

SERVICE DATE – AUGUST 16, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1322X

**Wolf Creek Railroad LLC
–Abandonment Exemption –
In Gibson County, Tenn.**

BACKGROUND

In this proceeding, Wolf Creek Railroad LLC (WCR), filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of approximately 10 miles of rail line (the Line) located within the Milan Army Ammunition Plant (the Plant) in Gibson County, Tennessee. WCR leased the Line from the U.S. Army Joint Munitions Command (JMC) through its representative American Ordnance LLC. JMC terminated the lease and has required WCR to cease its rail operations and vacate the Plant. The tracks are owned by JMC and, if the notice becomes effective, would not be salvaged by WCR. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA).

DESCRIPTION OF THE LINE

WCR leased the Line in November of 2018¹ to provide common carrier rail service to transload customers and other rail customers on a portion of the Plant that JMC repurposed as a business park. WCR is filing for abandonment authority at the request of the JMC. WCR does not have any knowledge of what JMC, or any future owners might do with the track. The track would remain on the Plant property as private track of the JMC.

WCR indicates that the right-of-way is 50 feet wide, and aerial digital images show that the topography is relatively flat. The Line traverses through United States Postal Service ZIP Code 38358 and does not have any mileposts.

ENVIRONMENTAL REVIEW

WCR submitted a combined environmental and historic report (E&H Report) to the Board's Office of Environmental Analysis (OEA) on May 6 2022.

¹ Wolf Creek Railroad LLC – Lease and Operation Exemption – American Ordnance LLC, Owner's Representative for U.S. Joint Munitions Command, Docket No. FD 36236 (served Nov. 18, 2018).

The E&H Report concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. On March 21, 2022, WCR provided the E&H Report to several appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]² implementing the National Environmental Policy Act (NEPA). OEA has reviewed and investigated the record in this proceeding. Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts.

Diversion of Traffic

No impacts on traffic are anticipated. In its petition for exemption, WCR stated that the last freight customer on the Line stopped shipping in October 2021. As a result of the termination of its lease effective March 31, 2022, WCR gave notice to all its customers that it would be ceasing operations at the Plant and arranged for the removal of all customer property (including storage cars) from the Plant. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

In their April 25, 2022 response to the E&H Report, Tennessee Department of Transportation (TNDOT) noted concern with leaving the rail in place at the two at-grade crossings that may be part of the Line. WCR responded to TNDOT on May 6, 2022 noting that, because the crossings and the tracks are owned by JMC and installed prior to the commencement of WCR's operations, WCR has no authority to remove the crossings.

Salvage Activities

WCR does not own the track comprising the Line, and thus has no authority to salvage the Line. Therefore, if the Board authorizes the proposed abandonment, the track would remain on the Plant property as private track of the JMC. According to the E&H Report, WCR does not have any knowledge of what JMC or any future owners might do with the track if the Board authorizes the proposed abandonment.

² The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1322" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on May 6, 2022.

Land Use

The Line and adjacent lands are within an industrial zoned area of the Plant on federally owned property. JMC would have sole discretion to determine suitable future use of the Line. By letters dated March 21, 2022, copies of the E&H Report have been mailed to NRCS, and the appropriate local and state contacts, including to representatives of Gibson County for their information and comment.

The National Geodetic Survey (NGS) commented via email on March 23, 2022 that it conducted a search of its database and did not find any geodetic survey markers in the project area. No additional consultation is anticipated.

NRCS responded by letter on April 12, 2022 that it has no comments on the proposed abandonment exemption.

Hazardous Materials/Spills and Safety

WCR stated the proposed abandonment would have no detrimental effects on public health and safety. WCR does not intend to undertake any salvage activities that could disturb subgrade or subgrade structures. Therefore, no mitigation related to hazardous materials is necessary.

Tennessee Department of Environment and Conservation (TNDEC) has not responded to WCR's request for comments on the proposed abandonment. OEA will provide a copy of this Draft EA for its review.

Biological Resources

WCR notified the U.S. Fish and Wildlife Service (USFWS) and the Tennessee Wildlife Resource Agency of the proposed abandonment by letters dated March 21, 2022 and requested assistance in determining whether the proposed abandonment would adversely affect endangered or threatened species or areas designated as critical habitat. WCR included a copy of the preliminary E&H Report with its request.

USFWS Tennessee Ecological Services Field Office (under consultation No. FWS # 2022-0031247) responded via email on May 3, 2022 that it is not opposed to the abandonment of the Line. USFWS provided this opinion based on two factors: the rare species database did not indicate any records of federally listed species occurring near the existing railway, and the abandonment would not involve any ground disturbance. TWRA responded that the proposed abandonment should not have adverse impacts on aquatic species listed under its authority. No further consultation is anticipated, however, OEA is providing USFWS Tennessee Ecological Services Field Office a copy of this EA for its review.

WRC does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. WCR notified the National Park Service (NPS) of the proposed abandonment by letter dated March 22, 2022, requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary E&H Report. NPS had not provided comments at the time this Draft EA was prepared.

Water Resources

The Line is not located within a coastal zone. Tennessee does not participate in the National Coastal Zone Management Program and, accordingly, consistency with any coastal zone plans is inapplicable. No further consultation is anticipated.

Air Quality and Noise

The proposed abandonment would not include any salvage activities. Therefore, OEA believes that there would be no air emissions. Similarly, OEA believes there would be no noise related impact on the area surrounding the proposed abandonment.

OEA is providing a copy of this Draft EA to all parties on the Service List, and the following resource agencies: Environmental Protection Agency, Region 4; USFWS Tennessee Ecological Services Field Office; and TNDEC.

HISTORIC REVIEW

WCR believes the Plant was established in the 1940's along with the tracks. WCR was granted Board authority in November 2018 to provide common carrier rail service, rail car storage, and car repair services.

WCR submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Tennessee Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO commented, via letter dated March 28, 2022, that based on the information provided the Milan Army Ammunition Plant contains resources eligible for listing in the National Register of Historic Places (National Register).

³ 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 at a link on the bottom of the Board's website overiewing historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

The SHPO determined that the abandonment project as currently proposed would not adversely affect any historic resources within the Area of Potential Effects (APE).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not adversely 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(e), 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://www.stb.gov>. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that there are two federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

Accordingly, OEA is providing a copy of this Draft EA for review and comment to the following tribes: the Chickasaw Nation and the Coushatta Tribe of Louisiana.

CONDITIONS

No conditions are recommended at this time by OEA.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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), 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.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed June 28, 2022).

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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

TRAIL 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 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

PUBLIC ASSISTANCE

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

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Ms. Andrea Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention:

⁵ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1322" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Environmental Filing, Docket No. AB 1322X. If you have any questions, please contact Andrea Poole by email at Andrea.Poole@stb.gov or by phone at 202-245-0305.

Date made available to the public: August 16, 2022.

Comment due date: August 31, 2022.

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

Attachment