

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 1076X

February 14, 2013

RECOMMENDATION: Remove U.S. Fish and Wildlife Service condition

By decision served February 14, 2012, the Board imposed three (3) environmental conditions. Condition number 2, set forth below, addressed federally threatened and endangered species:

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), the Caddo Valley Railroad Company (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.

New Information Regarding Section 7 Consultation

CVRR submitted new information¹ from USFWS that indicates that the proposed salvage operations would not likely have an adverse effect on the federally threatened and endangered species referenced in its initial letter of November 2, 2011. USFWS's concurrence was based on detailed information that CVRR provided to USFWS on its salvage procedure. USFWS notes, however, that if the proposed activities change, or in the unlikely instance that CVRR should encounter a listed species within the railroad bed, CVRR would need to notify USFWS for additional consultation prior to commencing any further activities associated with salvage operations of the rail line. Accordingly, based on USFWS's concurrence, OEA has determined that the proposed abandonment would not have any direct adverse impacts on federally listed threatened or endangered species.

CVRR has also addressed Conditions 1 and 3, which required CVRR to consult with the Arkansas Natural Resources Commission, Water Management Division (ARNC-WMD) and the National Geodetic Survey (NGS) prior to beginning salvage activities. In the attached email dated April 11, 2012, ANRC-WMD indicated that it identified no significant environmental

¹ The information was embedded into an email originally sent by CVRR on April 13, 2012. However, the portion of the email containing USFWS's concurrence did not transfer to a printed copy that was later scanned to the Board's web site as environmental correspondence under #EI-18874 and subsequently used as a basis to determine project status. CVRR notified OEA of this oversight on February 14, 2013.

impacts associated with the salvage procedure. In the same email, CVRR also indicated that it had reached an understanding with NGS regarding the geodetic markers that may be encountered during salvage activities.

Conclusion

Based on the additional information submitted by CVRR, OEA recommends that the Board remove Condition number 2. Conditions 1 and 3 are not barriers to consummation and have been satisfied.

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

ECT

Attachments

E1-20123

D4W

AB-1076X



Fw: Caddo Valley Railroad Abandonment STB Docket AB 1076X and 1076(Sub-No. 1X)
Vicki Rutson
to:
Troy Brady, Diana Wood
04/13/2012 12:28 PM
Hide Details
From: Vicki Rutson/STB

To: "Troy Brady" <pseudocajun@verizon.net>, Diana Wood/STB

History: This message has been replied to.

5 Attachments



graycol.gif pic15147.gif image001.png image002.png CVRRKovalchick021.pdf

From: "Richard Streeter" [rhstreeter@gmail.com]
Sent: 04/13/2012 10:58 AM AST
To: Troy Brady; Vicki Rutson
Cc: <Nathan@Kovalchickcorp.com>
Subject: FW: Caddo Valley Railroad Abandonment STB Docket AB 1076X and 1076(Sub-No. 1X)

Vicki and Troy, I am forwarding an e-mail that I received from the USFWS yesterday evening. This satisfies the last condition imposed by the Board. I will also forward an email that was received from the Arkansas Natural Resources, Water Management Division in a few minutes that I previously sent to Vicki. As I have previously advised you, I have reached an agreement with the US Geodetic Survey that if any station markers are recovered during salvage activities, they will be forwarded to the Service.

I believe that we have now satisfied all conditions imposed by the Board's Decisions in these proceedings and

that salvage activities can proceed. Thank you for your consideration in this matter. Best regards, Richard H. Streeter

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From: Chris_Davidson@fws.gov [mailto:Chris_Davidson@fws.gov]
Sent: Thursday, April 12, 2012 6:09 PM
To: Richard Streeter
Cc: melissa_lombardi@fws.gov; Nathan@Kovalchickcorp.com
Subject: Re: Caddo Valley Railroad Abandonment

Mr. Streeter,

The U.S. Fish and Wildlife Service has reviewed the information submitted in the letter dated April 10, 2012, from Nathan Kovalchick to you regarding the Caddo Valley Railroad Abandonment project in Arkansas. Based on the information provided in the aforementioned letter, the Service concurs that the proposed activity may affect, but is not likely to adversely affect the federally threatened and endangered species referenced in our letter dated November 2, 2011. Should the scope of the proposed activities associated with this project change or in the unlikely instance that you would encounter a listed terrestrial species within the railroad bed, please notify our office for additional consultation and recommendations prior to commencing further activities.

Thank you.

Chris Davidson
Team Leader, Endangered Species Program

U. S. Fish & Wildlife Service
Arkansas Field Office
110 South Amity Road, Suite 300
Conway, AR 72032

office: 501-513-4481
cell: 501-730-3268
fax: 501-513-4480
email: chris_davidson@fws.gov

▼ "Richard Streeter" <rhstreeter@gmail.com>

"Richard Streeter"
<rhstreeter@gmail.com>

To: <melissa_lombardi@fws.gov>,
<chris_davidson@fws.gov>
cc: <Nathan@Kovalchickcorp.com>

04/10/2012 11:44 AM

Subject: Caddo Valley Railroad Abandonment

Dear Chris and Melissa, I am counsel for Caddo Valley Railroad which is in the process of abandoning its line of railroad. In granting authority to abandon, the Surface Transportation Board directed CVRR to "contact USFWS prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species and consult with OEA and USFWS to develop appropriate mitigation measures should any potential impacts be identified." As a preliminary measure, I requested Kovalchick Corporation, which will be performing the salvage activities, to send me a letter (a copy of which is attached), which explains the salvage process. As noted, no work will happen outside the physical contours of the tracks. Furthermore, no trees will be cut, nor will the removal process involve any excavation. Also, since bridges are being left intact, the salvage process will not impact any ground that would cause erosion. I should also note that the right-of-way of this line is generally 100 feet wide. However, the salvage activities will be focused on the middle 10 to 15 feet of the right of way, which will also serve to ensure that no impact will be felt by any of the species named in your letter of November 2, 2011.

It would be greatly appreciated if you could call me in the next day or two to discuss this matter further. My number is 202-363-2011. I will be in my office on April 11 until 11:00 a.m. e.d.s.t. I will return after 4:00 p.m. e.d.s.t. Thank you for your consideration in this matter. Best regards, Richard H. Streeter

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(See attached file: CVRRKovalchick021.pdf)

April 10, 2012

Mr. Richard Streeter
5255 Partridge Lane, N.W.
Washington, DC 20016

RE: Removal Process

Dear Richard:

Kovalchick Corporation is an experienced railroad removal and service organization that has been involved in track removal and salvage activities for over 50 years. During that time it has performed track removal of hundreds of miles of railroad tracks in numerous states.

Below is an explanation of the removal process and an explanation of the equipment that is used. The steps of railroad removal, in order, are as follows:

1. Remove the spikes that are holding the rails onto the railroad ties.
2. Remove the bolts that attach the rails to each other.
3. Lift the rails and other steel items from the track area and load them onto trucks.
4. Lift the ties from the track area.

The equipment that is used is specific to railroad needs. There are small machines that "pull" the railroad spikes. There are small machines that unscrew the railroad bolts. There are material handlers with magnets and/or grapples which lift the steel items and wooden ties. Sometimes we incorporate machines such as forklifts to assist the loading of the items.

During the process, no equipment used in salvage activities will leave the railroad right-of-way except at existing road crossings. In fact, the salvage equipment does not leave the general corridor where the trains once operated. Instead, the process simply involves taking the pieces apart, putting them onto trucks and using the railroad corridor as a means to access the public highway system.

The salvage process does not include excavation. It does not include cutting trees. Therefore, it will have no impact on birds and other wildlife that live in trees. It does not include the creation of new roads or paths. Because all bridge structures will be left intact, removal of spikes, bolts and rail will have no impact whatsoever on wetlands and underlying streams. Also, because ballast will not be removed, and because no excavation will be performed, there will be no dumping or runoff of soil or other materials into adjacent wetlands and streams.

Mr. Richard Streeter

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April 10, 2012

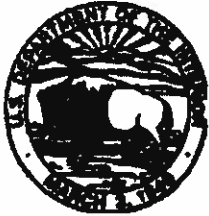
Furthermore, salvage activities should not affect any wildlife that may be found in adjacent wetlands or streams over which the line passes. Indeed, when the process is complete, the area will continue to look the same, except that the railroad tracks will be gone.

Sincerely,

KOVALCHICK CORPORATION

A handwritten signature in black ink, appearing to read 'Nathan Kovalchick', written over the printed name.

Nathan Kovalchick



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.

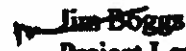
Sediment and/or nutrient transport from the proposed project location may have direct, indirect, and/or cumulative effects to mussels, fish hosts, and/or their habitat(s). The effects of sedimentation and nutrients (e.g., ammonia, etc.) on mussels, fish, and their habitats are well documented in the 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 FSA. 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. Davidson", followed by a long horizontal flourish.

A small handwritten signature in black ink, appearing to read "Jim Boggs".
Jim Boggs
Project Leader



Fw: AB 1076X and 1076(Sub-No. 1X)
Vicki Rutson
to:
Diana Wood, Troy Brady
04/11/2012 05:00 PM
Hide Details
From: Vicki Rutson/STB

AB 1076X
E1-18875
D4W

To: Diana Wood/STB, "Troy Brady" <pseudocajun@verizon.net>

From: "Richard Streeter" [rhstreeter@gmail.com]
Sent: 04/11/2012 03:57 PM AST
To: Vicki Rutson
Subject: AB 1076X and 1076(Sub-No. 1X)

Vicki, This will confirm my earlier voice mail that I received the following message from the Arkansas Natural Resources, Commission, Water Management Division in response to my explanation of the best management practices to be following during salvage activities so as to avoid adverse impacts to wetlands and streams.

"Mr. Streeter,

The salvage operation as described should produce minimal erosion and wetland impacts. Your description below is adequate to satisfy ANRC notification requirements. ANRC has identified no significant environmental issues associated with the salvage activities as described.

Please let me know if this email satisfies your requirements regarding this project.

If you have questions, don't hesitate to contact me at 501 682 3980. Thanks

Ken
Ken Brazil ANRC"

I believe that this satisfies the first condition that CVRR contact ARNC-WMD to discuss its concerns and to report

the outcome of the discussions to you.

I have contacted the appropriate person in the USFWS but have not yet received a response.

As I previously notified you, I have consulted with NGS and reached an understanding with it regarding geodetic markers that may possibly be encountered. Best regards, Richard H. Streeter

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