

From: [McWilliams, Robin](#)
To: [Assenza, Adam](#)
Subject: Fw: Surface Transportation Board Action Notice AB-1065-4-x
Date: Friday, July 16, 2021 1:18:01 PM
Attachments: [Surface Transportation Board Action Letter AB_1065_4_X.pdf](#)

Dear Mr. Assenza,

I received a copy of this notice today and wanted to clarify your expectations. In May we received a letter (dated 5-14-21) from Thomas McFarland on behalf of landowners planning to file an Application for Adverse Abandonment regarding the Indiana Southwestern Railway Co. in southwestern Indiana. We responded on June 1, 2021, with instructions on how to obtain official threatened and endangered species information for the project area. It was unclear at that time what activities would occur as a result of the Abandonment.

According to this recent notice (July 9, 2021), it appears that the Surface Transportation Board (STB) feels Section 7 consultation with the U.S. Fish and Wildlife Service for this abandonment action was initiated as a result of the earlier letter and documentation from Mr. McFarland.

Typically for a Section 7 consultation, the federal action agency sends us a letter describing the action, any potential impacts from the action to listed species (once they have obtained a species list), and then makes a determination of either "no effect", "may affect, **not likely** to adversely affect", or "may affect, **likely** to adversely affect". For projects deemed "no effect" by the action agency, no further coordination is necessary, as the Service does not concur on "no effect" situations. If you believe the action "may affect, but not likely adversely affect" or "may affect, likely adversely affect" a listed species, the STB should document support for the determination and request concurrence from our agency. Actions that are "likely to adversely affect" a listed species may require a more formal consultation process.

This most recent document indicates that there could be some salvaging of the track materials such as rails, ties, etc.; however, the letter in May from Mr. McFarland suggests that all track material was removed 9 years ago. Can you describe what type of disturbances (e.g., noise, vibration, tree-clearing, tree trimming, heavy equipment use, etc.) may occur as a result of your action? If there will be no physical disturbance/activities associated with the abandonment, then a "no effect" determination is probably appropriate.

I have not worked with the STB before, so I apologize if my understanding of your processes is lacking. Hopefully, we can get things ironed out for you quickly.

I will be out of the office next week but may be checking email periodically.

Sincerely,
Robin

Robin McWilliams Munson
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 46142
812-334-4261

Mon-Tues 8-3:30p

Wed-Thurs 8:30-3p Telework

From: Vogel, Renea L <renea_vogel@fws.gov>
Sent: Thursday, July 15, 2021 1:24 PM
To: McWilliams, Robin <robin_mcwilliams@fws.gov>
Subject: Surface Transportation Board Action Notice

Hi Robin,

Please see attached letter. Hard copy is in your office.

Thank you,

Renea L Vogel

Administrative Support Assistant
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