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OEA

SERVICE DATE – JULY 19, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 83 (Sub-No. 17X)

**Maine Central Railroad Company - Abandonment Exemption – in Kennebec and Somerset
Counties, Me.**

Docket No. AB 355 (Sub-No. 44X)

**Springfield Terminal
Railway Company - Discontinuance Exemption - in Kennebec and Somerset Counties, Me.**

BACKGROUND

In this proceeding, the Maine Central Railroad Company (MEC) and Springfield Terminal Railway Company (ST) (collectively, Applicants) jointly filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 for MEC to abandon, and ST to discontinuance service over, a line of railroad in Kennebec and Somerset counties, Maine. The rail line, known as the Madison Branch, extends approximately 32.46 miles from milepost 0.00 to milepost 32.46 (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line crosses through the towns of Oakland, Fairfield, Norridgewock, Madison, Anson and Embden, in Kennebec and Somerset counties, Maine. The single-track right-of-way varies from 99+/- feet (for 1/3 of the Line), 66+/- feet (for 1/3 of the Line), and between 30+/- feet and 150+/- feet (for the remaining 1/3 of the Line) in width. According to a list provided by the Applicants, there are 16 bridges of various lengths and types along the line, 64 stone box culverts, seven wood culverts, and 46 pipe culverts (of cast iron, concrete, and clay). The Applicants noted that the stone box culverts were constructed with the track, prior to 1916, and the concrete pipes were constructed after 1960.

The Line was originally constructed by the Somerset Railroad, which was chartered in 1860 to build north along the Kennebec River from the Maine Central Railroad (MCR) at

Oakland, Maine. The Line reached Norridgewock in 1873, Madison in 1875, and North Anson in 1877. In 1879 the company defaulted, and reorganized as the Somerset Railway in 1884, after which construction continued north, reaching Bingham in 1890. By 1906 the railroad extended the line to Moosehead Lake and built a large resort hotel called the Mount Kineo House. The railroad provided access to the resort and Moosehead Lake, as well as drawing visitors to the region's wilderness.

The MCR purchased the Mount Kineo House with the Somerset Railway, and the railway became the Kineo branch of the railroad in 1911. The region was a popular tourist destination, for hiking, camping, hunting, and fishing, until much of the pristine surroundings had been impacted by substantial lumber and pulpwood operations, removing much of the original forest. The last passenger train ran over the Line in September, 1933, and the Mount Kineo House was demolished in 1938. The last major freight customer on the Line was the former Madison Paper Industries paper mill at Madison, originating or terminating 3,000 annual freight carloads in 1973. In 1980, the MCR was purchased by U.S. Filter Corporation and was then sold to Guilford Transportation Industries in 1981. In 2006, Guilford Transportation Industries changed its name to Pan Am Systems, and the rail division changed its name from the Guilford Rail System to Pan Am Railways. The portion of the Line from Oakland to Madison remained in operation by Pan Am Railways until service was ended in 2013.

The Applicants intend to sell the Line to the State of Maine, Department of Agriculture, Conservation and Forestry. The Line has been inactive to local traffic since service was discontinued in 2013.

ENVIRONMENTAL REVIEW

The Applicants submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. The Applicants served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "83" "17" "X" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on June 24, 2021.

Diversion of Traffic

According to the Applicants, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted over other lines. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Should the Board authorize the proposed abandonment, the Applicants intend to convey the right-of-way to the State of Maine, Department of Agriculture, Conservation and Forestry with the Line's bridges, rail, and track materials. Therefore, the Applicants do not plan to conduct any salvage activities.

The Applicants requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Conservation (IPaC) system.² Three protected threatened or endangered species are located in the area of the proposed abandonment: Canada Lynx (*Lynx canadensis*), Northern Long-eared Bat (*Myotis septentrionalis*), and the Atlantic Salmon (*Salmo salar*). According to the IPaC report, there is critical habitat for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be affected because of the abandonment's limited scope (i.e., no salvage) and the fact that all of the bridges would remain intact. OEA is providing USFWS (Maine Ecological Services Field Office) a copy of this EA for its review.

The Applicants requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and prime farmland soils. Although NRCS has not responded to date, OEA does not expect the loss of any prime farmland or soils due to the abandonment's limited scope (i.e., no salvage).

² USFWS Information for Planning and Conservation (IPaC) search conducted on July 12, 2021 (<https://ecos.fws.gov/ipac/>).

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation is required.

The E&H Report was submitted to the U.S. Environmental Protection Agency, Region 1 (USEPA) and the U.S. Army Corps of Engineers, New England District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from either agency. OEA does not anticipate the need for permits under the CWA because the Applicants do not intend to salvage the Line, disturb any roadbed underlying the Line, or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to the USEPA and USACE for review.

Because the Applicants do not intend to conduct any salvage activities, OEA concludes that there would be no air, water, or noise emission impacts from the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the USFWS (Maine Ecological Services Field Office), USEPA, and USACE for review and comment.

HISTORIC REVIEW

The Applicants served the E&H Report on the Maine Historic Preservation Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO responded to the Applicants on February 17, 2021 with a request for additional information. The Applicants sent digital photographs and historic railroad valuation maps to the SHPO via email on July 2, 2021. OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (NRHP). Accordingly, OEA is recommending a condition requiring the Applicants to retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effects, or APE) eligible for listing or listed in the NRHP until completion of the Section 106 process. Guidance regarding the Board's historic

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overseeing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

preservation review process is available on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Aroostook Band of Micmacs and the Penobscot Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁵

The Maine Central Railroad Company and Springfield Terminal Railway Company (collectively Applicants) shall retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. The Applicants shall report back to OEA regarding any consultations with the State Historic Preservation Office and the public. The Applicants may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed July 13, 2021).

⁵ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

TRAIL USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁷

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the

⁶ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "83" "17" "X" sequentially in the boxes for "Docket Number," then selecting "Search."

⁷ Id.

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Draft EA, select “File an Environmental Comment” under “Need Assistance?” on the Board’s home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Alan Tabachnick by email at alan.tabachnick@stb.gov or by phone at 202-245-0347.

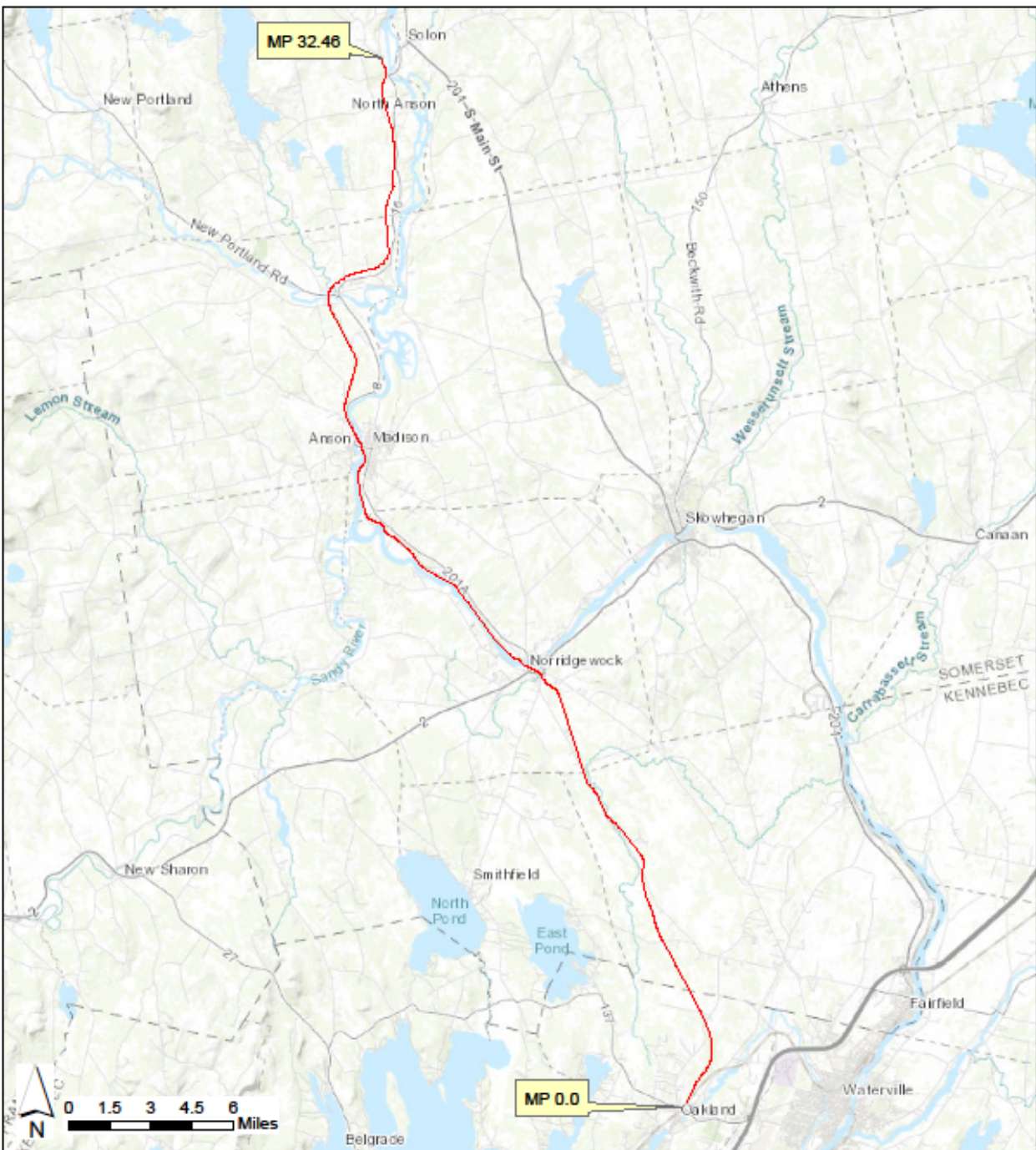
Date made available to the public: July 19, 2021.

Comment due date: August 6, 2021.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.

Attachment

Docket No. AB 83 (Sub-No. 17X), et al.



Docket No. AB-83 (Sub-No. 17X)
Maine Central Railroad Company
Abandonment Exemption
In Kennebec and Somerset Counties, Me.

Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Maine