

#EO-1807

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 1076X

December 9, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (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, the Caddo Valley Railroad Company (CVRR) filed a notice of exemption with the Board seeking approval authority to abandon and discontinue service and trackage rights on approximately 32.2 miles of rail line in Clark, Pike and Montgomery Counties, Arkansas. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on November 21, 2011 for public review and comment. In the EA, OEA recommended 1 environmental (historic) condition and concluded that the proposed action would not significantly impact the quality of the human environment.

OEA received correspondence from 4 different agencies during the 15-day comment period. The comments are summarized below. In this Final EA, OEA is removing the 1 environmental (historic) condition previously recommended for imposition in the EA and adding 2 new consultation conditions with the U.S. Fish and Wildlife Service (USFWS) and the Arkansas Natural Resources Commission (NRC) prior to initiating salvage operations.

Comments on the EA

CVRR 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 Department of Arkansas Heritage (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). By letter dated November 29, 2011, the SHPO has determined that the proposed abandonment would have no adverse effect on National Register listed or eligible properties affected by this undertaking. The documentation

for this finding, as specified at 36 CFR 800.11 (d), consists of the railroad's historic report, all relevant correspondence, and the EA, which have been made available to the public through the Board's website. OEA therefore recommends that the Section 106 condition previously recommended in the EA be removed at this time.

By letter dated November 2, 2011, the U.S. Fish and Wildlife Service (USFWS) commented that the following 8 federally listed threatened and endangered species are within close range of the proposed abandonment: the Ouachita rock-pocketbook (*Arkansia wheeleri*), the Pink mucket (*Lampsililis abrupta*), the Red cockaded woodpecker (*Picoides borealis*), the winged mapleleaf (*Quadrula fragosa*), the Florida panther (*Felis concolor coryi*), the scaleshell (*Leptodea leptodon*), the Arkansa fatmucket (*Lampsilis powellii*), and the piping plover (*Charadrius melodus*). USFWS states that any sediment generated during the railroad's salvage process could have direct effects on these species and/or their habitat, and further recommends that CVRR use best management practices during salvage operations.¹ USFWS also indicates that its comments do not include an "effect determination" or an opinion as to whether the salvage operations would be considered a "take" on the above listed protected species and their habitat under Section 7 of the Endangered Species Act. To further address this issue, OEA is recommending a new condition that would require CVRR to consult with USFWS to ensure that the proposed abandonment would not be likely to adversely impact these species or their habitat during the salvage process.

By letter dated November 14, 2011 from the State Clearinghouse, the Arkansas Natural Resources Commission's (NRC) Technical Review Committee commented that it reviewed the proposed abandonment pursuant to Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act, and the Arkansas Project Notification and Review System. The Committee supports the proposed abandonment providing the following measures are taken: that best management practices be used during salvage operations to avoid, minimize, or mitigate any impacts to streams and wetlands, including any demolition or repair work that may be needed at associated crossings; and that the necessary permits be obtained for such work. To address NRC's concerns, OEA is recommending a condition that would require CVRR to consult with NRC prior to initiating salvage to ensure that its concerns are addressed.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not have an adverse effect on prime farmland. OEA therefore concludes that no further consultation with NRCS is necessary.

¹ CVRR has stated that it intends to salvage the rail, ties and track material, and possibly the upper layer of ballast, but would leave the roadbed, bridges and subgrade, including any subgrade structures, intact.

Conclusions

The EA comment period has ended. Accordingly, OEA is recommending that the following 2 conditions be imposed upon any decision granting abandonment authority.

1. Based on the comments of the U.S. Fish and Wildlife Service (USFWS) and pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1535), CVRR shall consult with OEA and USFWS in order to develop appropriate mitigation measures, if necessary. CVRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.
2. To address the concerns raised by the Arkansas Natural Resources Commission's (NRC) Technical Review Committee, CVRR shall contact NRC prior to commencement of any salvage activities on this project concerning: removal and salvage methods; and any work within the designated floodway, including possible impacts to wetlands, streams, and stream banks.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

OEA CONTACT:

Diana Wood 
202-245-0302
woodd@stb.dot.gov

Distribution:

Andrea Pope-Matheson, Office of Proceedings
Barbara Saddler, Office of Proceedings
Vivian Hardy, Office of Proceedings

OEA Chron

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Attachments



**The Department of
Arkansas
Heritage**

Mike Beebe
Governor

Cathie Matthews
Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



**Arkansas Historic
Preservation Program**

1500 Tower Building

323 Center Street

Little Rock, AR 72201

(501) 324-9880

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e-mail

info@arkansaspreservation.org

website

www.arkansaspreservation.com

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November 29, 2011

Mr. Richard Streeter, Esq.
Attorney at Law
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Re: Multi County - General
Section 106 Review - STB
Proposed Caddo Valley Railroad Company Abandonment from MP
429.45 to MP477 and from MP 447 to MP 479.2
Docket Number AB-1076X
AHPP Tracking Number 78985

Dear Mr. Streeter:

This letter is in regards to your inquiry regarding properties of archeological, architectural, or historical significance within the boundaries of the above referenced project. The staff of the Arkansas Historic Preservation Program has reviewed the records pertaining to the area in question. They report that there are three architectural properties within the proposed project area, PI10- Rosboro School, PI15-Glenwood Depot, and PI24- Rock Creek Railroad Bridge. Of these three properties Glenwood Depot and Rock Creek Railroad Bridge are in the National Register of Historic Places (NRHP), while the NRHP eligibility of Rosboro School is undetermined.

Based on your correspondence, the proposed project will not result in any soil disturbance along the line. Therefore, the project should have no impact on any archeological sites along the line.

This office does not consider the removal of the rails and crossies from the line to be an adverse effect on the Glenwood Depot or Rock Creek Railroad Bridge. Care should be taken during the removal to ensure that these two properties, as well as Rosboro School, are not impacted by the proposed undertaking. Assuming that these three properties are avoided, we concur that the proposed undertaking will have no adverse effect on historic properties.

Thank you for the opportunity to review this undertaking. If you have any questions, please contact Eric Gilliland of my office at 501-324-9880.

Sincerely,

Frances McSwain

Frances McSwain
Deputy State Historic Preservation Officer

#E1-18753
B7W
AB 1076X

**Cc: Mr. David Bond, EPA
Mr. Robert Cast, Caddo Nation
Dr. Ann Early, Arkansas Archeological Survey
Mr. Keith Hayden, EPA
Mr. James E. Smith, Smith Akins**



IN REPLY REFER TO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480



November 02, 2011

Reference: TA0073

Richard Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Dear Mr. Streeter:

The U.S. Fish and Wildlife Service (Service) has reviewed the information supplied in your letter dated September 29, 2011, regarding the proposed abandonment of rail service from near the city of Antoine to near the city of Birds Mill, in Clark, Montgomery, and Pike Counties, Arkansas. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The following federally listed threatened and endangered species are known to occur in this region: Ouachita rock-pocketbook (*Arkansia wheeleri*), Pink mucket (*Lampsilis abrupta*), Red-cockaded woodpecker (*Picoides borealis*), winged mapleleaf (*Quadrula fragosa*), Florida panther (*Felis concolor coryi*), scaleshell (*Leptodea leptodon*), Arkansas fatmucket (*Lampsilis powellii*), and piping plover (*Charadrius melodus*). In addition the candidate species spectaclecase (*Cumberlandia monodonta*) and rabbitsfoot (*Quadrula cylindrica cylindrica*) also occur in this region.

Sediment and/or nutrient transport from the proposed project location may have direct, indirect, and/or cumulative effects to mussels, fish hosts, and/or their habitat(s). The effects of sedimentation and nutrients (e.g., ammonia, etc.) on mussels, fish, and their habitats are well documented in the scientific literature. Adverse effects associated with sedimentation and nutrification from all phases of construction activities may be minimized and/or alleviated through proper implementation and maintenance of erosion control best management practices and maintaining vegetative buffers. Buffer width is dependent upon slope, vegetation type, and soil types. The Service can provide additional technical assistance on appropriate vegetative buffer widths upon request.

The comments herein are for the sole purpose of providing technical assistance to the action agency or for individual pre-project planning assistance. These comments and opinions should not be misconstrued as an "effect determination" or considered as concurrence with any proceeding determination(s) by the action agency in accordance with Section 7 of the ESA. These comments do not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, a finding concurrence letter, etc.) from the Service, both lethal and nonlethal "take" of protected species are in violation of the ESA.

We appreciate your interest in the conservation of endangered species. If you have any questions, please contact the Arkansas Ecological Services Staff at (501) 513-4487.

Sincerely,

A handwritten signature in black ink, appearing to read "C. David", followed by a long, sweeping horizontal line.

~~Jim~~ Boggs
Project Leader

#E1-18742
AB 1076X
BFW

Arkansas Natural Resources Commission

J. Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: anrc@arkansas.gov

Mike Beebe
Governor

MEMORANDUM

TO: Mr. Tracy Copeland, Manager
State Clearinghouse

FROM: ✓ Mr. J. Randy Young, P.E., and Chairman
Technical Review Committee

SUBJECT: DOCKET #AB-1076 X
Caddo Valley Railroad Company – Abandonment Exemption
In Clark, Pike and Montgomery Counties, Arkansas
COMBINED ENVIRONMENTAL AND HISTORIC REPORTS

DATE: November 8, 2011

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Members of the Technical Review Committee have reviewed the above referenced project; Caddo Valley Railroad Company proposes to abandon approximately 32.20 miles of its rail line between Railroad Milepost 447.0 and 479.2, which is a portion of the northern segment of the Norman Branch Line. Due to deteriorated track conditions and seriously adverse financial circumstances, Caddo Valley Railroad Company was compelled to suspend all rail services on the Line in May 2009. No local traffic has moved over the Line during the past two years, and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in the past two years. The Line has had only two customers in the past ten years, Bean Lumber Company, Inc. and GS Roofing Products Company, Inc. Bean Lumber Company, Inc. has ceased operations and filed for bankruptcy. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Caddo Valley Railroad does not intend to disturb any bridges or sub-grade or sub-grade structures. It anticipates it will enter into an agreement with Southwest Arkansas Regional Intermodal Authority, which will rail bank the right-of-way in order to preserve the rail corridor, which consists of easements dating back to the 19th and early part of the 20th Century.

The Committee supports this project.

Agency comments are included for your review.

The opportunity to comment is appreciated.
JRY/ddavis



STATE OF ARKANSAS

Department of Finance and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES

1516 West Seventh Street, Suite 412
Post Office Box 8091
Little Rock, Arkansas 72203-8091
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/ids>

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse *#2524*

DATE: October 13, 2011

SUBJECT: Docket No. AB-1076X Caddo Valley Railroad Company-Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by October 28, 2011 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

NOTE: It is imperative that your response be in to the ANRC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501) 682-3830 or the State Clearinghouse Office.

☒ Support ☐ Do Not Support (Comments Attached)

☒ Comments Attached ☐ Support with Following Conditions

☐ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

Name(print) John Turner Agency ANRC Date 10-28-2011

Telephone Number 501 682 1605

MEMORANDUM

TO: Ed Swaim, Chief, Water Management Division *ES*
CC:
FROM: John Turner, Program Coordinator
DATE: October 26, 2011
RE: Docket No. AB-1076X Caddo Valley Railroad Company - Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

ANRC has reviewed the above report. At this time there are no objections to the proposal so long as the mitigation process (avoid, minimize, compensate) is adhered to in regards to wetlands and streams. Appropriate methodologies should be implemented when determining the extent of unavoidable impacts and compensation ratios for wetlands (Charleston Method) and streams (Little Rock Method). The appropriate amount of compensatory mitigation required to offset the impacts should be implemented to insure the mitigation is appropriate to "obtain no overall net loss to wetlands" as agreed to within the 1990 EPA/Corps MOA concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines.

Additionally, I recommend that the most current best management practices (BMPs) be made a part of the planning process for the removal of the tracks and crossings. These efforts will help minimize erosion and maintain water quality in the area.

I have attached the application for your review, decision, and signature.

Attachment



STATE OF ARKANSAS

Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES

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<http://www.state.ar.us/dfa>

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: October 13, 2011

SUBJECT: Docket No. AB-1076X Caddo Valley Railroad Company-Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

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☒ Support ☐ Do Not Support (Comments Attached)

☐ Comments Attached ☐ Support with Following Conditions

☒ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

Name(print)

William Proctor

Agency

AGS

Date

10-17-2011

Telephone Number

683-0117



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance
and Administration

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<http://www.state.ar.us/dfa>

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: October 13, 2011

SUBJECT: Docket No. AB-1076X Caddo Valley Railroad Company-Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

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☒ Support ☐ Do Not Support (Comments Attached)

☐ Comments Attached ☐ Support with Following Conditions

☐ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

Name(print) Douglas Akin Agency AFC Date 10/12/11

Telephone Number 501-296-1761



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

**Department of Finance
and Administration**

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<http://www.state.ar.us/dfa>

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: October 13, 2011

SUBJECT: Docket No. AB-1076X Caddo Valley Railroad Company-Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

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River Basins

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by October 28, 2011 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

NOTE: It is imperative that your response be in to the ANRC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501) 682-3830 or the State Clearinghouse Office.

☐ Support ☐ Do Not Support (Comments Attached)

☐ Comments Attached ☐ Support with Following Conditions

☒ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

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OCT 28 2011
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SERVICES
STATE CLEARINGHOUSE

Name(print) Robert K. Leonard Agency AGFC Date 10-27-11

Telephone Number 978-7361



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OFFICE OF INTERGOVERNMENTAL SERVICES

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MEMORANDUM

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AHTD

OCT 14 2011

ENVIRONMENTAL
DIVISION

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: October 13, 2011

SUBJECT: Docket No. AB-1076X Caddo Valley Railroad Company-Abandonment Exemption-
in Clark, Pike and Montgomery Counties, Arkansas - Combined Environmental and
Historic Report.

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

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If your Agency anticipate having a response which will be delayed beyond the
stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501)
682-3830 or the State Clearinghouse Office.

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☐ Do Not Support (Comments Attached)

☒ Comments Attached ☐ Support with Following Conditions

☐ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

The AHTD will make comments to the Surface
Transportation Board by their December 12, 2011
deadline.

Name(print) John Fleming Agency AHTD Date 11/7/11

Telephone Number 501-569-2595

Richard Streeter

From: Hooks, Jason <HOOKS@adeq.state.ar.us>
Sent: Wednesday, October 05, 2011 1:53 PM
To: 'rhstreeter@gmail.com'
Subject: Environmental Reviews

Mr. Streeter,

I received two letters from you requesting environmental review. I provide the following comments on behalf of the ADEQ Water Division. The projects are the abandonment of the Norman Branch Line at two locations. The first segment extends from Railroad milepost 429.25 near Gurdon to Milepost 447 near Antoine, totaling 17.55 miles in Clark and Pike Counties, Arkansas. The second segment extends from Railroad Milepost 447 near Antoine to Milepost 479.2 near Birds Mill, totaling 32.2 miles in Clark, Pike, and Montgomery Counties, Arkansas.

The abandonment of these segments of rail and the discontinuation of rail service will not likely cause violations of State Water Standards. Should any stream crossing structures be demolished or repaired, then the activity will require further review for impacts to Waters of the State. Thank you for the opportunity to comment. I will forward your letters to the Hazardous Waste Division for their review.

If you have any questions, please contact me.

Jason Hooks

Ecologist, Water Division
Arkansas Department of Environmental Quality
phone (501) 687-0028
hooks@adeq.state.ar.us

United States Department of Agriculture



Natural Resources Conservation Service
351 Washington Street, Room 206 Federal Building
Camden, Arkansas 71707

#E1-18745
AB-1076 X
DAW

Subject: Proposed Abandonment

Date: 11/16/11

To: Richard H Streeter
5255 Partridge Land, NW
Washington, DC 20016

Mr Streeter:

This is in response to your request for information to help you prepare an environmental assessment for the abandon and discontinue rail service on segment of the Norman Branch line, in Clark and Pile counties. This site has been converted and it is my opinion that your project will not have any adverse environmental affect on this site.

If I can be of any further assistance to you concerning this information feel free to contact me anytime at (870- 836-2089-ext-106).

Sincerely

Leodis Williams
Soil scientist/NRCS