

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 534 (Sub-No. 4X)

**Lake State Railroad Company—Abandonment
Exemption—in Saginaw County, Mich.**

BACKGROUND

In this proceeding, Lake State Railroad Company (LSRC) 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 a line of railroad in Saginaw County, Michigan. The rail line proposed for abandonment, known as the West Shore Spur, is approximately 6,805 feet extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of North Niagara Street in Saginaw County, Michigan (the Line). 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 would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

According to LSRC, LSRC owns the rail and track material and holds a freight easement for the Line, and CSX Transportation, Inc. (CSXT) owns the property underlying the right-of-way. Following abandonment, a portion of the right-of-way would be conveyed by CSXT to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School, which is immediately adjacent to the right-of-way. Rails, ties and track materials would be removed by either LSRC or the school district.

DESCRIPTION OF THE LINE

LSRC believes that the Line was constructed in stages between 1888 and 1891 by the Flint & Pere Marquette Railroad Company. Several acquisitions and mergers later, the Line was ultimately merged into LSRC. See Lake State Ry.—Intra-Corporate Family Merger Exemption—Saginaw Bay S. R.R., FD 35561 (STB served Dec. 2, 2011). The Line is a single industrial rail track that runs along the west side of the Saginaw River, in Saginaw County, Michigan. The Line diverges from the east-west main line at the west end of the bridge over the Saginaw River, passes under Interstate 675 and into a developed urban industrial and commercial area. The Line traverses United States Postal Service Zip Codes 48604 and 48602. According to LSRC, the right-of-way is between 66 and 20-feet wide, and no structures exist on the Line. The far southern terminus of the Line has been removed and paved as part of Niagara Street, and the two public grade crossings at Davenport and West Genesee Avenues have been removed and paved as well.

ENVIRONMENTAL REVIEW

LSRC 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, including salvage. LSRC served the E&H 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 implementing the National Environmental Policy Act [42 U.S.C. §§ 4321-4370m-11]. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to LSRC, no traffic has moved over the Line in at least two years, and there is no overhead traffic to be rerouted. 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.

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. Here, LSRC states that salvage operations will be handled using existing access routes. No bridges or other structures are present along the line. Rails, ties and track materials would be lifted and removed by either LSRC or the school district.

LSRC requested comments from the Michigan Department of Transportation (MDOT) Rail Office and Michigan Department of Natural Resources (MDNR). MDOT commented by email dated January 23, 2025, that per Michigan State law, prior to a railroad's sale of any right-of-way approved for abandonment, the railroad must first offer the property to MDOT and then to MDNR. MDNR has not responded to LSRC's request for comments. Accordingly, OEA recommends that any Board decision granting abandonment authority include a condition

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "534" "4" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on April 21, 2025.

requiring LSRC to consult with MDOT and MDNR regarding MDOT's concerns prior to commencement of any abandonment-related salvage activities.

LSRC notified the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) of the proposed abandonment by letter dated December 17, 2024. NRCS has not responded to LSRC's request for comments. However, because the Line is located in a disturbed urban area, OEA concludes that the proposed abandonment is unlikely to have an adverse effect on prime agricultural land.

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the Line. Therefore, OEA concludes that the proposed abandonment is unlikely to affect the transportation of hazardous materials.

LSRC requested comments from the U.S. Fish and Wildlife Service (USFWS), Michigan Ecological Services Field Office regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system,² which indicated five threatened and endangered species — Indiana Bat (*Myotis sodalist*), Rufa Red Knot (*Calidris canutus rufa*), Monarch Butterfly (*Danaus Plexippus*), Eastern Massasauga (rattlesnake) (*Sistrurus catenatus*), and Eastern Prairie Fringed Orchid (*Platanthera leucophaea*). No critical habitats for these species were listed in the project area. The IPaC system directed users to the Rapid Avian Information Locator (RAIL) tool to conduct a search for migratory birds in the project area. The RAIL tool indicated that 171 migratory birds may have a presence in the county, but the only bird with a protected conservation status likely to be found in the project area is the Chimney Swift (*Chaetura pelagica*).³ OEA has determined that the proposed abandonment would have no effect on these federally listed threatened or endangered species because no suitable habitat exists within the largely developed commercial and industrial urban area of the Line. Therefore, no further consultation with USFWS is required.

The National Geodetic Survey (NGS) indicated via email on December 30, 2024, that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is required.

² U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC) system, <https://ecos.fws.gov/ipac> (last visited April 28, 2025).

³ Avian Knowledge Network Rapid Avian Information Location (Rail) tool, <https://data.pointblue.org/apps/rail> (last visited May 14, 2025).

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LSRC notified the Michigan Department of Environment, Great Lakes and Energy, Water Resources Division (EGLE) of the proposed abandonment by letter dated December 17, 2024. EGLE has not responded to LSRC's request for comments. OEA has determined that the proposed abandonment is not located within the State of Michigan's Coastal Zone. Thus, consistency review with the State Coastal Zone Management Program is not required.

LSRC notified the National Park Service (NPS) of the proposed abandonment by letter dated December 17, 2024, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. To date, NPS has not responded to LSRC's request for comments. Because the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such area would be affected by the proposed abandonment, and no further coordination is necessary.

LSRC requested comments from the U.S. Army Corps of Engineers (Corps), Detroit District and the U.S. Environmental Protection Agency (EPA), Region 5. No responses have been received to date. Because LSRC has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment, OEA believes that abandonment-related salvage activities would not require a permit under section 402 or 404 of the Clean Water Act (CWA). Therefore, no further consultation is required.

OEA believes that any air emissions associated with salvage activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to 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. In addition to the parties on the Board's service list, OEA is providing a copy of this Draft EA to EPA, Region 5; Corps, Detroit District; USFWS, Michigan Ecological Services Field Office; MDOT Rail Office; and MDNR for review.

HISTORIC REVIEW

LSRC served the E&H Report on the Michigan State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁴ In an email dated January 6, 2025, the SHPO

⁴ 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

responded with a request for additional information from LSRC to complete their review. Therefore, OEA has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, OEA is recommending a Section 106 condition be imposed on any decision granting abandonment authority requiring LSRC to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at [www. https://www.stb.gov/resources/environmental/historic-preservation-overview](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.⁵ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effects) of the proposed abandonment: Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan, Little Traverse Bay Bands of Odawa Indians, Michigan, Menominee Indian Tribe of Wisconsin, Miami Tribe of Oklahoma, Saginaw Chippewa Indian Tribe of Michigan, and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁶

1. Lake State Railroad Company (LSRC) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings,

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 overviewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed April 28, 2025).

⁶ If an interim trail use agreement were to be reached for the Line (or a portion thereof), 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, compliance with these conditions would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. LSRC shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Michigan State Historic Preservation Office, Tribal Historic Preservation Office (if on tribal lands), and any other Section 106 consulting parties, and the public. LSRC may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

2. Prior to commencement of any abandonment-related salvage activities, Lake State Railroad Company shall consult with Michigan Department of Transportation (MDOT) Rail Office and Michigan Department of Natural Resources regarding the concerns raised in MDOT's email dated January 23, 2025.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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), 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 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.⁷

⁷ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu;

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 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸

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 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; 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: Andrea E. Poole, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 534 (Sub-No. 4X). If you have any questions, please contact Andrea E. Poole by email at Andrea.Poole@stb.gov by phone at 202-934-3330.

entering "AB" "534" "4" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

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Date made available to the public: May 16, 2025.

Comment due date: June 2, 2025.

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

Attachment



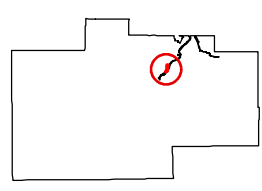
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Lake State Railway Company
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In Saginaw County, Mich.

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.



Saginaw County



Michigan