

SERVICE DATE – APRIL 19, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 400 (Sub-No. 7X)
Seminole Gulf Railway, L.P. – Abandonment Exemption
In Sarasota County, Fla.

BACKGROUND

In this proceeding, Seminole Gulf Railway, L.P. (SGLR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 USC § 10903 in connection with the abandonment of a line of railroad in Sarasota County, Florida. The rail line proposed for abandonment, known as the Venice Branch, extends approximately 7.68 miles between Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 on the north side of State Highway 780, also known as Fruitville Road (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage remaining track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

SGLR submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. SGLR seeks to consummate the abandonment and salvage the Line. SGLR served the Environmental and Historic Report on 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 The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to SGLR, the Line has been out of service for over 10 years and no local or overhead traffic has moved over the Line in that time. Therefore, no traffic would need to be rerouted if the proposed abandonment were approved. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely impact the transportation of ozone-depleting materials; or

¹ The Environmental and Historic Report is available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 400 (Sub-No. 7X).

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

Salvage and disposal of a rail line typically include the 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. SGLR states that, if abandonment were authorized, it would remove remaining track materials such as rails and ties, leaving the right-of-way, ballast, bridges, and culverts in place. SGLR states that no soil disturbance would occur. Several comments on the Environmental Report were submitted by state and federal agencies and are discussed in the corresponding sections below.

Land Use

According to SGLR, the right-of-way along the Line is approximately 100 feet wide. Adjacent land use consists primarily of low-density housing, commercial buildings, and light industry. If abandonment were approved, SGLR would remove any remaining road crossings and restore them in accordance with governing transportation authorities. Though neither SGLR or OEA have received comment from the United States Department of Agriculture, Natural Resource Conservation Service, based on OEA's review of the environmental and historic report, the proposed abandonment would not cause any impacts to prime, unique, or important agricultural lands.

The National Geodetic Survey (NGS) identified eleven geodetic station markers that may be located within the area of the proposed abandonment. Accordingly, OEA recommends adding a condition to any decision granting abandonment authority that requires SGLR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Transportation and Safety

Because the Line is out of service, no freight traffic would be diverted from rail to truck transportation.

Coastal Zone Compliance

Although the Line is within Florida's coastal zone, according to the Florida Department of Environmental Protection (FDEP), this project—the abandonment and salvage of a rail line—is not a listed activity requiring state coastal management consistency certification under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.)

Water Resources

According to SGLR, there are several bridges and/or stream crossings on the Line. SGLR intends to leave the right-of-way, bridges, culverts, and ballast intact so as not to alter prevailing waterflows along the Line.

SGLR plans to conduct abandonment activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to SGLR, abandonment activities would not cause sedimentation or erosion of the soil, and SGLR does not anticipate any dredging or use of fill when conducting salvage activities. SGLR states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutant materials.

According to SGLR, no in-stream work, dredging, or use of fill materials is contemplated. Additionally, SGLR does not anticipate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The proposed abandonment would not result in the discharge of wastewater or storm water, and SGLR believed it would not need a permit under Section 40t of the Clean Water Act (33 U.S.C. § 1342). The FDEP Florida State Clearinghouse determined that the proposed abandonment requires no further review from the FDEP. The Environmental Protection Agency NEPA Program Office reviewed the proposed abandonment and found no environmental issues of concern. Accordingly, OEA recommends no mitigation related to impacts to water quality.

OEA has not received comment from the US Army Corps of Engineers (Corps) on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because abandonment activities would be limited and not involve alterations of any bridges over waterways, OEA concurs with SGLR that the proposed abandonment would likely not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that these activities would therefore not require a Section 404 permit. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA will provide a copy of this EA to the Corps for review and comment.

Hazardous Materials

SGLR states that it is not aware of any releases of hazardous substances on or near the Line. OEA's review has not found any federally-listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

SGLR included in its report a letter from the U.S. Fish and Wildlife Service (USFWS) indicating that the proposed abandonment, if approved, would have no effect to threatened or

endangered species, any designated critical habitat, or lands owned or secured by easements with USFWS. The Florida Fish and Wildlife Conservation Commission stated that it had no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer regarding this proposed abandonment.

Air Quality

Because abandonment activities would be limited in scope and areal extent, and any air emissions associated with abandonment activities would be temporary, OEA believes that these activities would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from abandonment activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that abandonment activities would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies: NGS and the Corps.

HISTORIC REVIEW

SGLR served the Historic Report on the Florida State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). According to SGLR, the bridges on the Line do not meet any criteria for listing on the National Register of Historic Places (NRHP) and there are no other structures in the Area of Potential Effect (the right-of-way). In a letter dated April 16, 2019, SHPO stated that the proposed abandonment is unlikely to affect historic properties. SHPO does, however, recommend the addition of a mitigation condition to any decision granting abandonment authority requiring SGLR to immediately stop salvaging the rail line if unanticipated discoveries of pre-historic and historic artifacts or human remains that could be associated with Native American, early European, or American settlement are encountered during salvage activities.

Considering information provided by SGLR and SHPO, OEA determined that no historic properties would be affected by the proposed undertaking. In addition, OEA find the SHPO's recommended condition appropriate and reasonable, and is recommending that the Board add a condition to any decision granting abandonment authority to ensure that the unanticipated discovery of cultural resources and human remains are addressed appropriately. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/stb/environment/preservation.html>.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the United States Department of Housing and Urban Development (HUD) Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.² The database identified two federally-recognized Tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: the Miccosukee Tribe of Indians and the Muscogee (Creek) Nation. Accordingly, OEA is forwarding these Tribes a copy of this EA for their review and comment.

CONDITIONS

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

- 1. Seminole Gulf Railway L.P. (SGLR) Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**
- 2. If prehistoric or historic artifacts (such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement), or unmarked human remains are encountered at any time within the project site area, SGLR shall cease all activities involving subsurface disturbance in the vicinity of the discovery. SGLR shall contact both OEA and the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. SGLR shall resume salvage activities within the vicinity of the discovery when it receives appropriate authorization.**

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 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.

² <https://egis.hud.gov/TDAT> (visited April 17, 2019).

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 Federal Register notice.

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 the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests if 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).

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, 395 E. Street SW, Washington, DC 20423.

COMMENTS

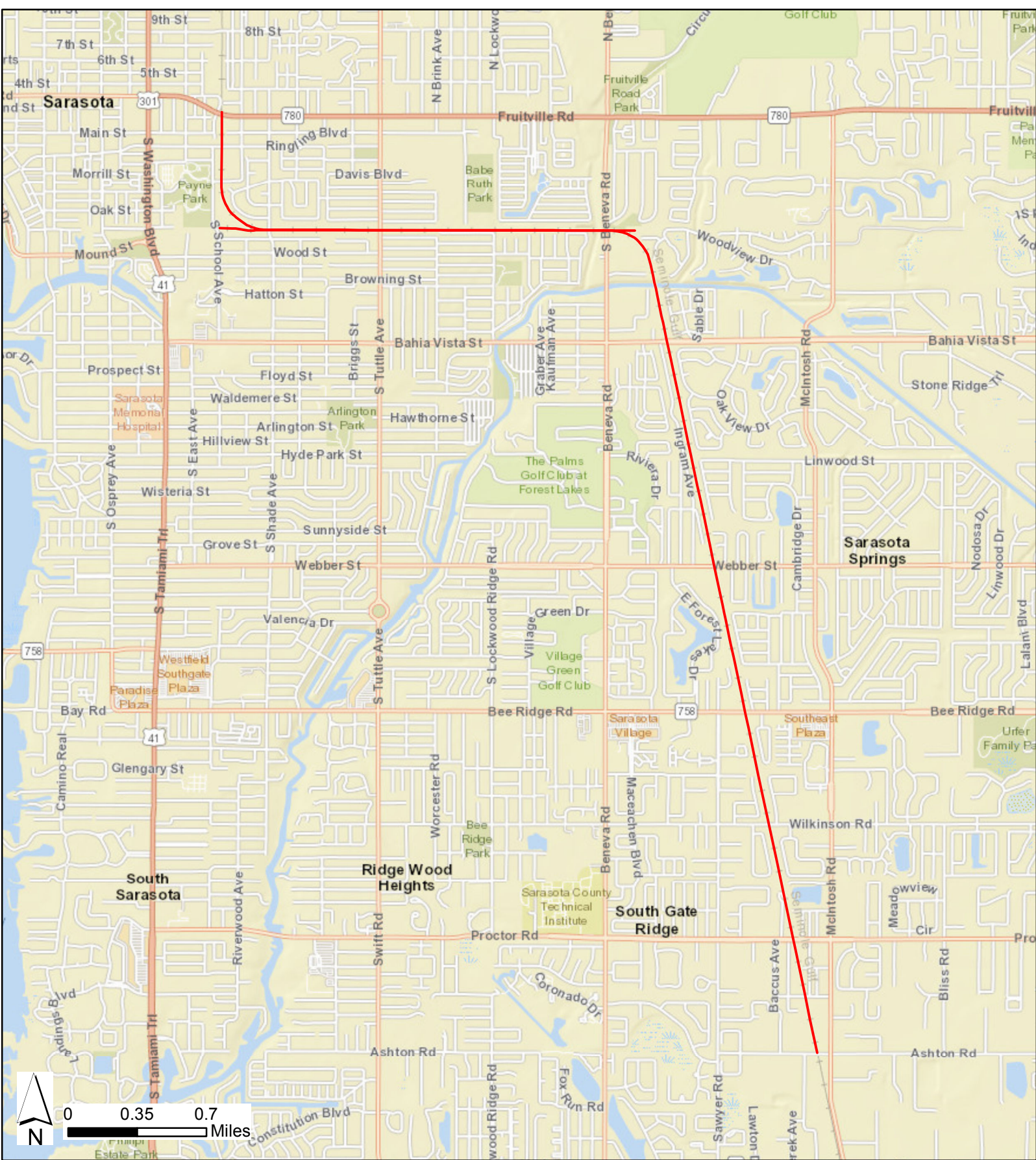
If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 400 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: April 19, 2019.

Comment due date: May 6, 2019.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



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 Sarasota County, FL

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.



Location in State