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OEA

SERVICE DATE – JULY 30, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 1065 (Sub-No. 4X)

**Indiana Southwestern Railway Co. – Abandonment Exemption –
in Posey and Vanderburgh Counties, Ind.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Indiana Southwestern Railway Co. (ISW) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of interconnecting lines of railroad in Posey and Vanderburgh counties, Indiana. ISW's proposed abandonment extends over approximately 20.367 miles of interconnecting rail lines as follows: (1) between milepost 227.5 (at Poseyville, IN) to milepost 243.2 (at the centerline of North. St. Josephs Avenue near Evansville, Indiana), a total of approximately 15.7 miles; and (2) approximately 4.667 route miles from milepost 282.0 (at Poseyville, IN) to milepost 277.5 (at Cynthiana, IN) (the Lines).¹ The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on July 9, 2021, for public review and comment. In the Draft EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received two comments after issuance of the Draft EA.

The Indiana Department of Natural Resources Division of Historic Preservation & Archaeology (State Historic Preservation Officer, or SHPO) concurred with OEA's finding in the Draft EA that there are no historic buildings, structures, districts, objects, or archaeological

¹ ISW's initial filing included an error in the milepost labeling. ISW submitted an errata correcting the milepost labeling and this Final EA including the attached map reflect this correction.

resources within the area of potential effects that would be affected by the proposed abandonment. No modifications or addition of conditions are required in response to SHPO's comments.

The U.S. Fish and Wildlife Service (USFWS) submitted comments seeking clarification about whether track material remains in the Lines' right-of-way and what salvage-related activities would occur under the proposed abandonment. USFWS also clarified that the Section 7 consultation process involves the lead agency making a "no effect," "may affect, not likely to adversely affect," or "may affect, likely to adversely affect" determination.

Regarding track material, OEA reviewed recent aerial photography and confirmed that track material does remain on the Lines to be abandoned. As noted by OEA in the Draft EA, salvage activities would include the removal of rails, ties, fasteners, and possibly the upper layer of ballast. Salvage would not entail disturbance of the subgrade, or the removal or felling of trees. ISW would also eliminate 48 at-grade rail-highway crossings - 24 private crossings and 24 public crossings - but does not intend to remove or dismantle any of the 18 bridges along the Lines. ISW also noted in its environmental and historic report (E&HR)² that all salvage activities would be accomplished from within the Lines' existing right-of-way and could include the use of existing public and private crossings to access the rail right-of-way. No new access roads would be constructed. OEA adds that rail-related salvage activities are typically conducted using specialized heavy equipment that operates from the existing rails. This equipment would be expected to generate some noise, but it would be localized and temporary as the equipment moved down the right-of-way.

Consistent with the Draft EA, OEA determined that the proposed abandonment would have "no effect" on the two protected threatened or endangered species identified, the Indiana bat (*Myotis sodalist*) and northern long-eared bat (*Myotis septentrionalis*), because of the limited scope and duration of salvage activities, as described above. Therefore, no modifications or addition of conditions are required in response to USFWS's comments.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the following condition previously recommended in the Draft EA should be imposed upon any decision granting abandonment authority:³

² The E&H 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" "1065" "4" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed with ISW's Notice of Exemption on June 15, 2021.

³ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's abandonment-related salvage activities, ISW will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO (or THPO), interested federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

If the above condition is imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.



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Legend

— the Lines

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.



Indiana