN to Milepost 42.0 near Devonia, TN (the Line). Maps depicting the Line in relationship to the area served are appended to this draft environmental assessment (Draft EA). If the notice becomes effective, Applicants would be able to dispose of the Line and right-of-way.

DESCRIPTION OF THE LINE

The Line is in northeast Tennessee and crosses mountainous and largely forested terrain. The right-of-way is generally 40 to 50 feet wide. In addition to rails, ties and other track material, Applicants state that there are 25 steel bridges on the Line, some of which may be 50 years of age or older.

According to Applicants, the Line was built by the Tennessee Railroad Company (TRC) around 1904 to move coal. TRC ceased coal movements in the late 1970s. In 2005, TRC sought to abandon the Line but ultimately transferred ownership in 2006 to NC Railroad, Inc., and NC Railroad, Inc. resumed coal movements on the Line. In 2011, Applicants assumed ownership of the Line and continued to move coal on the Line until May 2013. There has not been any rail traffic including overhead traffic on the Line since 2013.

ENVIRONMENTAL REVIEW

Applicants submitted a combined environmental and historic report (Report) that concludes the quality of the human environment would not be affected significantly because of the proposed abandonment. Applicants served the Report on 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

Because rail traffic has not moved on the Line since 2013, 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

Applicants intend to confine salvage operations to the Line's existing access roads and right-of-way. The salvage operations would include the removal of rails, ties, and other track material, but the bridges, railbed and subgrade would be left in place and undisturbed. No in-stream work, dredging, digging or burying of any kind would occur. Salvage materials would be reused, sold as scrap or disposed of in accordance with applicable federal and state regulations.

Applicants believe that the proposed abandonment would not be inconsistent with local or regional land use plans. The Natural Resources Conservation Service responded that it had no jurisdiction over the proposed abandonment.

Applicants requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. In response, USFWS stated that habitat utilized by federally protected species would not be impacted because the Applicants' proposed salvage activities do not include ground disturbance and tree removal. USFWS added that although several federally threatened and endangered species occur within Scott, Campbell and Anderson counties, it does not appear that the proposed abandonment would have any effect on

¹ Applicants' 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" "1296" "0" "X" sequentially in the four boxes for "Docket Number;" then selecting "Search." The Report was filed on February 18, 2020.

these species. Therefore, OEA has determined that the proposed abandonment would not impact federally listed threatened and endangered species. OEA is providing a copy of this Draft EA to the USFWS Ecological Services Field Office in Cookeville, TN for review and comment.

Applicants requested comments from the U.S. Army Corps of Engineers – Nashville District (Corps) but to date the Corps has not responded. Because the Applicants’ proposed salvage activities do not include any work within streams, rivers, wetlands or other waters of the U.S., OEA does not believe that permitting would be required under Section 404 of the Clean Water Act (33 U.S.C. § 1344) or Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. § 403), as administered by the Corps. OEA is providing the Corps with a copy of this Draft EA for review and comment.

The U.S. Environmental Protection Agency, Region IV (USEPA) had not responded to the Applicants’ Report at the time this Draft EA was prepared. Therefore, OEA is providing a copy of this Draft EA to the USEPA for review and comment.

On February 3, 2020, the National Geodetic Survey commented that no geodetic station markers have been identified on the Line.

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.

HISTORIC REVIEW

Applicants submitted a historic report as required by the Board’s environmental rules [49 C.F.R. § 1105.8(a)] and served it on the Tennessee Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).^{2,3} As part of their public

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 (NHPA). 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>.

outreach, Applicants also notified local governments and placed a notice of the proposed abandonment in the following newspapers: Independent Herald, LaFollette Press, and Courier News. In its February 14, 2020 response, the SHPO stated that there are no properties listed on the National Register of Historic Places (National Register) or eligible for listing on the National Register that would be affected by the undertaking (i.e., the proposed abandonment). However, the SHPO requested additional consultation in the event of the unanticipated discovery of any archaeological remains during salvage activities.

Pursuant to the Section 106 regulations of the NHPA 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 not affect 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 Applicants' historic report, all relevant correspondence, and this Draft EA, which has been provided to the SHPO and made available to the public through posting on the Board's website at <https://prod.stb.gov/>. To address the SHPO's concern about unanticipated discoveries, OEA is recommending a consultation condition.

OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool at <https://egis.hud.gov/tdat/> to identify federally recognized tribes that may have ancestral connections to the project area. As of February 25, 2020, the database identified the following four tribes for Scott, Campbell and Anderson counties:

- Alabama-Coushatta Tribe of Texas,
- Coushatta Tribe of Louisiana,
- Eastern Band of Cherokee Indians, and
- Muscogee (Creek) Nation.

OEA is providing each of these tribes with a copy of this Draft EA for review and comment.

CONDITIONS

OEA recommends the following condition be imposed on any decision granting abandonment authority:

³ Guidance and frequently asked questions 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/> and <https://prod.stb.gov/resources/environmental/faqs/>.

1. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, R.J. Corman Railroad Property, LLC and R. J. Corman Railroad Company/Bardstown Line (Applicants) shall immediately cease all work and notify the Board's Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Tennessee Historical Commission (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, the Applicants, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and subject to the recommended condition, 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 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.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. 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 have comments on the Draft EA, OEA encourages you to submit those comments electronically through the Board's website at <https://prod.stb.gov/>. From the Board's home page, select "File an Environmental Comment" under "Need Assistance?" Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats.

Alternatively, comments may be mailed to OEA's project manager for this Draft EA at:

Dave Navecky
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Please refer to Docket No. AB 1296X in your comments on the Draft EA and to all correspondence addressed to the Board regarding this proposed abandonment. If you have any questions, please contact Dave Navecky by email at david.navecky@stb.gov or by phone at 202-245-0294.

Date made available to the public: March 13, 2020.

Comment due date: March 27, 2020.

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

Attachment