

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 400 (Sub-No. 6X)
Seminole Gulf Railway, L.P. – Abandonment Exemption
in Sarasota County, Fla.

BACKGROUND

In this proceeding, Seminole Gulf Railway, L.P. (SGLR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 USC § 10903 in connection with the abandonment of a line of railroad in Sarasota County, Florida. The rail line proposed for abandonment extends 1.71 miles between Milepost SW 890.29 and Milepost SW 892.00 outside of the City of Sarasota (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

SGLR submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. SGLR seeks to consummate the abandonment and salvage the Line. SGLR served the Environmental and Historic Report on 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 The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to SGLR, no local or overhead traffic has moved over the Line for over ten years. No traffic would be rerouted if the proposed abandonment were approved. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely impact the transportation of ozone-

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 400 (Sub-No. 6X).

depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the 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. SGLR states that, if abandonment were authorized, it would remove track materials, such as rails and ties, leaving the right-of-way, ballast, and culverts in place. SGLR states that no soil disturbance would occur. SGLR would remove and remediate any road crossings and remove signaling, working with governing road authorities. Comments on the Environmental Report were submitted by several state and federal agencies and are discussed in the corresponding sections below.

Land Use

According to SGLR, the right-of-way along the Line is approximately 100 feet wide. Adjacent land use is mixed, consisting of low to medium-density residential, industrial, and commercial areas. OEA has received no comments from local governments indicating that the proposed abandonment conflicts with local land use planning. OEA does not foresee any conflicts with current land use plans.

The United States Department of Agriculture, Natural Resource Conservation Service (NRCS) commented that it has no comments on the proposed abandonment. NRCS states that projects on land already in urban development are not subject to the federal Farmland Protection Policy Act (FPPA). OEA therefore believes that, as the existing track, ties, and right-of-way are located in an urban area, the proposed abandonment would not cause any impacts to prime, unique, or important agricultural lands.

Transportation and Safety

The proposed abandonment would result in the removal and restoration of several road crossings. Because the Line is out of service, no freight traffic would be diverted from rail to truck transportation.

Coastal Zone Compliance

The Florida Department of Environmental Protection (FLDEP) has indicated that the proposed abandonment does not require federal consistency review under Florida's Coastal Zone Management Program or the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.).

Water Resources

According to SGLR, there are no bridges or stream crossings on the Line. SGLR would leave the right-of-way, culverts, and ballast intact so as not to alter prevailing waterflows along the line.

SGLR would conduct abandonment activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to SGLR, abandonment activities would not cause sedimentation or erosion of the soil, and SGLR does not anticipate any dredging or use of fill when conducting salvage operations. SGLR states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. Additionally, SGLR does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. Because the proposed abandonment would not result in the discharge of wastewater or storm water, OEA concurs with SGLR that a permit under Section 402 of the Clean Water Act (33 USC § 1342) likely would not be required. Accordingly, no mitigation related to impacts to water quality is recommended.

To date, the U.S. Army Corps of Engineers (Corps) has not commented on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 USC § 1344). Because abandonment activities would be limited and not involve alterations of any bridges over waterways, OEA concurs with SGLR that the proposed abandonment would not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that these activities would therefore not require a Section 404 permit. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA will provide a copy of this EA to the Corps for review and comment.

Hazardous Materials

SGLR states that it is not aware of any releases of hazardous substances on or near the Line. OEA's review has not found any federally listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

SGLR states that no wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by activities related to the proposed abandonment.

Based on information that SGLR included in its report, OEA obtained an official list of threatened or endangered species that may be located within the project area, using the U.S. Fish

and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool.² The following species were identified in that USFWS document:

Protected Species Potentially Present in Project Area	
Mammals	Status
Florida panther (<i>Felis concolor coryi</i>)	Endangered
Puma (<i>Felis concolor</i>)	Threatened
West Indian manatee (<i>Trichechus manatus</i>)	Threatened
Birds	
Everglade snail kite (<i>Rostrhamus sociabilis plumbeus</i>)	Endangered
Florida scrub-jay (<i>Aphelocoma coerulescens</i>)	Threatened
Ivory-billed woodpecker (<i>Campephilus principalis</i>)	Endangered
Piping plover (<i>Charadrius melodus</i>)	Threatened
Red knot (<i>Calidris canutus rufa</i>)	Threatened
Wood stork (<i>Mycteria americana</i>)	Threatened
Reptiles	
American alligator (<i>Alligator mississippiensis</i>)	Threatened
American crocodile (<i>Crocodylus acetos</i>)	Threatened
Eastern indigo snake (<i>Drymarchon corais couperi</i>)	Threatened
Loggerhead sea turtle (<i>Caretta caretta</i>)	Threatened
Fishes	
Atlantic sturgeon (<i>Acipenser oxyrinchus desotoi</i>)	Threatened
Insects	
Miami blue butterfly (<i>Cyclargus thomasi bethunebakeri</i>)	Endangered
Flowering plants	
Aboriginal prickly-apple (<i>Harrisia aboriginum</i>)	Endangered
Florida bonamia (<i>Bonamia grandiflora</i>)	Threatened
Pygmy fringe-tree (<i>Chionanthus pygmaeus</i>)	Endangered

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited November 7, 2017).

According to the IPaC report, there are no designated critical habitats within the project area.

With the exceptions of the Florida scrub jay and the eastern indigo snake, individuals of other listed species would likely not be found in the project area, though they may occur in other parts of Sarasota County, and the proposed abandonment would not involve activities that would alter or remove habitat for these species; accordingly, OEA has determined that these species would not be adversely affected by the proposed abandonment and recommends no mitigation for those species. The Florida scrub jay and eastern indigo snake may be present within the project area, and OEA has determined that there may be potential impacts to individuals of either species that may be present in the project area. OEA believes that potential impacts could be appropriately mitigated by requiring SGLR, prior to commencing salvage activities, to consult with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA) and follow recommended mitigation practices; USFWS concurs with OEA's approach. Accordingly, OEA is recommending that any decision granting abandonment authority include a condition that, prior to commencement of any salvage activities, SGLR shall consult with USFWS to assess potential impacts to the Florida scrub jay and eastern indigo snake and identify any appropriate mitigation measures that may be warranted. OEA is submitting this EA to the USFWS South Florida Ecological Services Field Office for their review and comment.

Air Quality

Because abandonment activities would be limited in scope and areal extent, and any air emissions associated with abandonment activities would be temporary, OEA believes that these operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from abandonment activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that abandonment activities 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 EA to the Corps and USFWS.

HISTORIC REVIEW

SGLR served the Historic Report on the Florida State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that additional information is needed to complete its review of the proposed abandonment. Accordingly, we are recommending a condition requiring the SGLR to retain its 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 Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized Tribes that may have ancestral connections to the project area.³ The Seminole Tribe of Florida and the Seminole Nation of Oklahoma (previously listed as Seminole Nation of Oklahoma) are federally-recognized Tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment. Accordingly, OEA is sending these Tribes copies of this EA for their review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. Seminole Gulf Railway, L.P. (SGLR) shall retain its 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 Effect) 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 USC § 306108, has been completed. SGLR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Florida State Historic Preservation Officer (SHPO), appropriate federally recognized tribes, and the public. SGLR 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.**
- 2. Prior to commencement of any salvage activities, SGLR shall consult with the U.S. Fish and Wildlife Service (USFWS) to address potential impacts to Florida scrub jays (*Aphelocoma coerulescens*) or eastern indigo snakes (*Drymarchon corais couperi*) that may be present in the rail right-of-way. During salvage, SGLR shall follow the reasonable recommendations of USFWS to prevent impacts to members of those species.**

³ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 7, 2017).

CONCLUSIONS

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

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 Federal Register notice.

TRAILS 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 if 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).

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, 395 E. Street SW, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 400 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental

contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: November 9, 2017.

Comment due date: November 24, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



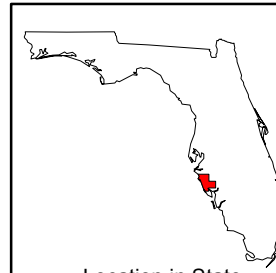
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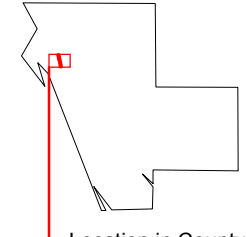
Legend

— the Line

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



Location in State



Location in County

