

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

E0-1413

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-55 (Sub-No. 696X)

March 8, 2010

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**

SEA served an Environmental Assessment (EA) for this proceeding on February 16, 2010 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

Following issuance of the EA, one comment was submitted from the Ohio Department of Natural Resources (ODNR). The comment (drafted on February 16, 2010) was forwarded to SEA by CSX Transportation Inc. (CSXT), by a letter dated February 19, 2010 (see both attached). The comment provided by ODNR contained information submitted by two of its division offices: the Division of Natural Areas and Reserves and the Division of Wildlife (DOW). No other comments were received in response to the EA.

ODNR's Division of Natural Areas and Reserves stated that its Natural Heritage Database indicated that the peregrine falcon (*Falco peregrinus*), a state threatened species, and the creek heelsplitter (*Lasmigona compressa*), a state species of concern, are located within the vicinity of the proposed abandonment. However, ODNR added that due to the state level status of both the peregrine falcon and the creek heelsplitter the project is unlikely to impact either species (Section 7 of the Endangered Species Act (ESA) only considers potential impacts to federally threatened and endangered species.)

DOW indicated that the project is also within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. DOW stated that several trees known to grow in the area provide important roosting areas for the Indiana bat and that any such trees must not be damaged or cut down during salvage operations (or only between September 30 and April 1). In addition, the Division warned that the project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. In its correspondence to CSXT, DOW noted that the location of bald eagles changes frequently and recommended that CSXT obtain an updated status from the Division as the date of any planned salvage operations nears.

However, in a February 19, 2010 call between Brian Mitch, Environmental Review Manager at ODNR and CSXT, Mitch confirmed that the closest bald eagle nesting area was approximately 5 miles from the area of the proposed abandonment and that the project should have no impact on the bald eagle due to the nest's considerable distance from the project area. During its call, CSXT also stated that it does not intend to remove any trees during proposed salvage operations. In response Mitch stated that, as long as CSXT removes no trees during salvage operations, the project is unlikely to impact the Indiana bat.

After reviewing all of the above correspondence, SEA believes that there would be no impacts to federally listed or endangered species pursuant to Section 7 of ESA. Moreover, as noted in the EA, the Fish and Wildlife Service had previously commented that no significance adverse impacts are anticipated from the proposed abandonment and that no further consultation with the Fish and Wildlife Service pursuant to Section 7 of the ESA was required. Accordingly, SEA recommends no new conditions.

Conclusions:

The EA comment period has ended. Accordingly, SEA recommends that the following condition previously recommended in the EA should be imposed upon any decision granting abandonment authority:

CSXT Transportation, Inc. shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any of the 2 geodetic station markers that may be located along the line proposed for abandonment.

(Note that the National Geodetic Survey was mistakenly written as the National Geodetic Service on page 2 of the EA. The language used in the EA condition is correct.)

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: [Catherine Glidden – (202) 245-0293]



500 Water Street
Jacksonville, FL 32202

Dave Geraci
Manager - Network Rationalization
(904) 633-1068
Dave_Geraci@csx.com

February 19, 2010

Surface Transportation Board
Section of Environmental Analysis
395 E Street, SW
Washington, DC 20423-0001
Attn: Cathy Glidden

RE: CSXT Abandonment
Lucas County, Ohio
STB Docket AB-55 (Sub-No. 696X)

Dear Cathy:

This refers to CSX Transportation's Notice of Exemption filed on January 22, 2010, requesting authority to abandon its rail line described above. Enclosed please find a copy of an email dated February 16, 2010 from Mr. Brian Mitch of the Ohio Department of Natural Resources stating *"The proposed project is within the range of the Indiana Bat...If no tree removal is proposed, the project is not likely to impact this species"*

On February 17, 2010 I had a phone conversation with Mr. Mitch and confirmed that CSXT will not be removing any trees in the salvage process, therefore, no negative effect is anticipated to the Indiana Bat or its habitat.

Mr. Mitch's letter further states *"The project is within the range of the bald eagle..."*

On February 19, 2010 I had a phone conversation with Mr. Dave Sherman of the Ohio Division of Wildlife and confirmed that the closest eagle nest was approximately five (5) miles to the east of the proposed abandonment. Therefore, the proposed salvage activities will have no negative effect on the bald eagle or its habitat.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", with a long horizontal flourish extending to the right.

Attachment

E-Copy: Mr. Lou Gitomer, 600 Baltimore Ave, Suite 301, Towson, MD 21204
Ms. Kate Barney, 500 Water Street-J150, Jacksonville, FL, 32202

Geraci, Dave

From: Mitch, Brian [Brian.Mitch@dnr.state.oh.us]
Sent: Tuesday, February 16, 2010 11:30 AM
To: Geraci, Dave
Subject: 10-0008; CSX Inc., Docket No. AB-55 (SUB No. 696X)
Attachments: oledata.mso; 10-0008.jpg



ODNR COMMENTS TO Dave Geraci, CSX Transportation Inc., 500 Water Street – J200, Jacksonville, Florida 32202

Project: CSXT proposes to abandon approximately 4.15 miles of its rail line from Railroad Milepost CTT 5 to Railroad Milepost CTT 9.15, known as the Toledo Backside in Toledo, Lucas County, Ohio. CSXT has prepared a preliminary environmental report describing the proposed action and any environmental effects and is seeking ODNR comments on the report.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Rare and Endangered Species: The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database contains the following data in the vicinity of this project site as shown on the attached map.

Toledo Quad

A. Ottawa Park - City of Toledo

1. *Falco peregrinus* - Peregrine Falcon, threatened
2. *Lasmigona compressa* - Creek Heelsplitter, species of concern

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), Slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), Silver maple (*Acer saccharinum*), Sassafras (*Sassafras albidum*), Post oak (*Quercus stellata*), and White oak (*Quercus alba*). Indiana bat habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and

2/17/2010

April 1. If suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. The location of bald eagle activity frequently changes. Therefore, closer to the actual date of construction, the applicant must obtain an updated status of bald eagle activity in the area. To obtain any changes in status, contact Andrea Tibbels or Dave Sherman at the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. Andrea can be reached at (419) 898-0960 extension 25 and Dave at extension 24. If a nest is located within ½ mile of the project site, coordination with the DOW is required.

The Natural Heritage Database has a record near the project area for the peregrine falcon (*Falco peregrinus*), a state threatened species, and the creek heelsplitter (*Lasmigona compressa*), a state species of concern. Due to the status of these species, the project is not likely to impact these species.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

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