

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife

#E1-18433
D9W
AB-1065X

Early Coordination/Environmental Assessment

DNR #: ER-15361 **Request Received:** October 7, 2010

Requestor: Baker & Miller PLLC
Robert A Wimbish
2401 Pennsylvania Avenue, Suite 300
Washington, DC 20037-1725

Project: Abandonment of 17.2 miles of Indiana Southwestern Railway Co. rail lines; STB Docket No. AB-1065X

County/Site info: Posey - Vanderburgh

Regulatory Assessment: The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969. This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Any removal of the rail line that would impact forested habitat, wetlands or streams in the floodway, either from temporary vehicle access requirements or otherwise, might require compensatory mitigation.

Impacts to non-wetland forest under 1 acre should be mitigated at a 1:1 ratio, while impacts to non-wetland forest over 1 acre should be mitigated at a minimum 2:1 ratio. Impacts to wetlands should be mitigated at the appropriate ratio. For more information, see <http://www.in.gov/legislative/register/20061213-IR-312060562NRA.xml.pdf>.

After project completion, stream bank slopes should be restored to stable-slope steepness (not steeper than 2:1). Restore disturbed streambanks using bioengineering bank stabilization methods. The following is a link to a USDA / NRCS document that outlines many different bioengineering techniques for streambank stabilization: <http://directives.sc.egov.usda.gov/17553.wba> (Choose Handbooks; Title 210 Engineering; National Engineering Handbook; Part 650 Engineering Field Handbook. Choose Chapter 16 from next window).

Herbaceous seeding/revegetation within the floodway should be done with a seed mix composed of native grasses, sedges and wildflowers, containing at least 10 species. Because snakes and other small wildlife can be trapped/snared by erosion control netting, non-permanent erosion control blankets that have biodegradable netting need to be used to minimize the potential for small wildlife entrapment.

Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measures.
Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants (e.g. crown-vetch).

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Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.

Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.

Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.

Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.

Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.

Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

Seed and protect all disturbed slopes that are 3:1 or steeper with biodegradable heavy-duty erosion control blankets (follow manufacturer's recommendations for selection and installation; seed and apply mulch on all other disturbed areas.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.


J. Matthew Buffington
Environmental Supervisor
Division of Fish and Wildlife

Date: November 30, 2010