

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1296 (Sub-No. 1X)**

**R.J. Corman Railroad Property, LLC – Abandonment Exemption –  
In Campbell County, Tenn.**

**BACKGROUND**

In this proceeding, R.J. Corman Property, LLC (RJC) filed a petition for exemption with the Surface Transportation Board (Board) under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 seeking to abandon approximately 3.67 miles of long-dormant rail line in Campbell County, Tennessee.<sup>1</sup> The rail line extends from the Oneida Line<sup>2</sup> at milepost 33 and travels approximately 2.0 miles along a creek known as the Beech Fork (Beech Fork Segment) before reaching a junction that forks in a southeasterly direction and travels for approximately 1.67 miles along another creek known as the Stony Fork (Stony Fork Segment) before dead-ending at the Clinchmore Mine in Clinchmore (the Line).<sup>3</sup>

On April 7, 2020, RJC received authority from the Board to abandon the Oneida Line in Docket AB 1296X (Oneida Line Proceeding).<sup>4</sup> The Board's approval was subject to two

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<sup>1</sup> In its initial petition filed with the Board, RJC indicated that the Line was approximately 3.5 miles and ended at or near Clinchmore. Because it appeared on various maps that the Line actually extended beyond the 3.5 miles, on October 11, 2023, the Board ordered RJC to clarify the endpoint of the Line. On November 13, 2023, RJC filed a reply stating that the Line extends to approximately 3.67 miles and ends at the Clinchmore Mine.

<sup>2</sup> The Oneida Line extends from milepost 0.96 at or near Oneida, Tennessee, to the end of the line at milepost 42.0 at or near Devonia, Tennessee, a distance of approximately 41.05 miles in Scott, Campbell, and Anderson Counties, Tennessee. The Oneida Line has a single rail connection at Oneida, Tennessee with Norfolk Southern Railway Company.

<sup>3</sup> Connected to the Line at the north side of the fork is an approximately three-mile spur that dead ends at Carbon Hill, Tennessee. This section is not included in the environmental review because it is ancillary track that is excepted from Board licensing under 49 U.S.C. § 10906.

<sup>4</sup> The docket includes filings, Board decisions and environmental comments and is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB

environmental conditions based on RJC’s plans to salvage the rails, ties, and other railroad materials. On April 17, 2020, the Board reopened the Oneida Line Proceeding and granted approval of a late-filed request by the Tennessee Citizens for Wilderness Planning, Inc. and Cumberland Trail Conference, Inc. to negotiate an interim trail use agreement with RJC, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d). To date, no agreement has been reached but the Board has extended the negotiating period to April 2024 to allow the parties to continue discussions.

On May 26, 2021, Anderson County, Tennessee petitioned the Board to reopen the Oneida Line Proceeding, claiming that abandonment of the Oneida Line would leave the Line stranded with no connection to the interstate rail network. By decision served on November 17, 2022, the Board reopened the Oneida Line Proceeding and ordered RJC to provide supplemental information and conditioned abandonment of the Oneida Line on abandonment of other rail lines under Board jurisdiction that could become stranded by abandonment of the Oneida Line. Accordingly, in this abandonment proceeding, RJC seeks to resolve the issue of any and all stranded track under Board jurisdiction connected to the Oneida Line.

A map depicting the Line in relationship to the area served is appended to this draft environmental assessment (Draft EA). If the petition becomes effective, RJC would be able to consummate abandonment of the Oneida Line.

## **DESCRIPTION OF THE LINE**

The Line is located in northeastern Tennessee and travels through mountainous and predominantly forested terrain. RJC states that the Line was constructed by the Tennessee Railroad Company sometime after 1921 to transport timber and possibly coal from Clinchmore but estimates that the Line has been out-of-service since the late 1970s or early 1980s. RJC indicates that the Line was largely nonexistent by the time it acquired the Oneida Line in 2011. The right-of-way connecting the Beech Fork Segment to the Oneida Line had been cut-off by the New River Road while another approximately one-mile stretch had been re-purposed by the County for use as Carroll-Adkins Cemetery Road. For the Stony Fork Segment, RJC submitted flood and mapping data showing that most if not all of this segment had been washed out and destroyed by a flood in 1965. Except for the remnants of bridge *footings*, RJC indicates that this segment is overgrown and no longer discernible. RJC provided photographs from 2021 and 2023 confirming the Line’s altered state and also included a web link showing that the State of Tennessee’s North Cumberland Wildlife Management Area’s Royal Blue Unit, a protected wildlife conservation management area, surrounds a portion of the Line’s right-of-way.

If the proposed abandonment is authorized, RJC intends to permanently close any remaining public highway grade crossings and private crossings but otherwise plans to leave the right-of-way in its current physical state. The Line traverses United States Zip Code 37714 and has no mileposts, bridges, or stations. Based on information in its possession, RJC states that the Line does not contain any federally granted right-of-way.

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Records;” selecting “Dockets” in the “Search for” dropdown menu; entering “AB” “1296” “0” “X” sequentially in the four boxes for “Docket Number,” then selecting “Search.”

## **ENVIRONMENTAL REVIEW**

RJC submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. RJC provided the E&H Report to a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).<sup>5</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to RJC, no local traffic has moved over the Line for well over two years, and there is no need to reroute any overhead traffic. 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***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. If abandonment authority is granted, RJC has stated that it would not conduct any salvage.

The U.S. Army Corps of Engineers' Nashville District (Corps) commented that a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would be required if the proposed abandonment involved the discharge of dredge or fill material into the waters of the United States. Because no salvage is contemplated here, OEA has determined that a Corps permit would not be needed. OEA is providing a copy of this Draft EA to the Corps for review.

RJC submitted its E&H Report to the U.S. Fish and Wildlife Service, Tennessee Ecological Service Field Office (USFWS) for review of the potential impact the proposed abandonment may have on protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. §§ 1531-1544). To identify protected species in the project area, OEA conducted a search of the USFWS Information for

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<sup>5</sup> 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" "1296" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was initially filed on April 21, 2023 but was updated and served on the required agencies on November 16, 2023 to include the Line's actual endpoint at the Clinchmore Mine.

Planning and Consultation (IPaC) system.<sup>6</sup> The following seven species may be present in the project area:

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| <b>Protected Species in Campbell County, Tennessee</b> |                         |                       |                                                                                                                                                      |
|--------------------------------------------------------|-------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Group</b>                                           | <b>Common Name</b>      | <b>Federal Status</b> | <b>Habitat Description</b>                                                                                                                           |
| Mammals                                                | Gray Bat                | Endangered            | Limestone karst areas, meaning a landscape marked by caves, sinkholes, springs and other features, of the southeastern and midwestern United States. |
|                                                        | Northern Long-eared Bat | Endangered            | Forested areas for roosting, foraging and commuting between summer and winter habitat.                                                               |
|                                                        | Tricolored Bat          | Proposed Endangered   | Living and dead leaf clusters of live or recently dead deciduous hardwood trees.                                                                     |
| Birds                                                  | Whooping Crane          | Endangered            | Inland marshes and prairie pools. Breeds in remote northern forests near lakes and ponds.                                                            |
| Fishes                                                 | Blackside Dace          | Threatened            | Headwater streams.                                                                                                                                   |
| Clams                                                  | Cumberland Elktoe       | Endangered            | Upper Cumberland River System in southeast Kentucky and north-central Tennessee.                                                                     |
| Insects                                                | Monarch Butterfly       | Candidate             | Prairies, meadows, grasslands and along roadsides.                                                                                                   |

The database indicates that there is no designated critical habitat for these species in the project area.

Because no land disturbance, salvage, instream work, or bridge or tree removal is contemplated here; and no critical habitat is present, OEA concludes that the proposed abandonment would have no effect on any of the seven species. OEA is providing a copy of this Draft EA to the USFWS Tennessee field office for its review.

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation under the Coastal Zone Management Act is required.

The U.S. Department of Agriculture Natural Resources Conservation Service commented that it has no objection to the proposed abandonment.

RJC submitted its E&H Report to the U.S. Environmental Protection Agency, Region 4 (USEPA) for comment on potential permitting requirements under Sections 402 of the Clean Water Act (CWA) (33 U.S.C. § 1342). To date, OEA has not received a response from USEPA. However, OEA does not anticipate the need for any permits under the CWA because RJC does

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<sup>6</sup> U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool (IPaC), <https://ipac.ecosphere.fws.gov> (OEA confirmed on July 26, 2023).

not intend to disturb the right-of-way or do any instream work. OEA is providing a copy of this Draft EA to the USEPA for review.

OEA concludes that there would be no impact from any air emissions or noise on the area surrounding the proposed abandonment because no salvage or other land disturbing activities would occur.

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 U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the Tennessee Wildlife Resources Agency; and the Tennessee Department of Environment and Conservation for review.

## **HISTORIC REVIEW**

RJC submitted its E&H 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).<sup>7</sup> The SHPO has not commented on the proposed abandonment but did provide its opinion in the Oneida Line Proceeding. Specifically, by letter dated February 14, 2020, the SHPO stated that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the Oneida Line abandonment. No further SHPO consultation was required in that proceeding. Because both the Oneida Line and the Line here are physically and historically connected and RJC does not intend to salvage the Line or make any changes to the existing rail corridor here, OEA concludes that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register.

Accordingly, pursuant to the Section 106 regulations of 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 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 the RJC'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>.

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<sup>7</sup> 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://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 Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.<sup>8</sup> The database indicates that there are four federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Cherokee Nation; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians; and the Muscogee (Creek) Nation. OEA is providing a copy of this Draft EA to these tribes for review.

### **CONDITIONS**

OEA recommends 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, 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.

### **PUBLIC USE**

Following abandonment and salvage of the 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. § 1152.29) 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.<sup>9</sup>

### **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 notice of the petition for exemption in the Federal

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<sup>8</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last visited June 27, 2023).

<sup>9</sup> Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1296" "1" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

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.<sup>10</sup>

## **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: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1296 (Sub-No. 1X). If you have any questions, please contact Diana Wood by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov) or by phone at 202-245-0302.

Date made available to the public: January 9, 2024.

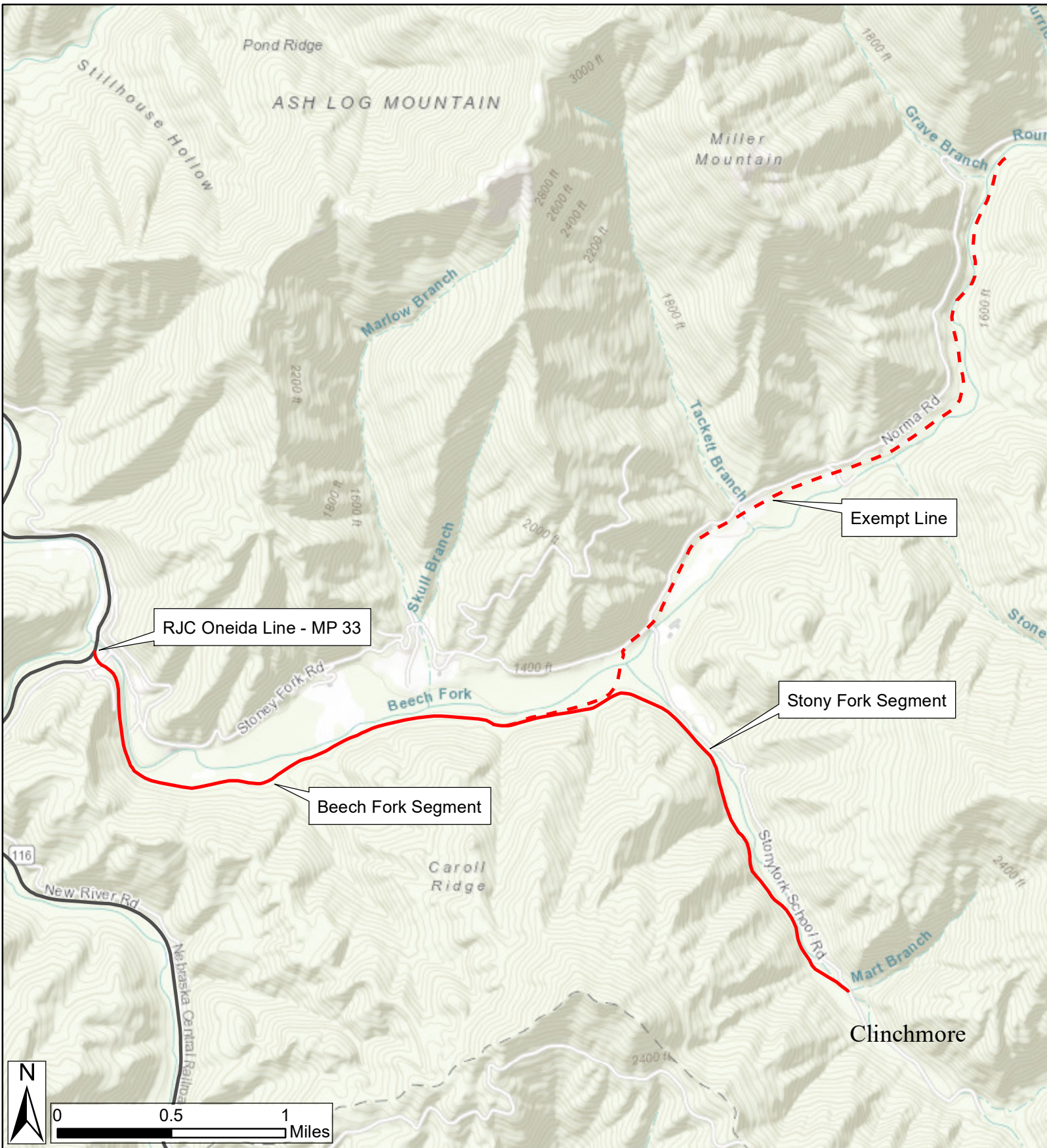
**Comment due date: February 8, 2024.**

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

Attachment

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<sup>10</sup> Id.



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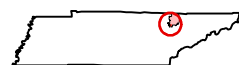
R.J. Corman Railroad Property, LLC  
Abandonment Exemption  
Campbell County, Tenn.

- The Line
- RJC Oneida Line
- - - Exempt 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.



Campbell County



Tennessee