

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

January 16, 2018

244993

VIA US Mail

TO: See Attached Service List

RE: **Proposed Abandonment of a portion of the Seabrook Line near Seabrook, TX, from milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles all in Harris County, Texas**
STB Docket No. AB-33 (Sub-No. 332X)

ENTERED
Office of Proceedings
January 16, 2018
Part of
Public Record

To whom it may concern:

On or after February 5, 2018, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon a portion of the Seabrook Line near Seabrook, TX, from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles in Harris County, Texas (the "Line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 332X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,

s/ Jeremy M. Berman

Jeremy M. Berman

Attachment



Docket No. AB-33 (Sub-No. 332X)

Service List

State Clearinghouse (or Alternate):

Governor's Office of Budget and Planning
P.O. Box 12428
Austin, Texas 78711

State Environmental Protection Agency:

Texas Commission on Environmental Quality
5425 Polk St., Suite H
Austin, Texas 77023

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Southwest Region (2) Office
500 East McCarty Lane
San Marcos, Texas 78666

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Rd
Galveston, Texas 77550

National Park Service (Regional Office):

National Park Service – Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

U.S. Natural Resources Conservation Service:

Bryan Service Center
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

Head of Harris County, Texas:

Stan Stanart
Harris County Clerk
201 Caroline
Houston, Texas 77002

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 332X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX
(SEABROOK INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas Street STOP 1580
Omaha, NE 68179
(402) 544-4735
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jmberman@up.com

Dated: January 16, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 332X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX
(SEABROOK INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), for an exempt abandonment of a portion of the Seabrook Industrial Lead in Seabrook TX, from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles to be abandoned, all in Harris County, Texas (the "Line"). The Line is wholly contained within U.S. Postal Service Zip Code 77586. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after February 5, 2018. A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**), are attached to this EHR. There are no bridge structures on the line. Responses received thus far to UP's letters are also attached.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(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.

Response: The proposed action involves an exempt abandonment of UP's Seabrook Industrial Lead. The Line proposed for abandonment extends from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles to be abandoned, all in Harris County, Texas. A map of the Line is attached as **Attachment No. 1**.

The Line was constructed by the Galveston, La Porte and Houston Railroad in 1895, later the Galveston, Houston and Northern Railway, then the Galveston, Harrisburg and San Antonio Railroad (GHSA), as part of their main line from Houston to Galveston. The GHSA was later merged with the San Antonio and Aransas Pass Railroad to form the Texas and New Orleans (T&NO), which was later merged into the Southern Pacific System (SP). Increasing boat traffic at Clear Creek and Dickensen Bayou provided the impetus to reroute overhead traffic in the early 90's to the parallel UP line originally constructed by predecessor Galveston, Houston and Henderson. There are no bridge structures on the Line. The line is laid with 90 lb rail.

The Line proposed for abandonment consists partially of fee property. Based upon information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

It is UP's intention sell the right of way intact to the Texas Department of Transportation (TXDOT) who would salvage the track materials. TXDOT plans to use

the corridor for a Public Use highway project. The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by an approved contractor to an EPA approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality - thus suitable for resale - or to make the right of way more suitable for a planned future use. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also be dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP maintenance official to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

After the proposed abandonment, the Seabrook area would continue to receive

rail service from UP on the remaining portion of the Seabrook Industrial Lead at the Joyce and Bayport rail stations in Pasadena, TX just north of the proposed action as well as from the carrier's Texas City Industrial Lead to the South. BNSF's Houston to Galveston line also passes through the region near Algoa, TX. The area is served by Texas Highway 146 which parallels the line and is earmarked for a substantial Public Use project using the former right of way to improve traffic flow and reduce congestion. The Line is also crossed by Red Bluff Road, a major thoroughfare.

No local traffic has moved to or from the Line in the past two years and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in at least two years.

(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.

Response: Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and 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 49 C.F.R. § 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.

Response:

- (i) UP is unaware of any adverse effects on local and existing land use plans. The Harris County Clerk has been contacted. To date, UP has not received a response.
- (ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has not received a response.
- (iii) Not Applicable.
- (iv) The property proposed for abandonment is suitable for a public purpose in the form of a corridor for utilities such as roads or highways, or sanitary sewer lines, or other forms of mass transportation, energy production or transmission.

(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.

- Response:**
- (i) There are no effects on the transportation of energy resources.
 - (ii) There are no recyclable commodities moved over the Line.
 - (iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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 subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (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.

Response: The proposed action 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.

Response: 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.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

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

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(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.

Response: (i) and (ii). The U.S. Fish and Wildlife Service (FWS) and the National Park Service were contacted. The response from FWS is included as **Attachment No. 3.**¹ In its response, FWS requested that UP obtain further information using FWS' online system. The information obtained using that system is included with **Attached No. 3**. To date, no response has been received from the National Park Service. The Line does not appear to enter any national or state parks or forests, wildlife sanctuaries, or refuges.

(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. (Applicants should contact the U.S. Environmental Protection Agency or the state

¹ While the response is dated February 1, 2016, it was received by UP in response to Attachment No. 1, which was sent to FWS on September 11, 2017.

environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The U. S. Environmental Protection Agency Region 6 office and the Texas Commission on Environmental Quality have been contacted. The response from Texas Commission on Environmental Quality is included as **Attachment No. 4**. To date there has been no response from the U. S. Environmental Protection Agency.

(ii) The U. S. Army Corps of Engineers has been contacted. Responses from the U. S. Army Corps of Engineers are included as **Attachment No. 5**. The response that is date-stamped October 19, 2017, indicates a Section 404 permit is required for work in or discharge of dredge or dredge material into navigable waters or waters of the United States. All work contemplated by this abandonment will take place on UP's right-of-way and no material will be discharged into navigable waters or waters of the United States. Therefore, a Section 404 permit should not be required.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an 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:

Response: See **Attachment No. 1.**

(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:

Response: The right of way for the Line commences near Red Bluff Road North of Seabrook and ends near Repsdorph Road. Residential areas lie to the West of the Line, and Industrial, open lands, and multi story residential complex lies to the East. The right of way is approximately 100 feet in width. The topography is flat.

(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:

(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:

Response to (3) and (4): There are no structures on the Line.

(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:

Response: See UP's response to question (1) in the Environmental Report for a brief history and description.

(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:

Response: UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP'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):

Response: There are no sites or structures that appear to meet the criteria for listing on the National Register. Included as **Attachment No. 6** is a response from the Texas Historical Commission that it has reviewed proposed abandonment and has no concerns.

(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 wastes), and the surrounding terrain.

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified 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 locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 16th day of January, 2018.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas Street STOP 1580
Omaha, NE 68179
(402) 544-4735
(402) 501-3773 (FAX)
jmberman@up.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 332X), a portion of the Seabrook Line in Harris County, Texas was served by First Class U.S. Mail, postage prepaid, on the ^{16th} day of January, 2018, on the following parties:

State Clearinghouse (or Alternate):

Governor's Office of Budget and Planning
P.O. Box 12428
Austin, Texas 78711

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Rd
Galveston, Texas 77550

State Environmental Protection Agency:

Texas Commission on Environmental Quality
5425 Polk St., Suite H
Austin, Texas 77023

National Park Service (Regional Office):

National Park Service – Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

U.S. Natural Resources Conservation Service:

Bryan Service Center
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

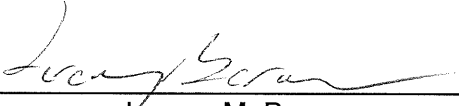
U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Southwest Region (2) Office
500 East McCarty Lane
San Marcos, Texas 78666

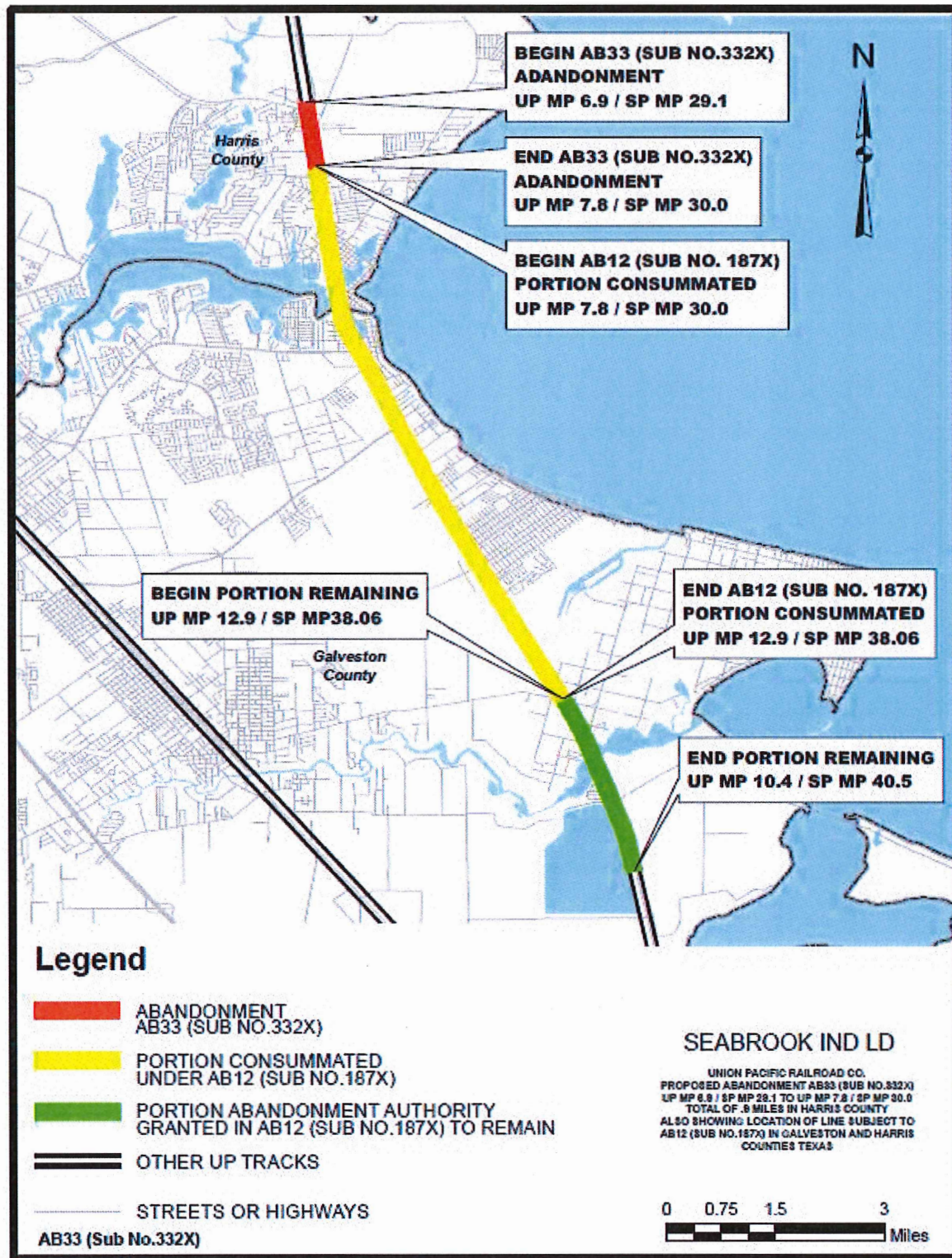
Head of Harris County, Texas:

Stan Stanart
Harris County Clerk
201 Caroline
Houston, Texas 77002

Dated this 16th day of January, 2018.



Jeremy M. Berman



UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

September 11, 2017

State Clearinghouse (or Alternate):
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, Texas 78711

State Environmental Protection Agency:
Texas Commission on Environmental Quality
5425 Polk St., Suite H
Houston, Texas 77023

Environmental Protection Agency (Regional Office):
U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

State of Texas Historic Preservation Office:
Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:
U.S. Fish and Wildlife Service
Southwest Region (2) Office
500 East McCarty Lane
San Marcos, Texas 78666

U.S. Army Corps of Engineers:
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Rd.
Galveston, Texas 77550

National Park Service (Regional Office):
National Park Service - Intermountain Region
12795 Alameda Parkway
Denver, Colorado 80225

U.S. Natural Resources Conservation Service:
U.S. Natural Resources Conservation Service
Bryan Service Center
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

National Geodetic Survey:
Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

Head of Harris County, Texas:
Stan Stanart
Harris County Clerk
201 Caroline
Houston, Texas 77002

Re: Proposed Abandonment of a portion of the Seabrook Line near Seabrook, TX, from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles all in Harris County, Texas. STB Docket No. AB-33 (Sub-No. 332X).

To Whom It May Concern:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon a portion of the Seabrook Line near Seabrook, TX, from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles in Harris County, Texas (the "Line"). The Line is wholly contained within U.S. Postal Service Zip Code 77586. A map of the proposed abandonment shown in red is attached. There are no structures on the Line that are 50 years old or older.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in



UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game and Parks Commission, If Addressed). State (1) 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, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Please describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

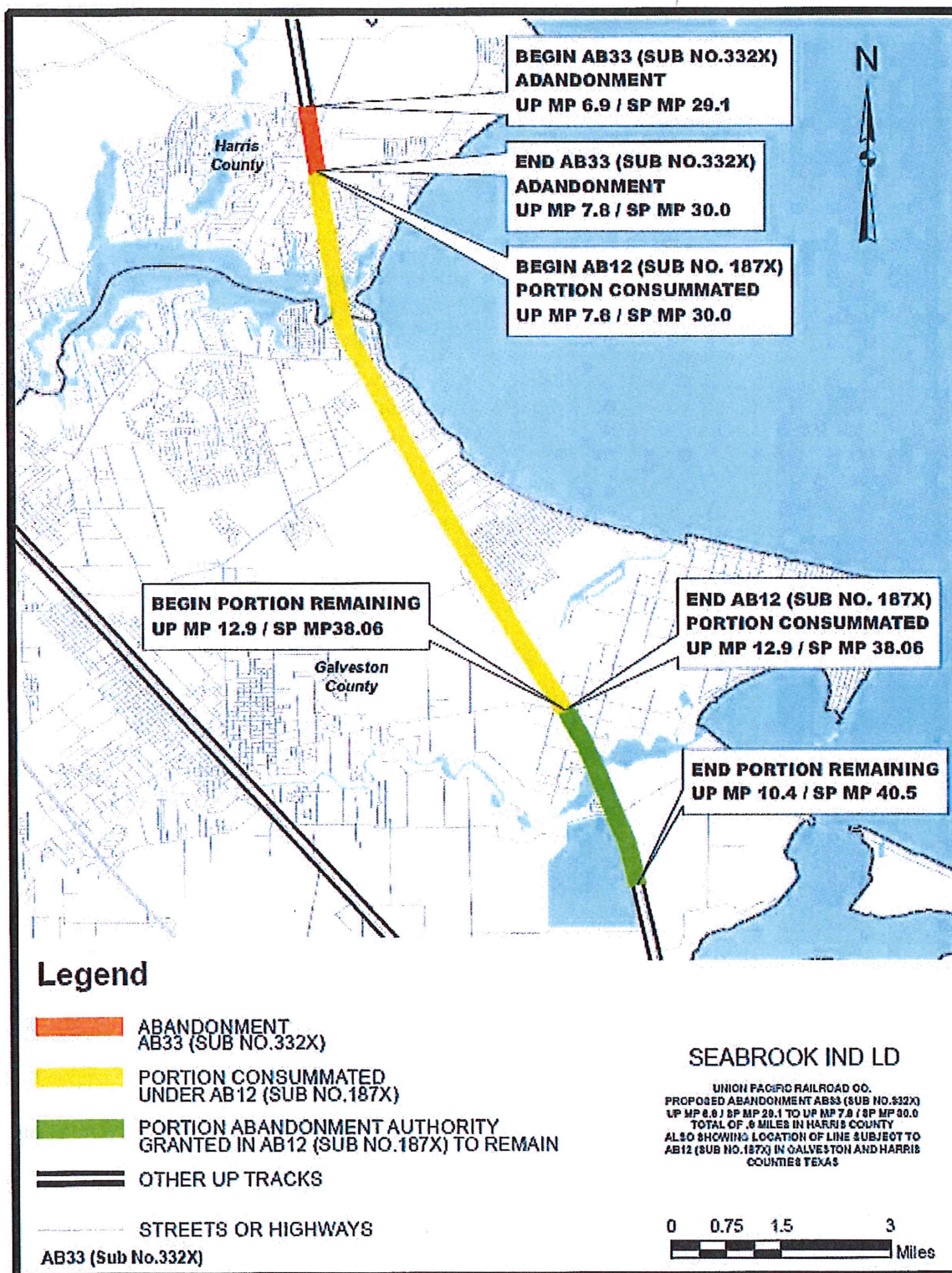
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,



Sarah J. Rief
Legal Assistant - Law Department
Union Pacific Railroad Company
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179
Phone: (402) 544-0438
Email: sjrief@up.com

Attachment





In Reply Refer To:
FWS/R2/TCESFO

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058
281/286-8282 / (FAX) 281/488-5882



February 1, 2016

Thank you for your request for threatened and endangered species, fish and wildlife, environmental, and/or aquatic resources information, comments, and/or recommendations within the United States Fish and Wildlife Service (Service) Texas Coastal Ecological Service's area (Houston Office) of responsibility.

In order to obtain information regarding fish and wildlife resources concerning a specific project or project area, we recommend that you first utilize the Service developed Information, Planning, and Conservation (IPaC) System. The IPaC system is designed for easy, public access to information about the natural resources for which the Service has trust or regulatory responsibility. Examples include threatened and endangered species, migratory birds, National Refuge lands, and National Wetlands Inventory wetlands. One of the primary goals of the IPaC system is to provide this information in a manner that assists people in planning their activities within the context of natural resource conservation. The IPaC system also assists people through the various regulatory consultation, permitting and approval processes administered by the Fish and Wildlife Service, helping achieve more effective and efficient results for both the project proponents and natural resources.

The IPaC system can be found at the following website address: <http://ecos.fws.gov/ipac/>. Please note, by requesting an Official Species List you will receive an official consultation response letter and tracking number. If you still have questions concerning your project as it relates to fish and wildlife resources after visiting the IPaC system, please feel free to contact our office at the letterhead address above. We will be happy to assist you.

Sincerely,

Charles Ardizzone
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Services Field Office
17629 El Camino Real #211
Houston, TX 77058

Phone: (281) 286-8282 Fax: (281) 488-5882

<http://www.fws.gov/southwest/es/TexasCoastal/>
http://www.fws.gov/southwest/es/ES_Lists_Main2.html



In Reply Refer To:

January 15, 2018

Consultation Code: 02ETTX00-2018-SLI-0624

Event Code: 02ETTX00-2018-E-01335

Project Name: STB Docket No. AB 33 (Sub-No. 332X)

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

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: <http://www.fws.gov/southwest/es/TexasCoastal/Map.html>. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation for updates to species list and information. An updated list may be

requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the

project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a)(4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek concurrence from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical

assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem health in the local area and avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a project, the Service recommends that you implement the best management practices found at: <http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html>.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at <http://www.fws.gov/endangered/what-we-do/cca.html>.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidelines, we recommend you review information provided at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project

developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at <http://www.aplic.org/>.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Constructions, Operation and Decommissioning, found online at: <http://www.fws.gov/habitatconservation/communicationtowers.html>, to minimize the threat of avian mortality at these towers. Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files. If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: <http://www.fws.gov/southwest/es/TexasCoastal/ProjectReviews.html>.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion. These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses. Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife. Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE). For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/listed_species/.

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

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:

Texas Coastal Ecological Services Field Office

17629 El Camino Real #211

Houston, TX 77058

(281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2018-SLI-0624

Event Code: 02ETTX00-2018-E-01335

Project Name: STB Docket No. AB 33 (Sub-No. 332X)

Project Type: TRANSPORTATION

Project Description: Abandonment and discontinuance of rail service by Union Pacific over approximately .9 miles of track.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/29.5824516227357N95.02924919128418W>



Counties: Harris, TX

Endangered Species Act Species

There is a total of 5 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 3 of these species should be considered only under certain conditions. 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.

Mammals

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i>	Threatened
There is final critical habitat for this species. Your location is outside the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	

Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i>	Endangered
Population: interior pop. No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ Wind related projects within migratory route. Species profile: https://ecos.fws.gov/ecp/species/8505	
Piping Plover <i>Charadrius melodus</i>	Threatened
Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. This species only needs to be considered under the following conditions: ▪ Wind related projects within migratory route. Species profile: https://ecos.fws.gov/ecp/species/6039	
Red Knot <i>Calidris canutus rufa</i>	Threatened
No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ Wind related projects within migratory route. Species profile: https://ecos.fws.gov/ecp/species/1864	

Flowering Plants

NAME	STATUS
Texas Prairie Dawn-flower <i>Hymenoxys texana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6471	Endangered

Critical habitats

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

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niemann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 13, 2017

Ms. Sarah J. Rief
Union Pacific Railroad Company
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

Via: email

Re: TCEQ NEPA Request #2017-277, Proposed Abandonment of a portion of the Seabrook Line near Seabrook, TX, from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road, to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road, a distance of 0.9 miles all in Harris County, Texas. STB Docket No. AB-33 (Sub-No. 332X).

Dear Ms. Rief:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 indicates that the proposed project is located in Harris County, which is currently classified by the United States Environmental Protection Agency as moderate nonattainment for the 2008 ozone National Ambient Air Quality Standard. Therefore, general conformity rules apply.

The two primary precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NO_x). A general conformity analysis may be required when a project results in an emissions increase of 100 tons per year or greater for either VOCs or NO_x. Because the emissions from this proposed project are expected to be below these thresholds it is not anticipated to impact the state implementation plan; therefore a general conformity analysis is not required.

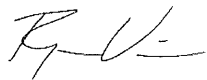
The Office of Water does not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. We recommend that the applicant take necessary steps to ensure that best management practices are used to control runoff from construction sites to prevent detrimental impact to surface and ground water.

Any debris or waste disposal should be at an appropriately authorized disposal facility. If the facility intends to store hazardous waste for more than 90 days, they

need to coordinate with our Waste Permits Division to seek authorization prior to storage.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA Coordinator, at (512) 239-3500 or NEPA@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Vise", with a horizontal line extending from the end.

Ryan Vise
Division Director
Intergovernmental Relations



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

September 19, 2017

REPLY TO
ATTENTION OF:

Evaluation Branch

PLEASE NOTE: THIS IS NOT A PERMIT

SUBJECT: Acknowledgement – Department of the Army Application – Proposed Railroad Abandonment - Harris County, Texas

Sarah J. Rief
Legal Assistant – Law Department
Union Pacific Railroad Company
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

This is to acknowledge receipt of your September 18, 2017, request for Department of the Army permit authorization to perform certain work associated with the proposed railroad abandonment. The project site is located near Seabrook, in Harris County, Texas. Please note the items listed below.

♦Date Request Received in Evaluation Branch:	September 18, 2017
♦Applicant (if other than Requestor):	
♦File Number Assigned:	SWG-2017-00629
♦Regulatory Specialist Assigned:	Mr. Jeff Borski
♦Telephone Number of Regulatory Specialist:	409-766-3945
♦Email Address of Regulatory Specialist:	
♦Mailing Address:	Jeff M. Borski CESWG-RD-E U.S. Army Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229

Please reference the **above file number** in all future correspondence with our office related to this request. You may contact the project manager at the address or telephone number listed above. As always, we are here to assist you in any manner we can regarding this request.

Sincerely,

Jill C. Wiggins

Jill C. Wiggins
Legal Instruments Examiner

PLEASE NOTE: THIS IS NOT A PERMIT



Seabrook Line Abandonment
Borski, Jeffrey M CIV USARMY CESWG (US)

09/25/2017 03:32 PM

To: sjrief@up.com

[Show Details](#)

History: This message has been forwarded.

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Ms. Rief,

I'm writing to inquire about the notice you submitted to the Corps of Engineers regarding the abandonment of a 0.9-mile stretch of the UP Seabrook line in Harris County, Texas. In order to determine the likelihood of impacts to waters of the U.S. from this project, I need additional information regarding Union Pacific's plans. More specifically, I need more detailed drawings of this reach of the line and a description of all activities related to the abandonment (e.g. movement of dirt, the traverse of tracked vehicles over potentially jurisdictional areas, etc.).

Jeff Borski
Regulatory Specialist
U.S. Army Corps of Engineers
Galveston District
(409) 766-3945



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

OCT 19 2017

REPLY TO
ATTENTION OF:

Evaluation Branch

SUBJECT: Permit Application No. SWG-2017-00629

Union Pacific Railroad Company
Attn: Sarah J. Rief
Law Department
1400 Douglas Street, MS1580
Omaha, Nebraska 68179

Dear Ms. Rief:

This letter is in reference to your notice of intent to sell the 0.9-mile segment of the Union Pacific Seabrook Line that extends from Milepost 29.1 to Milepost 30.0 in Harris County, Texas. The Corps of Engineers (Corps) acknowledges that Union Pacific is not requesting either a permit or a determination from the Corps related to this action.

The Corps Regulatory Division regulates the placement of structures and work performed in or affecting navigable waters of the United States (U.S.) under Section 10 of the Rivers and Harbors Act of 1899. The Regulatory Division also regulates the discharge of dredge and fill material into waters of the U.S., including navigable waters, under Section 404 of the Clean Water Act. A Department of the Army Permit is required for any work in or discharge of dredge material into navigable waters or waters of the U.S.

This is not an authorization to commence work or discharge fill material into waters of the U.S. Please reference file number SWG-2017-00629 in future correspondence pertaining to this subject. If you have any questions, please contact Jeff Borski at the letterhead address or by telephone at 409-766-3945. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in blue ink, appearing to be "Andria Davis", is located below the "Sincerely," text.

Andria Davis
Leader, North Evaluation Unit



SHPO comment UPRR abandonment Seabrook Line
Linda Henderson to: sjrief@up.com

Attachment No. 6

11/03/2017 12:27 PM

[Show Details](#)

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Ms. Rief,

My apologies for not getting this to you earlier. We reviewed the information submitted on the proposed abandonment of MP 6.9 to MP 7.8 of the Seabrook Line and have no concerns at this time.

Thank you,

Linda

Linda Henderson
Lead Reviewer, Federal Programs
History Programs Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
phone: 512/463-5851
www.thc.texas.gov

Please note our new email and web addresses.



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