

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885
302065

April 21, 2021

ENTERED
Office of Proceedings
April 21, 2021
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company—
Abandonment Exemption—in Vigo County, IN**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for Indiana Rail Road Company ("INDR") to abandon an 5.92-mile rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN. The filing fee of \$4,600 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for Indiana Rail Road Company

FILED
April 21, 2021
SURFACE
TRANSPORTATION BOARD

Enclosure

FEE RECEIVED
April 21, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-295 (Sub-No. 10X)

THE INDIANA RAIL ROAD COMPANY—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: Indiana Rail Road Company

Dated: April 21, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-295 (Sub-No. 10X)

THE INDIANA RAIL ROAD COMPANY—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Indiana Rail Road Company (“INDR”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for INDR to abandon an approximately 5.92-mile rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

Based on information in the possession of INDR, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is June 10, 2021.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. Indiana Rail Road Company.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. INDR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. INDR seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 5.92-mile rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). There is one station on the Line, Chinook (FSAC 40956/OPSL 21009), the station can be closed.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 47802.

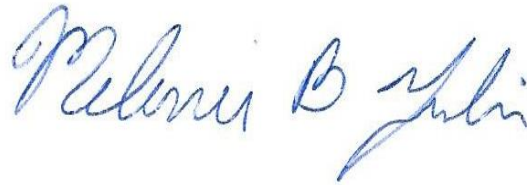
(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

INDR believes that the property proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. See Exhibit D.
7. Historic Report. See Exhibit D.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer".

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: Indiana Rail Road Company

Dated: April 21, 2021

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF INDIANA)
) ss.
COUNTY OF MARION)

I, Peter Ray, state that I am VP-Engineering for Indiana Rail Road Company ("INDR"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over INDR's 5.92-mile rail line rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), in Vigo County, IN for two years prior to the date hereof and that any overhead traffic can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of INDR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

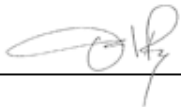


EXHIBIT B-MAP

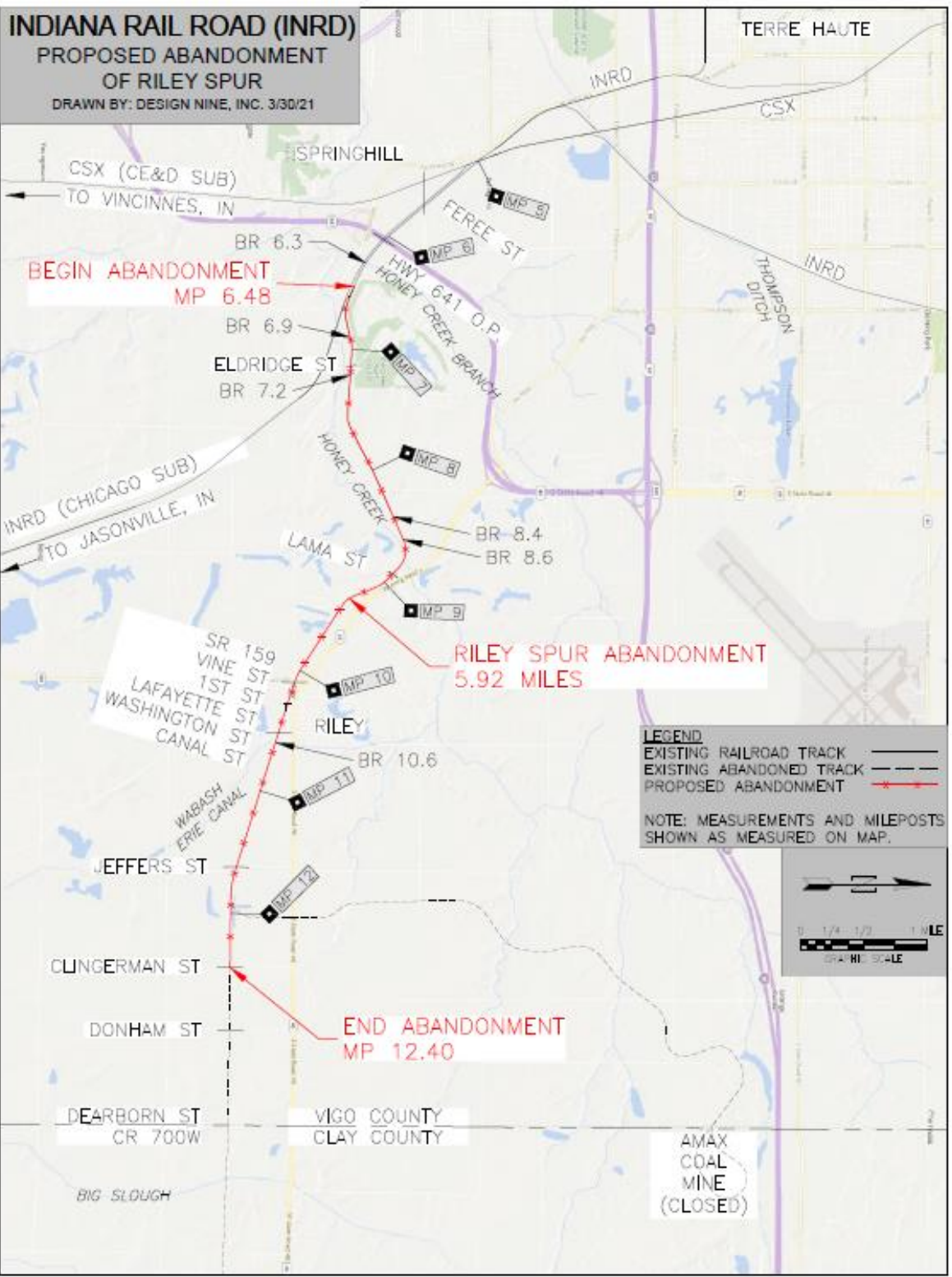


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-295 (Sub-No. 10X) was mailed via first class mail on April 9, 2021 to the following parties:

State Public Service Commission

Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Street, Suite 1500E
Indianapolis, IN 46204

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225
david.p.dorfman.civ@mail.mil

National Park Service

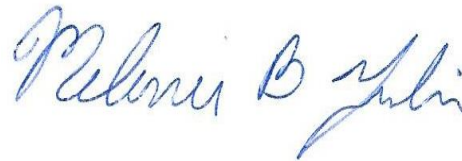
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

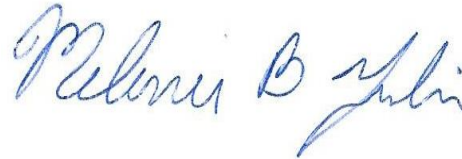
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
April 21, 2021

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-295 (Sub-No. 10X) in the following form was advertised on April 19, 2021, in the Tribune Star, a newspaper of general circulation in Vigo County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
April 21, 2021

Notice of Intent to Abandon

Indiana Rail Road Company (“INDR”) gives notice that on or about March 29, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 5.92-mile rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN. The proceeding will be docketed as No. AB-295 (Sub-No. 10X).

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

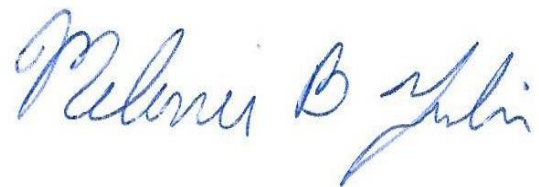
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report and the Amended Combined Environmental and Historic Report in Docket No. AB-295 (Sub-No. 10X) was mailed via first class mail or electronic mail where available on March 9, 2021, and April 1, 2021, respectively, to the following parties:

Mr. Jared Bayler Vigo County Planning Department 159 Oak Street Terre Haute, IN 47807 Jared.bayler@vigocounty.in.gov	National Geodetic Survey RRAE@noaa.gov
City of Terre Haute Engineering-Planning Activities 17 Harding Ave Terre Haute, IN 47807	Mayor Duke Bennett City Hall 1 st Floor 17 Harding Ave Terre Haute, IN 47807 mayor@terrehaute.in.gov
U.S. Environmental Protection Agency Region 5 77 West Jackson Blvd. Chicago, IL 60604 r5hotline@epa.gov	Indiana Department of Environmental Management Indiana Government Center North 100 North Senate Ave Indianapolis, IN 46204-2251 info@idem.IN.gov
U.S. Fish & Wildlife Commission Bloomington Field Office 620 South Walker Street Bloomington, IN 47403 indianaFO@fws.gov	US Army Corps of Engineers Louisville District 600 Dr. Martin Luther King Place PO box 59 Louisville, KY 40201 CELRL.Door.To.The.Corps@usace.army.mil
National Park Service Midwest Region 601 Riverfront Dr. Omaha, NE 68102	Ms. Amanda Kautz District Conservationist USDA-NRCS Terre Haute Service Center Honey Creek West 3241 South 3rd Place Terre Haute, IN 47802 Amanda.kautz@usda.gov

Indiana Department of Natural Resources Division of Water 402 West Washington Room W264 Indianapolis, IN 46204 Water_inquiry@dnr.IN.gov	Ms. Venetta Keefe Rail Program Manager Indiana Department of Transportation 100 North Senate Ave, IGCN N758-MN Indianapolis, IN 46204 vkeefe@indot.in.gov
Indiana Department of Natural Resources Division of Fish & Wildlife Amanda Wuesterfeld, Director 402 W. Washington St. Room W273 Indianapolis, IN 46204 DFW@dnr.in.gov	

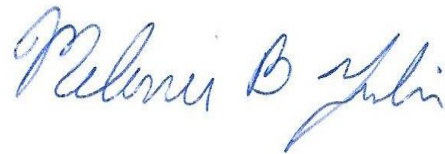


Melanie B. Yasbin
April 21, 2021

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report and Amended Combined Environmental and Historic Report in Docket No. AB-295 (Sub-No. 10X) was mailed via first class mail or electronic mail where available March 9, 2021, and April 1, 2021, respectively, to the following parties:

Ms. Beth McCord
Director, Division of Historic Preservation & Archology
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204
DHPAReview@dnr.IN.gov



Melanie B. Yasbin
April 21, 2021

AMENDED COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-295 (Sub-No. 10X)

**THE INDIANA RAIL ROAD COMPANY—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IN**

Dated: April 21, 2021

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Indiana Rail Road Company, (“INDR”) proposes to abandon the approximately 5.92-mile rail line that runs between mileposts 6.48 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Abandonment of the Line will result in the removal of the rail and possibly the upper layer of ballast. INDR does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for INDR not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier.

The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) INDR considers the proposed abandonment of the Line to be consistent with existing land use plans. INDR notified Vigo County by letter dated March 9, 2021, (See Exhibit 2) requesting comments and including a copy of the preliminary CEHR. A copy of the Preliminary CEHR was sent to the appropriate local and state agencies for their information and further comment. A copy of the Amended CEHR was sent to Vigo County, and the appropriate local and state agencies on April 1, 2021. (See Exhibit 2). No comments have been received to date.

(ii) INDR does not believe that there is any prime agricultural land that will be affected. INDR notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated March 9, 2021 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. By letter dated March 24, 2021, the USDA found that the abandonment will not cause a conversion of prime farmland. (See Exhibit 2). A copy of the Amended CEHR was sent to USDA on April 1, 2021. (See Exhibit 2). No additional comments have been received to date.

(iii) The Line does not pass through a coastal zone.

(iv) INDR believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no affect the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as INDR doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and

spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. All crossings on the Line can be closed.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) INDR is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) INDR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. INDR has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated March 9, 2021 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. A copy of the Amended CEHR was sent on April 1, 2021. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened and endangered species was generated on March 5, 2021, finding the Indiana Bat and Northern Log-eared Bat are in the area but that there are no critical habitats within the project area. The Indiana Department of Natural Resources provided comments by letter dated April 9, 2021 (See Exhibit 2) finding that impacts to the American Badger or its preferred habitat will not be unlikely. The Indiana Department of Natural Resources recommended avoiding and minimizing impacts to fish, wildlife, and botanical resources, including Riparian Habitat conditions and Fish & Wildlife Passage conditions. Because INDR only intends to remove the track from 5.92-mile line running between milepost 6.48 and milepost 12.4, leave the ballast and ties in place, and the underlying ground undisturbed, INDR requests that the Board does not impose the Riparian Habitat conditions.

(ii) INDR does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

INDR has notified the National Parks Service of the proposed abandonment by letter dated March 9, 2021 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. A copy of the Amended CEHR was sent on April 1, 2021. No comments have been received to date.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) INDR is confident that the proposed abandonment will be consistent with applicable water quality standards. INDR notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated March 9, 2021 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. By letter dated March 12, 2021, Indiana Department of Environmental Management (“IDEM”) stated that the abandonment is “not located within a Source Water Assessment Area for PWSS’s surface water intake.” (See Exhibit 2). A search of the website <https://www.in.gov/idem/cleanwater/pages/wellhead/>, was conducted based on IDEM’s letter and no Drinking Water Branch wellheads were in proximity to the Line. By email dated March 23, 2021, IDEM states that it has no comment. (See Exhibit 2). A copy of the Amended CEHR was sent to IDEM on April 1, 2021. No additional comments have been received to date.

(ii) INDR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be

affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. INDR does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. INDR will transport debris away from the Line and will not discard it along the right-of-way or place or leave it in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, INDR does not believe a permit under Section 404 of the Clean Water Act will be required.

INDR notified the U.S. Army Corps of Engineers by letter dated March 9, 2021 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. The Amended CEHR was sent to the U.S. Army Corp. of Engineers on April 1, 2021. No comments have been received to date.

(iii) INDR believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. INDR notified the SEPA and the USEPA by letter dated March 9 2021 (See Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. A copy of the Amended CEHR was send to SEPA and USEPA on April 1, 2021.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

INDR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. INDR will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with the preliminary CEHR.

There are five (5) INDR-owned structures that are 50 years old or older.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way varies between 30 and 50 feet from the centerline track. The line runs from the just north of Honey Creek east southeast towards and through the town of Riley, IN. The line segment follows the Wabash and Erie Canal through a rural portion of Indiana.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

See Exhibit 4.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Bridge 20248 is located at railroad milepost 6.9 and is a 65-foot timber trestle bridge built in 1943 that crosses the Wabash and Erie Canal.

Bridge 20249 is located at railroad milepost 7.2 and is a 65-foot timber trestle bridge built in 1940 that crosses a small waterway.

Bridge 20251 is located at railroad milepost 8.4 and is a 78-foot timber trestle bridge built in 1940 that crosses Honey Creek.

Bridge 20252 is located at railroad milepost 8.8 and is a 341-foot steel span over timber trestle bridge. The steel span was built in another location in 1915 but transferred to this location when the timber trestle was built in 1940. The bridge traverses Honey Creek.

Bridge 20253 is located at railroad milepost 10.6 and is a 96-foot timber trestle bridge built in 1943 that crosses the Wabash and Erie Canal.

Although initial construction dates are greater than 50 years old, required maintenance practice is to repair and rehabilitate these bridges on an ongoing and as needed basis. Therefore, the historic qualities of such bridges are continually being changed due to safety, operational, and regulatory requirements. It is likely that little of the original structures still exist given the relatively short lifespan of timber products.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The property was acquired in 1872 by the Cincinnati & Terre Haute Railway (“C&TH”). The C&TH operated the line at a loss between 1872 and 1877 until it was acquired through foreclosure by the Evansville & Terre Haute Railway (“E&TH”) in 1878. The E&TH was merged with other local railroads to become the Chicago & Eastern Illinois Railroad (“C&EI”) which operated from 1877 to 1976. This line segment was spun off during a bankruptcy in 1920 to the Evansville Indianapolis & Terre Haute Railway (“EI&T”). The EI&T was part of a larger conglomerate that made up the Cleveland, Cincinnati, Chicago & St. Louis Railroad which operated under the New York Central. This became part of the Penn Central in 1968 and eventually part of Conrail in 1976.

In 1999, CSX Corporation, CSX Transportation Inc.’s (“CSXT”) parent company, and Norfolk Southern Corporation jointly acquired control of Conrail Inc and its wholly owned subsidiary, Consolidated Rail Corporation. In 2006, CSXT filed a Notice of Exemption to abandon the Line. INDR filed an offer of financial assistance with the Surface Transportation Board to negotiate with CSXT for the Line. By quitclaim deed dated January 12, 2007, INDR acquired the Line.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

INDR possesses valuation maps and track charts of the Line but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

INDR believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. Although the initial construction date for the six bridges is greater than 50 years old, required maintenance practice is to repair and rehabilitate these bridges on an ongoing and as needed basis. Therefore, the historic qualities of such bridges are continually being changed due to safety, operational and regulatory requirements.

INDR is not aware of an significance or uniqueness to these structures that would warrant consideration, since to INDR's knowledge they are not associated with an event that has made a contribution to the broader patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period, or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

INDR does not know of any archeological resources or any other previously unknown historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

The Line was disturbed during construction by cuts and fill and any archeological

resources that may have been located in the proposed project are would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

INDR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, INDR will promptly supply the necessary information.

INDR notified the Indiana Department of Natural Resources (“SHPO”) by letter dated March 9, 2021 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. By letter dated March 23, 2021, SHPO stated that it had not “identified any historic building, structures, districts, or object listed in or eligible for inclusion in the National Register of Historic Places with the probable area of potential effects.” It also stated that “no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area.” The SHPO also noted ground disturbing activities during construction of the line may not have gone below the ballast and that if ground disturbance takes place in the future an additional assessment may

be necessary. INDR emailed a letter to the SHPO dated March 25, 2021, clarifying that INDR was not proposing any ground disturbing salvage activities and explaining that INDR plans to remove the track from 5.92-mile line running between milepost 6.48 and milepost 12.4, leave the ballast and ties in place, and the underlying ground undisturbed. (See Exhibit 2). INDR believes that no additional assessments will be necessary and requests that no additional assessment mitigation be imposed because there will be no disturbance of the ground as part of salvage activities on the Line. Finally, the SHPO requests that if any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition or earthmoving activities that the discovery be reported to the Department of Natural Resources within two business days. (See Exhibit 2). A copy of the Amended CEHR was sent to the SHPO on April 1, 2021. By letter dated April 19, 2021, the SHPO again requests if any prehistoric or historical archaeological artifacts or human remains are uncovered that it be notified within two business days. (See Exhibit 2).

EXHIBIT 1 – MAP

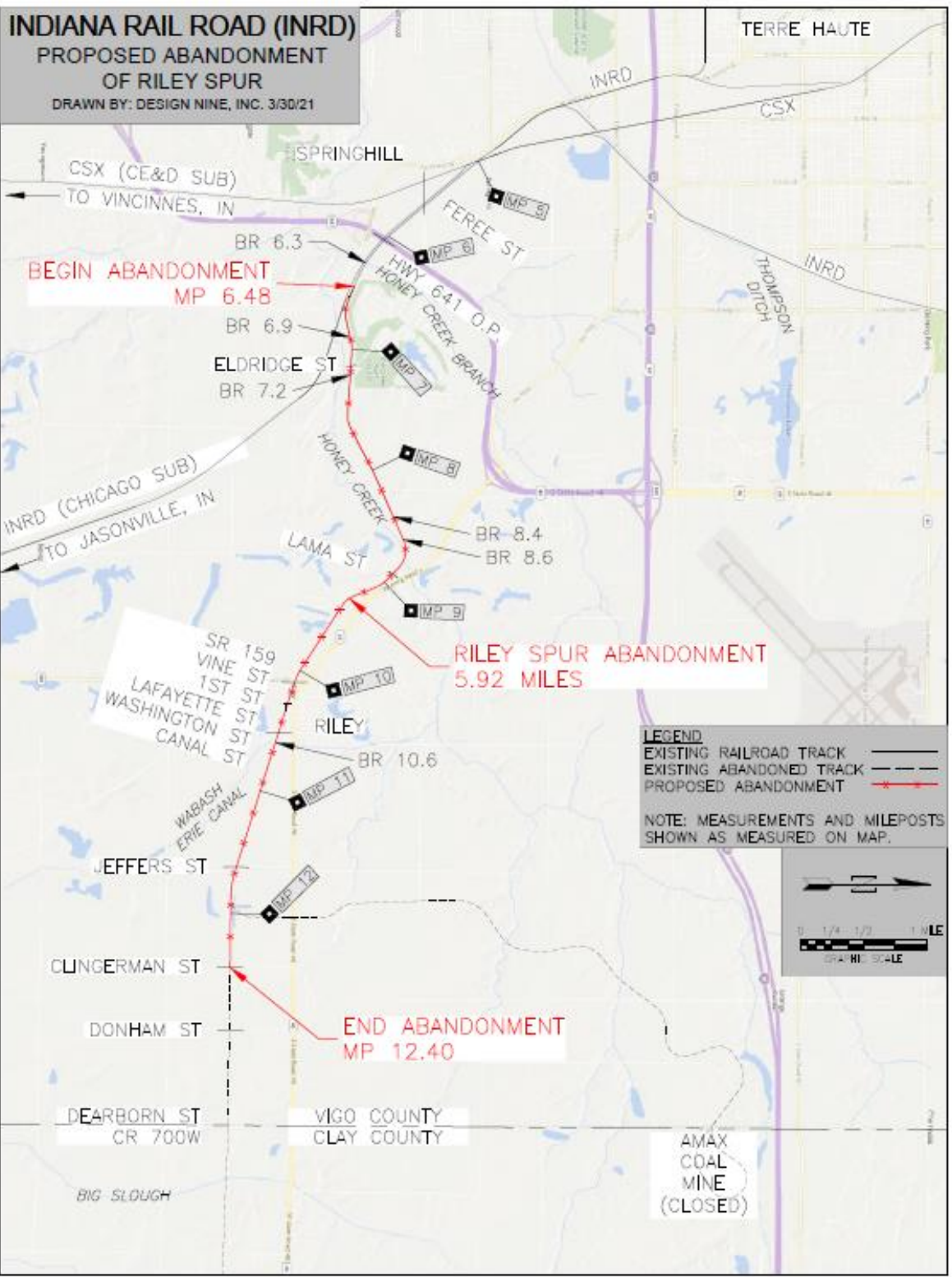


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



Peter Ray
VP-Engineering

March 9, 2021

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), INDR will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that INDR develop a response to the following statements:

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of INDR’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. INDR does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in

the removal of the track material. The debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, INDR would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, INDR would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray
Enclosures (3)



Peter Ray
VP-Engineering

April 1, 2021

U.S. Environmental Protection Agency
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Chicago, IL 60604

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Exemption—in Vigo County, IN

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Sincerely,

Peter Ray

Peter Ray
Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Indiana Department of Natural Resources
Division of Water
402 West Washington
Room W264
Indianapolis, IN 46204
Water.inquiry@dnr.IN.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

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Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Indiana Department of Natural Resources
Division of Water
402 West Washington
Room W264
Indianapolis, IN 46204
Water.inquiry@dnr.IN.gov

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Exemption—in Vigo County, IN

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Peter Ray

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Enclosure



Peter Ray
VP-Engineering

March 9, 2021

Indiana Department of Natural Resources
Division of Fish & Wildlife
Amanda Wuesterfeld, Director
402 W. Washington St. Room W273
Indianapolis, IN 46204
DFW@dnr.in.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

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The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that INDR develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, INDR would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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Enclosures (3)



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Peter Ray
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April 1, 2021

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Division of Fish & Wildlife
Amanda Wuesterfeld, Director
402 W. Washington St. Room W273
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Enclosure

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment**

DNR #: ER-23544

Request Received: March 10, 2021

Requestor: Indiana Rail Road Company
Peter Ray
1500 South Senate Avenue
Indianapolis, IN 46206-2464

Project: Indiana Rail Road Company abandonment and track removal along about 4.05 miles of rail line between milepost 8.35 to the end of the rack at milepost 12.4 (Riley Spur); STB Docket #AB-295 (Sub-No. 10X)

County/Site info: Vigo

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.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: 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. The American Badger (*Taxidea taxus*), a state species of special concern, has been documented within the project area.

Fish & Wildlife Comments: Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

A) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. This includes impacts to forested habitat from access along the railroad rights-of-way. The DNR's Habitat Mitigation Guidelines (and plant lists) can be found online at: <http://iac.iga.in.gov/iac/20200527-IR-312200284NRA.xml.pdf>.

Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment**

canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however.

The mitigation site should be located in the floodway, downstream of the one (1) square mile drainage area of that stream (or another stream within the 8-digit HUC, preferably as close to the impact site as possible) and adjacent to existing forested riparian habitat.

B) Fish & Wildlife Passage:

This project could result in significant impacts to aquatic and wildlife resources where a stream crossing structure impairs or completely obstructs aquatic organism passage. Impacts from the lack of aquatic habitat connectivity caused by such a crossing structure includes interruption of the normal flow of streambed materials with streambed materials accumulating on the upstream side and a scour pool forming on the downstream side of the structure. Both resident and migratory fish are impacted by such a structure due to the inability to access spawning grounds due to an upstream fish passage obstruction. Also, flow acceleration through such a restrictive structure is likely to accelerate flow and cause bank erosion.

Any such structures that exist along the 4.05 miles of rail spur to be abandoned should be either 100% removed and the stream restored, or modified in a way sufficient to alleviate all aquatic organism passage obstruction potential prior to abandonment of the rail line. Wildlife species with limited mobility (e.g. turtles) are also unable to travel along the stream banks or in the channel between habitat areas on the other side of the crossing structure. They are unlikely to be able to cross over a tall railroad berm; therefore, the best solution is the restoration of the natural stream corridor.

C) Trail Re-Use:

The Division of Fish & Wildlife supports the re-use of the rail corridor as a trail. The following is a basic list of recommendations to consider when planning trails to minimize impacts to fish, wildlife, and botanical resources.

1. Place the trail in or adjacent to existing right-of-ways where possible to minimize significant impacts to natural resource habitat. Also, utilize previously disturbed or degraded areas. Align the trail along or near existing man-made edges or areas that have the potential to be restored or enhanced by trail construction (i.e. railroad corridors), rather than routing the trail through previously undisturbed areas.
2. When designing or constructing a trail, disturb as narrow an area as possible to help minimize negative impacts. Where significant impacts to fish, wildlife or botanical resources are likely due to the trail's width, reduce the width to help avoid those impacts. ADA accessibility standards allow departures from the standards under certain conditions, including substantial harm to natural features, habitat, or vegetation (see <https://www.access-board.gov/attachments/article/1637/outdoor-guide.pdf>, Outdoor developed areas: a summary of accessibility standards for Federal outdoor developed areas).
3. Do not focus only on the direct impact of the trail's width; also consider the trail's impact to the surrounding habitat. Trails can fragment larger habitat areas and reduce the overall usefulness of the site to fish, wildlife, or botanical resources (1 large habitat block is better than 2 small habitat blocks). Trails can cause significant impacts to forested areas, riparian forested corridors along creeks and rivers, and wetland areas. They also may cause sediment and erosion issues or introduce human disturbance into fairly isolated areas containing wildlife habitat.

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

4. Avoid unnecessary stream crossings. Instead, make use of or modify existing stream crossings or avoid crossing the stream altogether. Where stream crossings are unavoidable, pedestrian bridges with supports/abutments placed no less than 10 feet landward from the tops of the banks on each side of the waterway are recommended. Alternatively, a three-sided culvert may be used. Three-sided culverts should be oversized to allow terrestrial wildlife movement along the creek on unsubmerged dry land at normal water levels. Box-culvert or pipe-culvert crossings are not recommended.
5. Trails designed to follow a stream's course must be placed outside the stream's forested riparian buffer. Also, do not place the trail along the tops of the banks of a forested creek. Avoid perpendicular fragmentation of riparian areas (streamside habitat). Where the stream has little or no forested riparian buffer, the trail should be no closer than 15 feet from the tops of the banks.
6. Avoid elements identified in the Natural Heritage Database; trails may negatively affect species that require specific natural conditions (vegetation, light levels, moisture, etc.) that are altered as a result of trail construction. Rare and high quality habitats, and wildlife habitats that possess high wildlife abundance and diversity, should be avoided by placing the trail around the habitat and screening it from the trail and trail users with a buffer of native vegetation or another method as discussed below. Wetlands and karst features are but two examples of areas to avoid.
7. Raised boardwalks should be constructed in wet areas or near wetlands (trails through wetlands are not recommended). A material such as composite decking should be used rather than treated wood which can leach elements toxic to aquatic life.
8. Screen wildlife habitat from the trail corridor. Vegetation, topography, and fences can help reduce the impact of noise and line of sight disturbances of trail users on wildlife. Walls can create wildlife movement barriers and potential impacts must be considered. Native grass buffers (2 to 3 feet tall) are recommended along the edge of trails near habitat such as wetlands.
9. Lighting should only be used when absolutely necessary. Lighting in forested areas and along creeks, streams, and rivers should be the lowest intensity feasible and shielded to cast light on the path and not diffused into the surroundings to avoid disturbing wildlife circadian rhythms and disorienting night-migrating birds.
10. Any plantings in the riparian areas should be locally native species, not exotic species or horticultural varieties (e.g. "Autumn Blaze" Red Maple). A list of appropriate native woody and herbaceous vegetation can be provided upon request.
11. Trail surfaces can have negative effects on surrounding natural areas and deter movement of some species across the trail. Some surface materials are more environmentally acceptable than others, such as mulch and mown grass which should be considered as the first options. Asphalt is not recommended as a trail surface in the floodway. The conventional maintenance for aging asphalt is to seal it with a blacktop or asphalt sealer. Research has shown that as these sealers break down over time, they move into the aquatic environment and are highly toxic to aquatic life. If asphalt is used then asphalt sealer should not be used for long-term maintenance and repair of the asphalt trail surface. In previously disturbed areas, concrete is an acceptable surface material, and porous concrete is preferred wherever it can be used.
12. Shoulders should be constructed using unconsolidated materials where possible. In some situations, solid shoulders are necessary. In those cases, shoulders should be constructed using porous concrete.
13. Trails that highlight natural resources should skirt the resource and utilize "pulloffs" at specific sites instead of letting the entire trail and traffic disturb the resource.

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and also native hardwood trees and shrubs if any woody plants are disturbed during construction as soon as possible upon completion. Do not use any

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

varieties of Tall Fescue or other non-native plants, including prohibited invasive species (see 312 IAC 18-3-25).

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

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

4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.

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

6. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.

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

8. Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction.

9. 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.

10. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (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 contact the above staff member at (317) 232-4080 if we can be of further assistance.

Christie L. Stanifer

Date: April 9, 2021

Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Ave
Indianapolis, IN 46204-2251
info@idem.IN.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not

intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray
Enclosures (3)



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-8027 • (317) 232-8803 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

March 12, 2021

66-33

The Indiana Rail Road Company
Attention: Peter Ray
1500 South Senate Avenue
Indianapolis, Indiana 46225

Dear Peter Ray,

RE: Wellhead Protection Area
Proximity Determination
STB Docket No. AB-295
(Sub-No. 10X), Indiana
Rail Road Company.—
Abandonment Exemption—
in Vigo County, Indiana

Upon review of the above referenced project site, it has been determined that the proposed project area is not located within a Wellhead Protection Area. The information is accurate to the best of our knowledge; however, there are in some cases a few factors that could impact the accuracy of this determination. Some Wellhead Protection Area Delineations have not been submitted, and many have not been approved by this office. In these cases we use a 3,000 foot fixed radius buffer to make the proximity determination. To find the status of a Public Water Supply System's (PWSS's) Wellhead Protection Area Delineation please visit our tracking database at <http://www.in.gov/idem/cleanwater/2456.htm> and scroll to the bottom of the page.

The project area is not located within a Source Water Assessment Area for a PWSS's surface water intake. The Source Water Assessment Area relates to the surface water drainage area that water could potentially flow and influence water quality for a PWSS's source of drinking water.

Note: the Drinking Water Branch has a self service feature which allows one to determine wellhead proximity without submitting the application form. Use the following instructions:

1. Go to <https://www.in.gov/idem/cleanwater/pages/wellhead/>
2. Use the search tool located in the upper left hand corner of the application to zoom to your site of interest by way of city, county, or address; or use the mouse to click on the site of interest displayed on the map.
3. Once the site of interest has been located and selected, use the print tool to create a .pdf of a wellhead protection area proximity determination response.

In the future please consider using this self service feature if it suits your needs.

If you have any additional questions please feel free to contact me at the address above or at (317) 233-9158 and aturnbow@idem.in.gov.

Sincerely,

Alisha Turnbow,
Environmental Manager
Ground Water Section
Drinking Water Branch
Office of Water Quality



Please Reduce, Reuse, Recycle

FW: Indiana Rail Road Company Abandonment in Vigo County STB Docket No. AB-295 Sub-No. (10X) - RM #95336 - Message (HTML)

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FW: Indiana Rail Road Company Abandonment in Vigo County STB Docket No. AB-295 Sub-No. (10X) - RM #95336

Reply

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INFO <INFO@idem.IN.gov>

To Melanie Yasbin

Fri 3/26/2021 9:06 AM

Ms. Yasbin,
Sent to IDEM's water and land section. No comments.
Thank you.
Karla Frownfelter
IDEM Complaints & Info Coordinator

From: Melanie Yasbin <melanie@lgraillaw.com>

Sent: Tuesday, March 9, 2021 9:36 AM

To: INFO <INFO@idem.IN.gov>

Subject: Indiana Rail Road Company Abandonment in Vigo County STB Docket No. AB-295 Sub-No. (10X)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Ave
Indianapolis, IN 46204-2251
info@idem.IN.gov

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Exemption—in Vigo County, IN

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Sincerely,

Peter Ray

Peter Ray
Enclosure



Peter Ray
VP-Engineering

March 9, 2021

Ms. Venetta Keefe
Rail Program Manager
Indiana Department of Transportation
100 North Senate Ave, IGCN N758-MN
Indianapolis, IN 46204
vkeefe@indot.in.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Ms. Keefe:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

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Sincerely,

Peter Ray

Peter Ray
Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Ms. Venetta Keefe
Rail Program Manager
Indiana Department of Transportation
100 North Senate Ave, IGCN N758-MN
Indianapolis, IN 46204
vkeefe@indot.in.gov

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Exemption—in Vigo County, IN

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THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Mayor Duke Bennett
City Hall 1st Floor
17 Harding Ave
Terre Haute, IN 47807
mayor@terrehaute.in.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Mayor Bennett:

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Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray
Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Mayor Duke Bennett
City Hall 1st Floor
17 Harding Ave
Terre Haute, IN 47807
mayor@terrehaute.in.gov

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Peter Ray

Peter Ray
Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

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Peter Ray

Peter Ray
Enclosures (3)

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[JIRA] (IMOV-7750) Indiana Rail Road Company Abandonment in Vigo County, IN STB Docket No. AB-295 (Sub-No. 10X) - Message (HTML)

D

deborah.brooks <ngs.infocenter@noaa.gov>

To: Melanie Yasbin

if there are problems with how this message is displayed, click here to view it in a web browser.

Riley_IN_BenchMarks Report.txt
21 KB

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Thu 3/25/2021 6:13 PM

A comment is added on your issue:

Re: Indiana Rail Road Company Abandonment in Vigo County, IN STB Docket No. AB-295 (Sub-No. 10X)

Good Afternoon Atty. Yasbin,

A search of NGS' database located geodetic survey markers (KA1230, KA1229, KA1228, KA1226, and KA1225) in the proposed abandonment area. Of these only KA1225 has been recovered in good condition during recent years and risks destruction during the abandonment and salvage process. The other remaining marks were reported as "NOT FOUND" during recoveries in 1985.

The attached file **Riley_IN_Benchmarks Report.txt** lists the data sheets for all of the above survey marks.

Regards,
Deborah Brooks
NGS Infocenter
301-713-3242

National Geodetic Survey



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

National Geodetic Survey
RRAE@noaa.gov

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Peter Ray

Peter Ray
Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

National Park Service
Midwest Region
601 Riverfront Dr.
Omaha, NE 68102

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

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Peter Ray
VP-Engineering

April 1, 2021

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601 Riverfront Dr.
Omaha, NE 68102

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Sincerely,

Peter Ray

Peter Ray
Enclosure



Peter Ray
VP-Engineering

March 9, 2021

City of Terre Haute
Engineering-Planning Activities
17 Harding Ave
Terre Haute, IN 47807

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
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Peter Ray

Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

City of Terre Haute
Engineering-Planning Activities
17 Harding Ave
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THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

US Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King Place
PO box 59
Louisville, KY 40201

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), INDR will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that INDR develop responses to the following statement:

“Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects.”

Based upon the above described actions, INDR would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

INDR would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS)

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray

Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

US Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King Place
PO box 59
Louisville, KY 40201

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Enclosed please find Indiana Rail Road Company's ("INDR") Amended Combined Environmental and Historic Report ("Amended CEHR") reflecting a change in the miles of line proposed for abandonment. INDR now proposes to abandon an approximately 5.92 -mile rail line between milepost 6.48 and the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the "Line"). The Line runs through the U.S. Postal Zip Code 47802.

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Sincerely,

Peter Ray

Peter Ray

Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Ms. Amanda Kautz
District Conservationist
USDA-NRCS
Terre Haute Service Center
Honey Creek West
3241 South 3rd Place
Terre Haute, IN 47802
Amanda.kautz@usda.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), INDR will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that INDR develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to INDR’s line in the project area is classified as prime agriculture land.

INDR would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray

Enclosures (3)

March 24, 2021

Peter Ray
The Indiana Railroad Company
1500 South Senate Avenue
Indianapolis, Indiana 46225
peter.ray@inrd.com

Dear Mr. Ray:

The proposed project to proceed with the Riley Spur Railroad abandonment in the Town of Riley, Vigo County, Indiana, as referred to in your letter received March 9, 2021, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

RICHARD
NEILSON

Digitally signed by
RICHARD NEILSON
Date: 2021.03.24
16:02:24 -04'00'

RICK NEILSON
State Soil Scientist

Helping People Help the Land.



USDA is an equal opportunity provider, employer and lender.



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Ms. Amanda Kautz
District Conservationist
USDA-NRCS
Terre Haute Service Center
Honey Creek West
3241 South 3rd Place
Terre Haute, IN 47802
Amanda.kautz@usda.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

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Please advise if any of the land contiguous to INDR's line in the project area is classified as prime agriculture land.

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Sincerely,

Peter Ray

Peter Ray
Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403
indianaFO@fws.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that INDR develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, INDR would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

INDR would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

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Sincerely,

Peter Ray

Peter Ray

Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

Consultation Code: 03E12000-2021-SLI-0892

Event Code: 03E12000-2021-E-04262

Project Name: INDR abandonment in Vigo County

March 05, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office
620 South Walker Street
Bloomington, IN 47403-2121
(812) 334-4261

Project Summary

Consultation Code: 03E12000-2021-SLI-0892

Event Code: 03E12000-2021-E-04262

Project Name: INDR abandonment in Vigo County

Project Type: ** OTHER **

Project Description: Indiana Rail Road Company, ("INDR") proposes to abandon the approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the rack at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.3925005,-87.30965544047282,14z>



Counties: Vigo County, Indiana

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i>	Endangered
There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ Incidental take of the NLEB is not prohibited here. Federal agencies may consult using the 4(d) rule streamlined process. Transportation projects may consult using the programmatic process. See www.fws.gov/midwest/endangered/mammals/nleb/index.html Species profile: https://ecos.fws.gov/ecp/species/9045	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

March 05, 2021

Consultation code: 03E12000-2021-TA-0892

Event Code: 03E12000-2021-E-04265

Project Name: INDR abandonment in Vigo County

Subject: Verification letter for the 'INDR abandonment in Vigo County' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on March 05, 2021 your effects determination for the 'INDR abandonment in Vigo County' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take" prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Indiana Bat *Myotis sodalis* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

INDR abandonment in Vigo County

2. Description

The following description was provided for the project 'INDR abandonment in Vigo County':

Indiana Rail Road Company, ("INDR") proposes to abandon the approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the rack at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.3925005,-87.30965544047282,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require

ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?
Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency
Automatically answered
No
6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?
Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency
Automatically answered
No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below.
Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below.
Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below.
Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



Peter Ray
VP-Engineering

April 1, 2021

U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403
indianaFO@fws.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Madam/Sir:

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The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that INDR develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

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INDR would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray
Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Mr. Jared Bayler
Vigo County Planning Department
159 Oak Street
Terre Haute, IN 47807
Jared.bayler@vigocounty.in.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Mr. Bayler:

Indiana Rail Road Company (“INRD”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Peter.ray@inrd.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray

Enclosures (3)



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Mr. Jared Bayler
Vigo County Planning Department
159 Oak Street
Terre Haute, IN 47807
Jared.bayler@vigocounty.in.gov

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Exemption—in Vigo County, IN

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Sincerely,

Peter Ray

Peter Ray

Enclosure



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

March 9, 2021

Ms. Beth McCord
Director, Division of Historic Preservation & Archology
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204
DHPAReview@dnr.IN.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Ms. McCord:

Indiana Rail Road Company (“INDR”) proposes to abandon an approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the “Line”). The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), INDR will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray

Enclosures (3)

State Form 55031 (R / 4-17)

Indiana Department of Natural Resources

Division of Historic Preservation and Archaeology, Indiana State Historic Preservation Office (SHPO)



Date (month, day, year): March 5, 2021

- ☒ This is a new submittal.
- ☐ This is revised/additional information relating to DHPA number _____.
- ☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.
- Title of Agreement: _____
- ☐ This project will also be applying for Federal Rehabilitation Investment Tax Credit.
- ☐ This project includes work on a property that is under a preservation covenant held by DHPA.

Name: Peter Ray

Company/Organization: Indiana Rail Road Company

Address (number and street): 1500 South Senate Ave

City: Indianapolis

State: IN

ZIP: 46225

Telephone number: 317-750-8564

E-mail address: peter.ray@inrd.com

Project Name/Reference: Indiana Rail Road Company-Abandonment Exemption-in Vigo County, IN

Project/Des Number: AB-295 (Sub-No. 10X)

Project Address/Location: The line runs from the just north of Honey Creek east southeast towards and through the town of Riley, IN. The line segment follows the Wabash and Erie Canal through a rural portion of Indiana.

City:

Township(s):

County/Counties: **Vigo**

Section/Township/Range:

Latitude/Longitude: Line start point near 39.402887, -87.326009 Line end point near 39.382391, -87.258052

Agency: Surface Transportation Board

Program: Office of Environmental Analysis

Type of funds, license, or permit to be obtained (if applicable): Abandonment Authority

Name of Agency Contact:

Address (number and street): 395 E Street S.W.

City: Washington

State: DC

ZIP: 20423

Telephone number: 202-245-0295

E-mail address:

APPLICANT (if different than Federal Agency) *If available, please attach copy of authorization letter from federal agency.*

Applicant: Indiana Rail Road Company

Name of Contact: Peter Ray

Address (number and street): 1500 South Senate Ave

City: Indianapolis State: IN ZIP: 46225

Telephone number: 317-750-8564 E-mail address: peter.ray@inrd.com

ADDITIONAL CONTACT (IF APPLICABLE)

Name of Contact:

Organization/Agency:

Address (number and street):

City: State: ZIP:

Telephone number: E-mail address:

Project Description – This should include a detailed scope of work, including any actions to be taken in relation to the project, such as all aspects of new construction, replacement/repair, demolition, ground disturbance, and all ancillary work (temporary roads, etc.), as applicable. Attach report or additional pages if necessary. If a detailed scope of work is not available yet, please explain and include all preliminary information.

Indiana Rail Road Company, ("INDR") proposes to abandon the approximately 4.05-mile rail line that runs between mileposts 8.35 to the end of the rack at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN. Abandonment of the Line will result in the removal of the rail and possibly the upper layer of ballast. INDR does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged.

Ground Disturbing Activity – This should include a detailed description of all horizontal and vertical ground disturbance in relation to the project as well as any known previous and current land use, condition, and disturbances. Attach report or additional pages if necessary. Indicate if the project does not include any ground disturbing activities. Please note that agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.

Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. INDR does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged.

FINDINGS – Please note that a finding should only be submitted when the agency/delegatee believes it is appropriate or one has been requested by our office. Only those who represent the Federal Agency or an official delegatee of the federal agency are authorized to make findings of effect for an undertaking.

☐ **No Historic Properties Affected** – (i.e., none are present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.

☐ **No Adverse Effect** – The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.

☐ **Adverse Effect** – The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Please explain the basis for your determination.

Authorized Signature: _____ Date (month, day, year): _____

Type or print name: _____

Organization/Agency: _____

Please note that incomplete submissions may result in delays. To ensure an expeditious review, please be sure that the following has been provided:

- ☐ Completed Review Request Submittal Form
- ☐ Letter of authorization from Federal agency/agencies (if applicable)
- ☐ Consulting Parties – List of all consulting parties that have been invited to participate and copies of any responses received. Typical consulting parties would include the county historian, local historical society, the appropriate regional office of Indiana Landmarks, other local, state or national preservation organizations, tribes, local government and the general public.
- ☐ Map of project location with project area(s) and Area of Potential Effects (APE) clearly marked, streets labeled and a north arrow, aerial maps are preferable and areas of previous ground disturbance within the project area should be shown. Please indicate if any of the project area is located on state or federal property.
- ☐ Clear, current color photographs of project area and APE, including any buildings or structures fifty (50) years or older within the APE. (No more than two (2) photographs per page, for large project areas/APEs photographs can be provided digitally on a CD but must be clearly labeled.)
- ☐ Architectural/Engineering Drawings (if applicable) – Must be labeled with north arrow, clearly indicate proposed changes to existing buildings and locations of any ground disturbance on site plans. When possible include both existing and proposed drawings. Hard copies should be provided at no smaller than 11" x 17" and font must be legible; if the drawings are large scale reduced to 11" x 17", please also provide a CD with a PDF copy of the drawings.
- ☐ Identification of any known historic resources – All projects should consult the SHAARD database (access available on the DHPA home page) to locate known historic resources in the project area and APE. For any identified resources, the submission should include (in summary form) a list of the properties identified, including address, the site/reference number from SHAARD, the rating (IHSSI, Bridge Inventory) or status (National Register) of each property, and a current photograph. Please do not submit print outs of the individual SHAARD records.

Please note that at this time we are unable to accept electronic submissions. The thirty (30) day review period, as specified in 36 CFR part 800.3(c)(4), begins from the date that we receive the hard copy of the submission.

Return this Form and Attachments to:

**Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 W. Washington Street, Room W274
Indianapolis, Indiana 46204**

<http://www.in.gov/dnr/historic>

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



March 23, 2021

Peter Ray
Indiana Rail Road Company
1500 South Senate Avenue
Indianapolis, Indiana 46225

Federal Agency: Surface Transportation Board

Re: Information concerning the Indiana Rail Road Company abandonment exemption between milepost 8.35 to milepost 12.4 (DHPA #27181)

Dear Mr. Ray:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on March 9, 2021, for the above indicated project in Riley Township, Vigo County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. As we understand from the submission, there are no ground disturbing activities currently planned for the railroad, which dates to approximately 1872. If ground disturbance is to take place in the future, please be advised that not all railroad construction significantly disturbed the ground to deeper depths than the placement of the ballast and that there may be historic deposits associated with the railroad. Additional assessment of the railroad may be necessary at that time.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. §800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation

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Peter Ray
March 23, 2021
Page 2

Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Beth McCord at (317) 233-3492 or bmccord@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #27181.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:bkm

emc: Peter Ray, Indiana Rail Road Company
David Navecky, Surface Transportation Board



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRR.COM

Peter Ray
VP-Engineering

March 25, 2021

Ms. Beth McCord
Director, Division of Historic Preservation & Archology
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204
DHPAReview@dnr.IN.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN (DHPA #27181)

Dear Ms. McCord:

Thank you for your response dated March 23, 2021, to the Indiana Rail Road Company's ("INDR") Draft Combined Environmental and Historic Report. Based on your comments regarding ground disturbing activities, I wanted to clarify the INDR's plan. INDR is not proposing any ground disturbing salvage activities. INDR plans to remove the track from 4.05-mile line running between milepost 8.35 and milepost 12.4, leave the ballast and ties in place, and the underlying ground undisturbed.

Sincerely,
Peter Ray
Peter Ray



THE INDIANA RAIL ROAD COMPANY

1500 SOUTH SENATE AVENUE, INDIANAPOLIS, INDIANA 46225 PH. 317-262-5140 INRD.COM

Peter Ray
VP-Engineering

April 1, 2021

Ms. Beth McCord
Director, Division of Historic Preservation & Archology
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204
DHPAReview@dnr.IN.gov

Re: STB Docket No. AB-295 (Sub-No. 10X), Indiana Rail Road Company.—Abandonment
Exemption—in Vigo County, IN

Dear Ms. McCord:

Enclosed please find Indiana Rail Road Company's ("INDR") Amended Combined Environmental and Historic Report ("Amended CEHR") reflecting a change in the miles of line proposed for abandonment. INDR now proposes to abandon an approximately 5.92 -mile rail line between milepost 6.48 and the end of the track at milepost 12.4 (near Riley), known as the Riley Spur, Vigo County, IN (the "Line"). There are two additional bridges on the Line. The Line runs through the U.S. Postal Zip Code 47802.

Upon receipt of abandonment authority from the Surface Transportation Board (the "Board"), INDR will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a preliminary Combined Environmental and Historic Report ("CEHR") covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Peter.ray@inrd.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Peter Ray

Peter Ray
Enclosure

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



April 19, 2021

Peter Ray
Indiana Rail Road Company
1500 South Senate Avenue
Indianapolis, Indiana 46225

Federal Agency: Surface Transportation Board

Re: Amended project information concerning the Indiana Rail Road Company abandonment exemption
between milepost 6.48 to milepost 12.4 (DHPA #27181)

Dear Mr. Ray:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on April 1, 2021, for the above indicated project in Riley Township, Vigo County, Indiana.

Thank you for providing updated information for this project. Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. As we understand from the submission, there are no ground disturbing activities currently planned for the railroad, which dates to approximately 1872.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

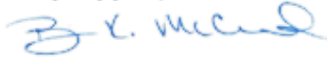
At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. §800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Peter Ray
April 19, 2021
Page 2

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Beth McCord at (317) 233-3492 or bmccord@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #27181.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:bkm

emc: Peter Ray, Indiana Rail Road Company
David Navecky, Surface Transportation Board

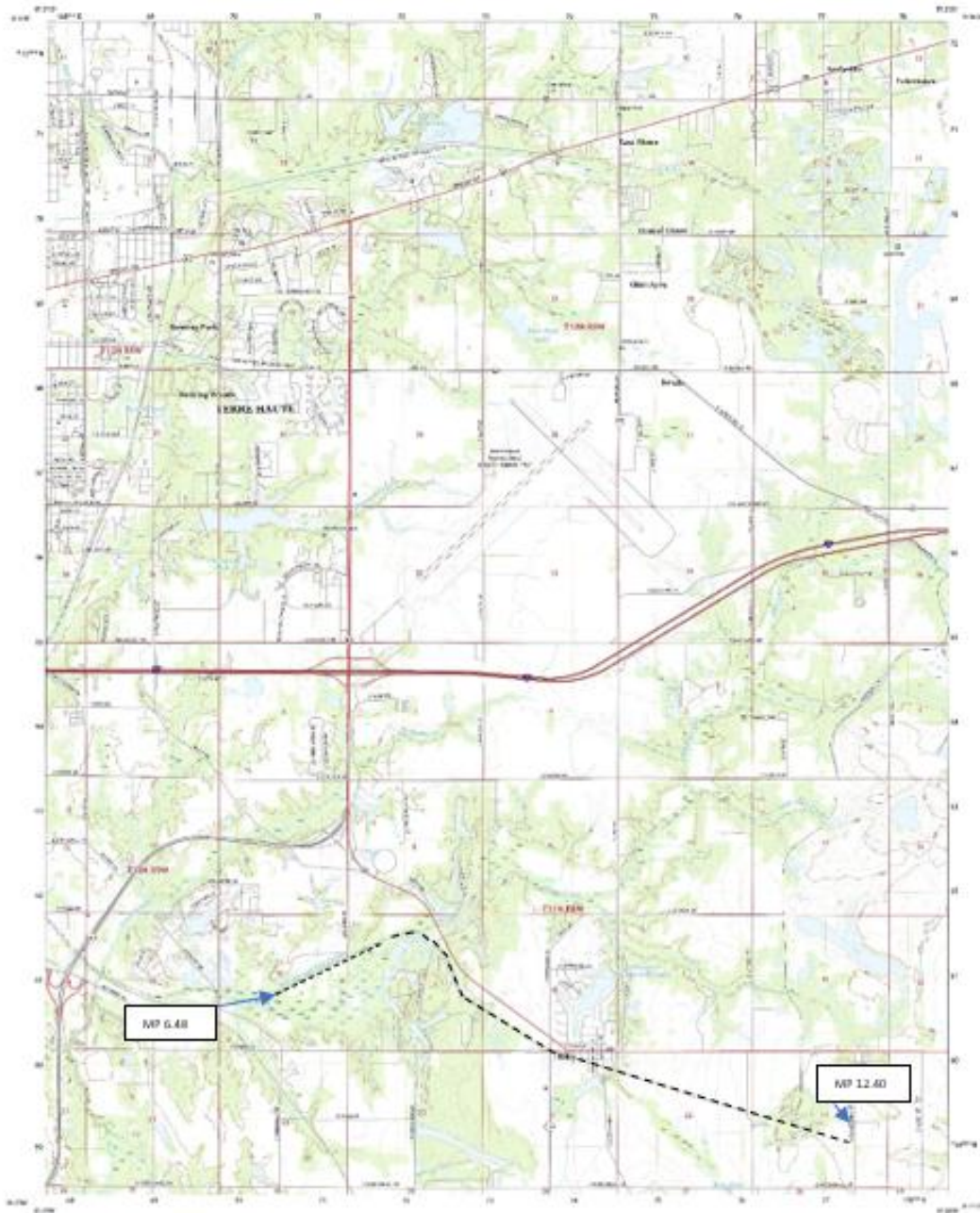
EXHIBIT 3 – USGS MAPS



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



MULTIPLE QUADRANGLE
MONTANA - 1000 COUNTY
1:50,000 SCALE



Produced by the United States Geological Survey
U.S. GEOLOGICAL SURVEY
Topographic Map of the United States
This map is a reproduction of the original map
and is not a substitute for the original map.
The original map is available for purchase from
the United States Geological Survey.
For more information, contact the United States
Geological Survey, Box 998, Reston, VA 20192-0998.
Phone: (703) 648-7500
Fax: (703) 648-7501
Internet: <http://www.usgs.gov>



Legend
Roads
Rivers
Lakes
Other features

MONTANA, 1000 COUNTY
1:50,000 SCALE

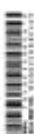


EXHIBIT 4 – BRIDGE PHOTOS

Bridge milepost 6.9





Bridge milepost 7.2



Bridge at Milepost 8.4



Bridge milepost 8.8





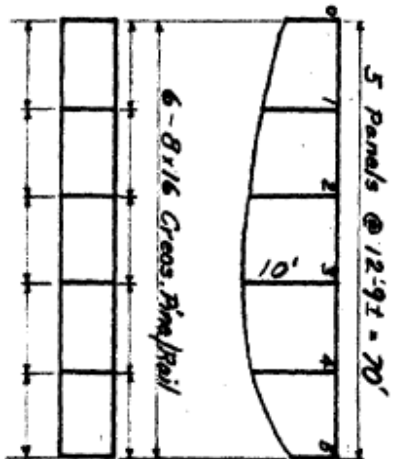


Bridge at milepost 10.6



BR. 6.9

Bridge 20248



LF 48251

Alignment:
Bents: 6 Cross. Oak Piles 1943 Ballast Deck 1943

CEB0099

H195589 - 1A

BR. 7.2

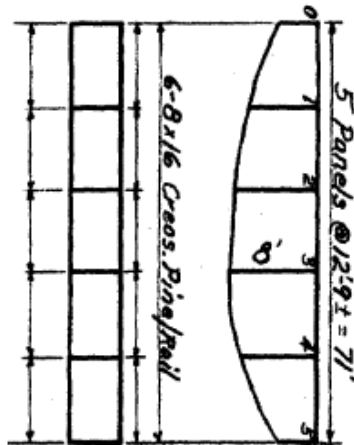
Bridge 20249

PENN. CENT. R.R. TO CHINOOK MINE SPUR¹⁹⁸

CHICAGO SUB-DIV. - E. D.

LF 48251

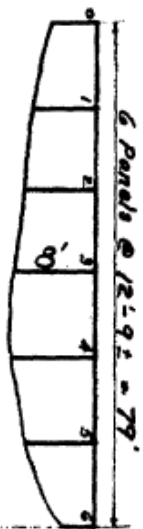
North to
Spring Hill



South to
Chinoook Mine

Alignment:
Bents: 5 Creos. Oak Piles/NO Ballast Deck 1940

BR. 8.4



LF 48251



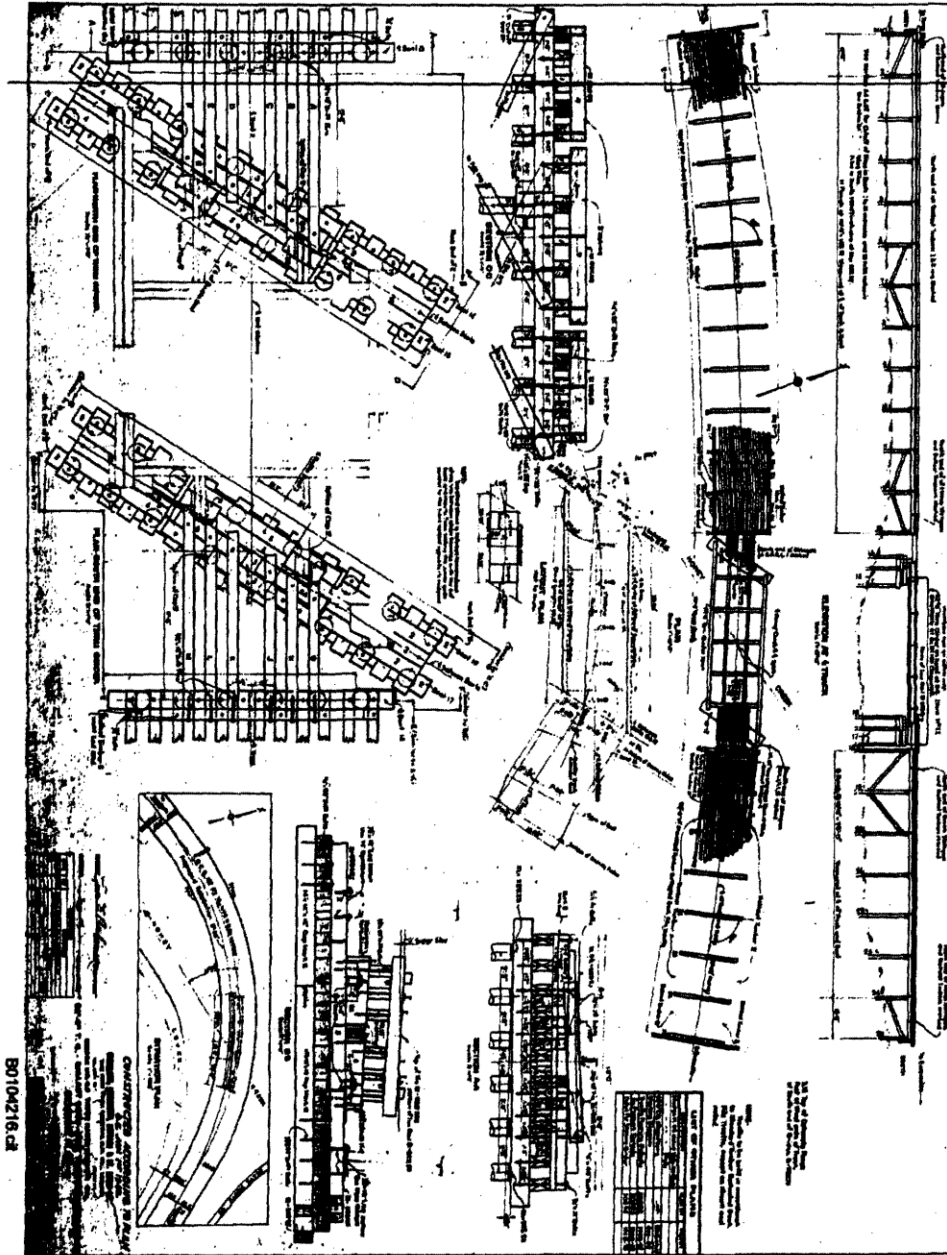
Alignment:
Bents: 6 Creos. Oak Piles Ballast Deck

CE D0100

H 195589 - 16

Attachment 10

Bridge 20251



B0104216.d

72
B0104216.CIT

