

SERVICE DATE – JULY 22, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 345X)

**Union Pacific Railroad–Abandonment Exemption–
in Riverside and San Bernardino Counties, Cal.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Union Pacific Railroad (UP) filed a verified notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad located in Riverside and San Bernardino counties, California. The rail line proposed for abandonment is located on a portion of the Crestmore Industrial Lead and extends approximately 0.54 miles from milepost 7.06 to milepost 7.60 (the Line). The Line closely parallels Rubidoux Boulevard and crosses El Rivino Road near the Line's midpoint. OEA served a Draft EA for this proceeding on July 2, 2021 for public review and comment. In the Draft EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received two comments after issuance of the Draft EA. By email dated July 13, 2021, the Cultural Resources Management Department (CRM) of the San Manuel Band of Mission Indians (SMBMI) commented that, pursuant to Section 106 of the National Historic Preservation Act (NHPA), the proposed abandonment's Area of Potential Effects (APE) is within its ancestral territory, and therefore is of interest to the tribe. However, SMBMI noted that no further consultation would be necessary, given the nature and location of the proposed abandonment as well as CRM's present state of knowledge of the area. Should cultural resources be discovered during salvage, SMBMI requests that all work related to the salvage process immediately cease pending further consultation and resolution of the matter. Accordingly, OEA is recommending a modification to the Draft EA to include a mitigation measure pertaining to inadvertent discoveries.

In the second comment, received by email on July 16, 2021, UP provided a website link to an environmental impact report prepared by the City of Jurupa Valley (City) in December 2019 for redevelopment of the surrounding area, which includes the area of the proposed abandonment. The document, entitled *Draft Environmental Impact Report for the Agua Mansa*

Commerce Park Specific Plan (State Clearinghouse No. 2017071034), was prepared in accordance with the California Environmental Quality Act and analyzed the potential impacts associated with redevelopment of the area. The report noted that although the Line is associated with other historically significant rail lines in the area – the San Pedro, Los Angeles, and Salt Lake City rail lines and portions of the UP, which are eligible for listing in the National Register of Historic Places (National Register) – the ties and tracks on the Line have been upgraded and replaced through time and no longer possess historical integrity. The conclusions of the City's report indicate that the Line is not eligible for listing on the National Register and that redevelopment of the area would result in a less than significant impact.

For archaeological resources, the report indicated that there are no previously recorded sites, nor pedestrian-surveyed areas located within the area of proposed redevelopment, which includes the APE for the rail line abandonment. However, the report suggested that artifacts from three prehistoric archaeological sites and one prehistoric isolate within a one-mile radius of the project redevelopment area may have shifted through weathering or anthropogenic processes to the area slated for redevelopment and could be uncovered during site grading. As SMBMI noted a similar concern, OEA's new mitigation measure in this Final EA also addresses the City's report recommendations.

Although the City's report was thoroughly documented, OEA has not received any correspondence from the California State Parks' Office of Historic Preservation (SHPO) that would indicate the SHPO concurred with the report's findings and conclusions thereof, and OEA has not received comments from the SHPO regarding the proposed abandonment. Accordingly, OEA recommends that the condition in the Draft EA be retained until such time that the Section 106 consultation process has been completed.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the condition recommended in the Draft EA, as well as the additional condition recommended in this Final EA, be imposed on any decision granting abandonment authority.¹ The two conditions are:

1. Union Pacific Railroad Company (UP) 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 U.S.C. § 306108, has been completed. UP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the California State Parks' Office of Historic Preservation and the public. UP 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.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with these conditions would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during Union Pacific Railroad Company's (UP) abandonment-related salvage activities, UP will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the California State Parks' Office of Historic Preservation (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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