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OEA

SERVICE DATE – NOVEMBER 24, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1247 (Sub-No. 0X)

**Buckeye East Chicago LLC—Abandonment Exemption—
in Lake County, Ind.**

and

Docket No. AB 1248 (Sub-No. 0X)

**Landisville Railroad, LLC—Discontinuance Exemption—
in Lake County, Ind.**

BACKGROUND

In this proceeding, Buckeye East Chicago Railroad LLC (BECR) and Landisville Railroad, LLC (Landisville) filed a joint petition under 49 C.F.R. § 10502 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Lake County, Indiana. The rail line proposed for abandonment comprises approximately 1.34 miles of track within the East Chicago Transload Facility in East Chicago, Indiana (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). BECR proposes to abandon the Line as part of its dissolution as a business entity. If abandonment authority is granted in this proceeding, BECR intends to transfer the Line and the Facility to the former owner, Buckeye Terminals, LLC (Buckeye Terminals). Buckeye Terminals is a non-railroad and a subsidiary of Buckeye Partners, L.P., which is also the parent company of BECR. Landisville proposes to discontinue its common carrier service over the Line, but would continue operating at the East Chicago Transload Facility as a private contract operator, with no anticipated changes to current operations.

ENVIRONMENTAL REVIEW

BECR and Landisville submitted a combined Environmental and Historic Report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. BECR and Landisville served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required

by the Board's 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

If abandonment and discontinuance authority is granted in this proceeding, Landisville would continue operating at the East Chicago Transload Facility as a private contract operator, with no anticipated changes to current operations. Accordingly, the proposed abandonment and discontinuance 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

BECR and Landisville do not intend to undertake any salvage activities in conjunction with the proposed abandonment and discontinuance. No physical alterations or removal of track or related rail material would occur.

Land Use

BECR and Landisville provided the combined Environmental and Historic Report to the Lake County, Indiana government and requested comments regarding the consistency of the proposed abandonment with local land use plans. To date, no response has been received. Because the proposed abandonment and discontinuance would not result in any physical changes to the project area, OEA has concluded that the proposed abandonment and discontinuance would be consistent with local land use plans. Accordingly, no mitigation related to local land use is recommended.

BECR and Landisville requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the impact of the proposed abandonment and discontinuance on agricultural land. By letter dated September 8, 2017, NRCS informed the railroads that the proposed abandonment and discontinuance would not result in the conversion of prime farmland. Accordingly, no mitigation related to the conservation of agricultural land is recommended.

BECR and Landisville have requested comments from the National Geodetic Survey (NGS) regarding the potential impact of the proposed abandonment and discontinuance on any geodetic station markers that may be located in the vicinity of the Line. To date NGS has not provided comments. To identify potentially affected geodetic station markers, OEA conducted a search of NGS' Survey Data Explorer tool on November 14, 2017.² The results of the search

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1247 (Sub-No. 0X).

² National Geodetic Survey Data Explorer:

indicated that no geodetic station markers may be present in the vicinity of the Line. Accordingly, no mitigation related to geodetic station markers is recommended.

Coastal Zone Compliance

OEA's review has concluded that the Line is located within the Lake Michigan Coastal Program Area. Because no physical alteration to the property would occur as a result of the proposed abandonment and discontinuance, OEA has concluded that the proposed activity complies with Indiana's approved coastal management program and will be conducted in a manner consistent with such program. OEA is sending a copy of this EA to the Indiana Department of Natural Resources (IDNR), which administers the Lake Michigan Coastal Program, for review of and comment on OEA's finding.

Water Resources

In its review of available digital maps and remotely sensed imagery, OEA concluded that the Line crosses a canal connecting the Grand Calumet River and the Indiana Harbor Canal.³ No other waterways or wetlands are located within or immediately adjacent to the rail right-of-way.

To date, IDNR has not provided comments regarding the potential impacts of the proposed abandonment and discontinuance on water quality or the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Because the proposed abandonment and discontinuance would not result in the discharge of wastewater or stormwater, OEA concurs with BECR and Landisville that a Section 402 permit would not be required.

To date, the U.S. Army Corps of Engineers (the Corps) has not commented on the potential impact of the proposed abandonment and discontinuance on 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 the proposed abandonment and discontinuance would not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, OEA concurs with BECR and Landisville that a Corps permit under Section 404 would not be required.

Because the proposed abandonment and discontinuance would not result in any impacts to water quality, waterways, or wetlands, OEA is not recommending any mitigation related to water resources. OEA is sending a copy of this EA to IDNR and the Corps for those agencies' review and comment.

Hazardous Materials

BECR states that there has been one spill of approximately thirty gallons of transmix into containment, which was recovered by an Oil Spill Response Organization. There are several

<https://www.ngs.noaa.gov/NGSDataExplorer/> (last visited November 14, 2017).

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited November 14, 2017).

monitoring wells in the rail right-of-way for BTEX compounds related to historic releases prior to BECR's possession of the Line that there are no hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. Because BECR and Landisville do not intend to conduct any salvage activities or physically alter the rail right-of-way, OEA believes that the proposed abandonment and discontinuance would not affect these known sites of hazardous material spills.

Biological Resources

BECR and Landisville requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment and discontinuance on protected wildlife, including federally listed threatened and endangered species, but have received no response to date. To identify protected species in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system on November 14, 2017.⁴ The table below shows the protected species known or thought to occur in the general project area, as identified by OEA's search. No critical habitat for any federally listed threatened or endangered species was identified in the project area.

Protected Species in Project Area	
Mammals	Status
Indiana Bat (<i>Myotis sodalis</i>)	Endangered
Northern Long-Eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Birds	
Piping Plover (<i>Charadrius melodus</i>)	Endangered
Insects	
Karner Blue Butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered
Flowering plants	
Mead's Milkweed (<i>Asclepias meadii</i>)	Threatened
Pitcher's Thistle (<i>Cirsium pitcheri</i>)	Threatened

Because the Line is located within a heavy developed industrial area, OEA believes it is unlikely that individuals of the species identified above would be encountered within the immediate project area. Because the proposed abandonment and discontinuance would not result in any physical changes to the project area, no effects to protected species are anticipated. OEA has therefore concluded that the proposed abandonment and discontinuance would not affect any federally listed endangered or threatened species. The proposed abandonment and discontinuance would also not affect any state listed protected species, if any species exist in the project area. Accordingly, no mitigation related to protected species is recommended. OEA is providing a copy of this EA to USFWS for their review of and comment on OEA's finding.

⁴ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited November 14, 2017).

Air Quality

Because no salvage activities are planned, OEA concludes that no effects to air quality would occur as a result of the proposed abandonment and discontinuance. Accordingly, no mitigation related to air quality is recommended.

Noise

Because no salvage activities are planned, OEA concludes that no noise impacts would occur as a result of the proposed abandonment and discontinuance. Accordingly, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment and discontinuance would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for review and comment: IDNR, USFWS and the Corps.

HISTORIC REVIEW

BEER and Landisville served an Historic Report on the IDNR, Division of Historic Preservation & Archaeology (the State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c). By letter dated September 22, 2017, the SHPO commented that no known historic properties or archaeological sites listed in or eligible for listing in the National Register of Historic Places (National Register) have been identified in the rail right-of-way (the Area of Potential Effect or APE). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments. Because the proposed abandonment and discontinuance would not result in any physical changes within the APE, the undertaking would not affect any known or undiscovered National Register-eligible historic properties or archaeological resources.

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, we have determined that no historic properties listed in or eligible for inclusion in the National Register would be affected within the APE of the proposed abandonment and discontinuance. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov. OEA is providing a copy of this EA to the SHPO for review of and comment on OEA's finding.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database 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 of the proposed abandonment and discontinuance:

- Citizen Potawatomi Nation in Oklahoma;
- Forest County Potawatomi Community in Wisconsin;
- Hannahville Indian Community in Michigan; and
- Prairie Band of Potawatomi Nation.

Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

We recommend that the following no environmental or historic preservation conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that abandonment and discontinuance 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 and discontinuance 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 would 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 Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are 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).

⁵ National Park Service, National NAGPRA Program Native American Consultation Database, <https://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited November 14, 2017).

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.

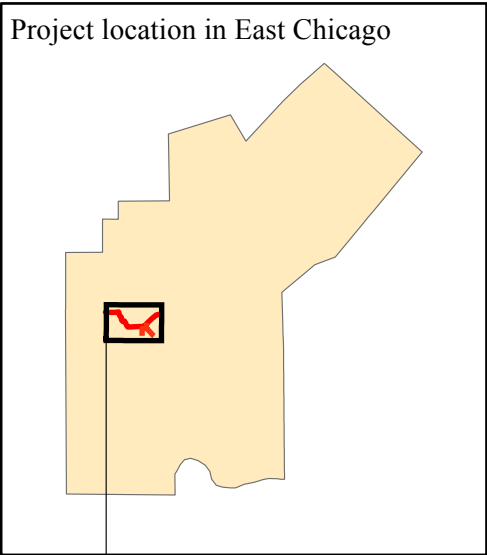
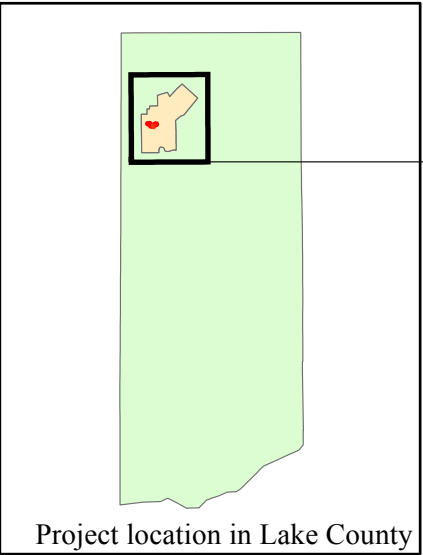
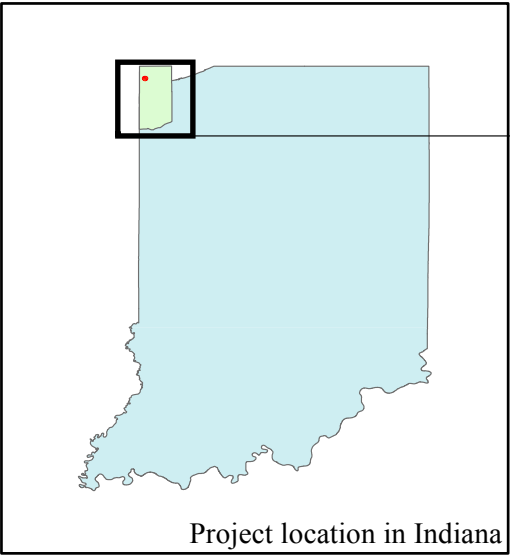
COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1247 (Sub-No. 0X) and Docket No. AB 1248 (Sub-No. 0X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at Joshua.Wayland@stb.gov.

Date made available to the public: November 24, 2017

Comment due date: December 22, 2017

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



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Note: Maps produced by the Surface Transportation Board, Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.

