

From: [Brian Beadles](#)
To: [Spencer Naake](#)
Cc: [Assenza, Adam](#); [William Mullins](#)
Subject: Re: Saratoga Railroad, LLC - Abandonment in Carbon County, WY
Date: Monday, February 24, 2025 2:46:57 PM
Attachments: [image830714.png](#)
[image446416.png](#)

You don't often get email from brian.beadles@wyo.gov. [Learn why this is important](#)

Spencer,

We did receive your materials and we will work to get a response to you as soon as possible.

On Wed, Feb 19, 2025 at 12:05 PM Spencer Naake <snaake@mullinslawgroup.net> wrote:

Brian,

I am following up to see if you received the E&HR and NOE attached to my previous emails.

As noted in the NOE, the abandonment is being filed to clean up a regulatory omission, and based on the draft Environmental Assessment, attached as Saratoga Railroad - 2025 Draft Environmental Assessment, the Board is imposing a Section 106 condition pending Saratoga Railroad's consultation with the Wyoming SHPO.

Please also note that the April 11, 2006, Environmental Assessment, attached, pertaining to the same rail line indicated that, "[t]he SHPO has concurred with WYCO's assessment that the proposed abandonment, as planned, would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places."

Please let us know if you need any further information from Saratoga Railroad for your comment.

Thank you,

Spencer

Spencer Naake

Associate

2001 L Street NW, Suite 720
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From: Spencer Naake <snaake@mullinslawgroup.net>

Sent: Thursday, February 6, 2025 10:47 AM

To: brian.beadles@wyo.gov <brian.beadles@wyo.gov>

Cc: Adam" <Adam.Assenza@stb.gov>; William Mullins <wmullins@mullinslawgroup.net>

Subject: Re: Saratoga Railroad, LLC - Abandonment in Carbon County, WY

Brian,

Please also find attached the NOE received by the Board.

Best,

Spencer



Spencer Naake

Associate

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From: Spencer Naake <snaake@mullinslawgroup.net>

Sent: Thursday, February 6, 2025 10:45 AM

To: brian.beadles@wyo.gov <brian.beadles@wyo.gov>

Cc: Adam" <Adam.Assenza@stb.gov>; William Mullins <wmullins@mullinslawgroup.net>

Subject: Saratoga Railroad, LLC - Abandonment in Carbon County, WY

Brian,

Please find attached a letter concerning the proposed abandonment by Saratoga Railroad, LLC. As noted in the letter, we inadvertently sent the Environmental and Historic Report (E&HR) related to this abandonment to the Wyoming Historical Society and not the appropriate agency, the WY SHPO.

Adam Assenza, an Environmental Protection Specialist, with Surface Transportation Board's Office of Environmental Analysis is cc'd should you have any questions for the Board.

The E&HR is attached to this email and due to size, the NOE received by the Board will be in an email directly after.

Thank you for your attention to this matter,

Spencer

--

Brian Beadles, Deputy State Historic Preservation Officer

Wyoming State Historic Preservation Office
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Office: 307-777-8594

Facebook: [@WYSHPO](#) **Twitter:** [@WYOSHPO](#)



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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
–ABANDONMENT EXEMPTION–
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

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January 13, 2025

Attorneys for Saratoga Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

Saratoga Railroad, LLC (“Saratoga”) submits this Combined Environmental and Historic Report (“E&HR” or “Report”) pursuant to 49 C.F.R. 1105.7(e) and 49 C.F.R. 1105.8(d), respectively, in connection with Saratoga’s proposed abandonment of an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).¹ As discussed in the Board’s August 13th Decision denying

¹ The Line currently owned by Saratoga was originally acquired by Wyoming and Colorado Railroad Company, Inc. (“WYCO”), as part of a 131.52-mile rail line from Union Pacific Railroad Company (“UP”) in 1987. See Wyo. & Colo. R.R. – Acquis. & Operation Exemption – Certain Lines of Union Pac. R.R., FD 31140 (ICC served Nov. 30, 1987) (“1987 Acquisition”). The remainder of the former UP line acquired in the 1987 Acquisition has either been abandoned or sold through a series of proceedings. See David L. Durbano, Wyoming and Colorado Railroad Company, Inc., and Saratoga Railroad, LLC – Corporate Family Transaction, FD 36091, slip op. at 1, n. 1 (STB Served Feb. 2, 2017) (“Durbano Corporate Family Transaction”). From 1987 until 2020, David L. Durbano (“Durbano”), owned and controlled WYCO, a Class III rail carrier. In 2020, WYCO was acquired by Jaguar Rail Holdings, LLC (“Jaguar”). See OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC – Acquisition of Control Exemption – Cimarron Valley Railroad, L.C.; Southwestern Railroad, Inc.; Texas & Eastern Railroad, LLC; Washington Eastern Railroad, LLC; and Wyoming and Colorado Railroad, Inc., FD 36440 (STB Served Oct. 16, 2020). However, Jaguar only acquired WYCO’s rail line in Oregon. See David L. Durbano and Phillip D. Scott – Common Control Exemption— Intermountain Western Railroad and Wyoming and Colorado Railroad, Inc., FD 31440 (ICC served May 11, 1989) (noting that WYCO owned and operated a feeder line in Oregon known as the Oregon and Eastern Branch).

In 2017, prior to Jaguar’s Acquisition of WYCO, Saratoga acquired the Line from WYCO, and Durbano continued in control of Saratoga, when it became a Class III rail carrier. See Corporate Family Transaction, slip op. at 2-3 (the purpose of the “corporate reorganization was for the eventual purpose of selling of certain assets or stock of various Durbano-controlled railroad companies, except for Saratoga.”).

Saratoga’s Petition for Waiver of the Consummation Notice Requirement,² the Board directed Saratoga to file for abandonment authority in a new docket to abandon the Line.³ Accordingly, this abandonment is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007.⁴ At present, the Line has no track, shippers, or stations and no traffic has been handled on the Line since January 2003.⁵

ENVIRONMENTAL REPORT

(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.

Saratoga proposes to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming. As stated above, no customers have been served on the Line since 2003. As such, Saratoga intends to avail

² See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyo., AB 307 (Sub-No. 6X), slip opinion at 4 (STB served August 13, 2024) (“August 13th Decision”) (The Board denied Saratoga’s Petition for Waiver from Wyoming and Colorado Railroad Company, Inc.’s (“WYCO”) requirement to have filed a consummation notice by May 31, 2007, which would have allowed Saratoga to officially consummate the abandonment without refile for abandonment authority.)

³ See August 13th Decision at 3 (“If Saratoga wishes to abandon the Line, it must file for abandonment authority in a new docket.”).

⁴ Given that WYCO mistakenly deemed that the Line had been abandoned and salvaged in full compliance with the Board’s authority and procedures, Saratoga believes that WYCO, after receiving the Board’s authority in 2006, sold some segments of the Line’s right-of-way (“ROW”) to adjacent landowners. See August 13th Decision, slip op. at 2 (“WYCO’s failure to timely file a notice [of] consummation by the May 2007 deadline was due to an honest mistake, a change in corporate structure, and a change in regulatory counsel.”). A recent ground survey of the Line has also indicated that portions of the ROW may have been subsequently acquired by the Wyoming State Trust Land. A Land and Lease Map from the Wyoming State Trust Land website is included in **Appendix A** to show state surface ownership between Walcott, WY, and Saratoga, WY, and photos of the Wyoming State Trust Land signs in the ROW are included in **Appendix D**.

⁵ See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, WY, AB 307 (Sub-No. 6X) (STB served May 31, 2006) (“WYCO II”) (The Line was previously used to serve a single customer located in Saratoga, a mill that closed in January 2003.)

itself of the two-year out-of-service abandonment provision at 49 CFR Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights).

In 2006, following receipt of abandonment authority from the Board, the Line's rail and related track material were salvaged. Salvage consisted of removing rail and track material from the existing roadbed, which to date remains as is. Except for rail near the bridge at milepost 0.84, all salvaged steel components have already either been reused or sold as scrap.⁶ Similarly, except for crossties near the bridge at milepost 0.84, all crossties have also either already been reused in other railroad operations or were recycled in accordance with applicable federal and state laws and regulations. As stated above, this abandonment exemption is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007. As a result, following abandonment authority being granted here, Saratoga will only be salvaging the remaining rail and related track material at milepost 0.84. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be undertaken as a result of the abandonment. Accordingly, Saratoga believes that no stormwater mitigation measures including, but not limited to, a National Pollutant Discharge Elimination System permit will be required. Saratoga has no plans to remove the three bridge structures on the Line, which remain intact.

The alternative to abandonment is to not abandon the Line. This alternative is not satisfactory. Maps depicting the Line are attached as **Appendix A**.⁷ An example of Saratoga's letter to federal, state, and local government agencies along with a list of the consulting agencies

⁶ Prior to filing a consummation notice, any remaining materials near the Line will be removed and salvaged in accordance with applicable federal and state laws and regulations. Pictures of the loose rail and crossties near milepost 0.84 have also been included in **Appendix D**.

that Saratoga has contacted is attached as **Appendix B**. Comments received as a result of Saratoga's written requests for feedback can be found in **Appendix C**. Topographical Maps and Color Photos⁸ are included in **Appendix D**.

(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.

Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is currently no rail freight or passenger traffic originating or terminating on the Line.

(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.**

Saratoga believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of a combination of residential and commercial areas and agricultural land. By letters dated December 5, 2024, copies of this Report have been mailed to the appropriate local and state contacts, including to representatives of Carbon County, WY, and of the Cities of Walcott, WY, and Saratoga, WY for their information and comments. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

⁸ Due to sales of segments of the ROW, as described in FN 4, Saratoga could not access the bridges at milepost 3.19 and milepost 3.69 and take bridge photos. As the bridge photos from the 2006 E&HR filing are indiscernible, Saratoga is alternatively supplying Google Earth images as well as photos showing the lack of access.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

Saratoga does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the Line traverses a combination of residential and commercial areas and agricultural land. However, since the contour of the existing roadbed has remained as is, and existing drainage systems have remained intact, the proposed abandonment should not contribute to prime farmland loss. Nevertheless, Saratoga has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated December 5, 2024 (to which letter this E&HR was appended) and has requested assistance in identifying any potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.

The Line is not located within a coastal zone. However, a copy of the E&HR was mailed to the Water Quality Division at the Wyoming Department of Environmental Quality ("WDEQ") for its information and comment. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(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.

The corridor appears suitable for alternative public use such as a trail. In 2006, the U.S. Fish and Wildlife Service ("USF&W") was interested in negotiating a purchase or donation of the part of the right-of-way that bisects the Saratoga National Fish Hatchery. As noted in Section (8) of this Report, Saratoga has notified the USF&W of the proposed abandonment by letters

dated December 5, 2024, and any response from the USF&W will determine if such interest still exists.

(4) ENERGY

- (i) Describe the effect of the proposed action on the transportation of energy resources.**

Development and transportation of energy resources will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

Movement or recovery of recyclable commodities will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in any material impact on overall energy efficiency because no rail freight or passenger traffic is originating or terminating on the Line.

- (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.

The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

(5) AIR

- (i) If the proposed action will result in either:**

(A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent 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 sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:
 - (A) An increase in rail traffic or at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
 - (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 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.

Saratoga's Line is *not* a designated non-attainment area, and the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (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.

Not applicable.

(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.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment of an out-of-service rail line should have no material adverse impact on public health and safety.

- (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.

Not applicable.

- (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.

Saratoga has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or adjacent land.

(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.

Saratoga does not believe that the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as critical habitat. Saratoga has notified the U.S. Fish and Wildlife Service ("USF&W") and the Wyoming Game and Fish Department

(“WGFD”) of the proposed abandonment by letters dated December 5, 2024, and has requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this report was attached to the letters sent to USF&W and WGFD. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks, or forests will be affected, and describe any effects.

Having consulted local maps, Saratoga is unaware of any wildlife sanctuaries or refuges, National or State parks, or forests that would be adversely affected by the proposed abandonment. Nevertheless, Saratoga has notified the National Park Service (“NPS”) of the proposed abandonment by letter dated December 5, 2024. NPS has been supplied with a copy of this Report. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(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.

As the Line was already salvaged in 2006, the contour of the roadbed underlying the Line to be abandoned will not be altered. Saratoga believes that no stormwater mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There were no plans in 2006 (and there are currently no plans) to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason, also, the proposed abandonment will not result in water quality impacts. Saratoga currently provides no rail common carrier service over the Line and has not done so for over two decades. Nevertheless, consultation was requested from the Water Quality Division at WDEQ and the United States Environmental Protection Agency (“USEPA”) by letters dated December 5, 2024. A copy of this report was attached to each of these letters. See E&HR Consultation

Letter Example and Service List, attached as **Appendix B**.

- (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.**

Saratoga believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. As stated above, the Line was completely salvaged in 2006 with the exception of the materials at milepost 0.84. Accordingly, Saratoga believes that a permit under Section 404 of the Clean Water Act will not be required.

Moreover, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Moreover, consultation was requested from the U.S. Army Corps of Engineers – Omaha District by letter dated December 5, 2024. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.**

Saratoga believes that no permit under section 402 of the Clean Water Act would be required for the proposed abandonment. Nevertheless, Saratoga has contacted the WDEQ and the USEPA regarding this item by letter dated December 5, 2024, and has requested guidance in identifying any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(10) PROPOSED MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Saratoga does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. However, Saratoga will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts, including consulting with federal, state, and/or local agencies on any mitigation measures they may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Saratoga proposes to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming. In 2006, following receipt of abandonment authority from the Board, the Line's rail and related track material were salvaged. Salvage consisted of removing rail and track material from the existing roadbed, which to date remains as is. This abandonment is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007.⁹ As noted above the Line has been fully salvaged with the exception of rail materials at milepost 0.84, and Saratoga has no plans to remove the three bridge structures on the Line, which remain intact. A map depicting the Line is attached in **Appendix A**.

ADDITIONAL INFORMATION

49 CFR 1105.8(d):

- (1) A U.S.G.S. topographic map (or 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;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the approximate location of structures that are 50 years old or older and that are located along the

⁹ Given that WYCO mistakenly deemed that the Line had been abandoned and salvaged in full compliance with the Board's authority and procedures, Saratoga believes that WYCO, after receiving the Board's authority in 2006, sold some segments of the Line's right-of-way ("ROW") to adjacent landowners. See August 13th Decision, slip op. at 2 ("WYCO's failure to timely file a notice [of] consummation by the May 2007 deadline was due to an honest mistake, a change in corporate structure, and a change in regulatory counsel."). A recent ground survey of the Line has also indicated that portions of the ROW may have been subsequently acquired by the Wyoming State Trust Land. A Land and Lease Map from the Wyoming State Trust Land website is included in **Appendix A** to show state surface ownership between Walcott, WY, and Saratoga, WY, and photos of the Wyoming State Trust Land signs in the ROW are included in **Appendix D**.

Line are attached as part of **Appendix D**. These maps are being supplied to the Wyoming Historical Society (“WHS”) as part of a complete copy of this report. Saratoga understands that there are three railroad bridges on the Line that are believed to be 50 years old or older.

(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;

The 23.71 miles of right-of-way ranges from 100 to 200 feet (50 to 100 feet on each side of the centerline) in width. A valuation map is included in Appendix A. The right-of-way is in Carbon County, WY. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking. The Line runs adjacent to residential, commercial, and agricultural areas. The topography of the Line is generally open and flat or slightly rolling.

(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;

Saratoga does not anticipate removing or dismantling any of the structures along the line that are 50 years old or older. Photographs of the three bridges on the Line are included in **Appendix D**.¹⁰ As noted in FN 10, Saratoga was only able to access the bridge at milepost 0.84; however, the bridges at mileposts 3.19 and 3.69 have similar structural compositions.¹¹ Saratoga has also supplied a map in **Appendix A** to WHS, which may provide further documentation potentially relevant to the historical analysis of the structures in question. Aside from the materials, Saratoga does not have any additional information in its possession (such as

¹⁰ Due to sales of segments of the ROW, as described in FN 9, Saratoga could not access the bridges at mileposts 3.19 and 3.69 to take bridge photos. As the bridge photos from the 2006 E&HR filing are indiscernible, Saratoga is alternatively supplying Google Earth images as well as photos showing the lack of access to the ROW at the bridge location.

¹¹ The bridges at M.P. 0.84 and 3.19 are composed of 3 Span Timber Pile Trestle with an Open Deck, and the bridge at MP 3.69 is a 5 Span Timber Pile Trestle with an Open Deck.

engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structure analysis.

(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;

As discussed below, the Line was constructed in 1907. According to the limited information in Saratoga's possession, the three bridges on the Line are the original bridges and thus constructed in 1907. While these three bridges have been improved over time, Saratoga has not undertaken any major improvements to these three bridges during the time that Saratoga has owned 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;

The Line was constructed in 1907 as part of a longer line extending to Encampment, WY, by the Saratoga & Encampment Railway Company ("S&ER"). The Line was originally constructed to handle copper ore. The mine, however, closed shortly after the Line was built. Thereafter, the Line's principal traffic consisted of shipments of stock and farm products.

The Union Pacific Railroad Company ("UP") gained control of the S&ER in 1928 and absorbed the S&ER into UP in 1951. WYCO then acquired the Line from the UP in 1987, as part of a larger purchase. See Wyoming and Colorado Railroad Company, Inc. – Acquisition and Operation – Certain Lines of Union Pacific Railroad Company (not printed), FD 31140 (STB served November 30, 1987). WYCO used the Line to handle shipments of finished lumber and wood chips; however, the sawmill located in Saratoga closed in January 2003, thus idling the Line. A complete description of WYCO seeking abandonment authority in 2003 and 2006 and its subsequent failure to consummate the abandonment by May 31, 2007, can be found in the August 13th Decision and Saratoga's Pet.¹² Moreover, the events that led to Saratoga becoming

¹² See Saratoga Pet. at p. 2, n. 4; citing Wyoming and Colorado Railroad Company, Inc. – Abandonment

the common carrier over the Line in 2017 are described, *supra*, in FN 1. Saratoga intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line, which has been out of service for over twenty years.

(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;

As indicated above, the Line appears to have been built in 1907, but Saratoga is one of many subsequent owners of these rail assets. Saratoga was not supplied with and does not have engineering drawings of the structures discussed above. In fact, the only relevant documents in Saratoga’s possession have been included as part of **Appendix A**.

(7) An opinion (based on readily available information in the railroad’s possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 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);

As indicated above, Saratoga’s records indicate that there are three structures (bridges) on or adjacent to the Line that are believed to be 50 years old or older. In Saratoga’s opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to WHS would suggest, none of the subject structures appear to have unique or otherwise significant design characteristics. Moreover, none of these structures are linked to events or historic significance. Saratoga understands that many, if not all, of the structures in question, could remain in use if the Line’s right-of-way was to be converted into a recreational trail. Saratoga is unaware of any archeological resources or any other previously unknown historic properties on the Line’s right-of-way.

Exemption – In Carbon County, WY, AB-307 (Sub-No. 5X) (STB served November 10, 2004) (“WYCO I”). (the Board denied WYCO’s initial petition for abandonment exemption without prejudice because WYCO failed to present evidence supporting its argument that the Line could not be operated on a profitable basis).

- (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 waste), and the surrounding terrain.**

Saratoga has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources.

Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for the recovery of archeological resources.

- (9) Follow-Up Information – Additional information will be provided as appropriate.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

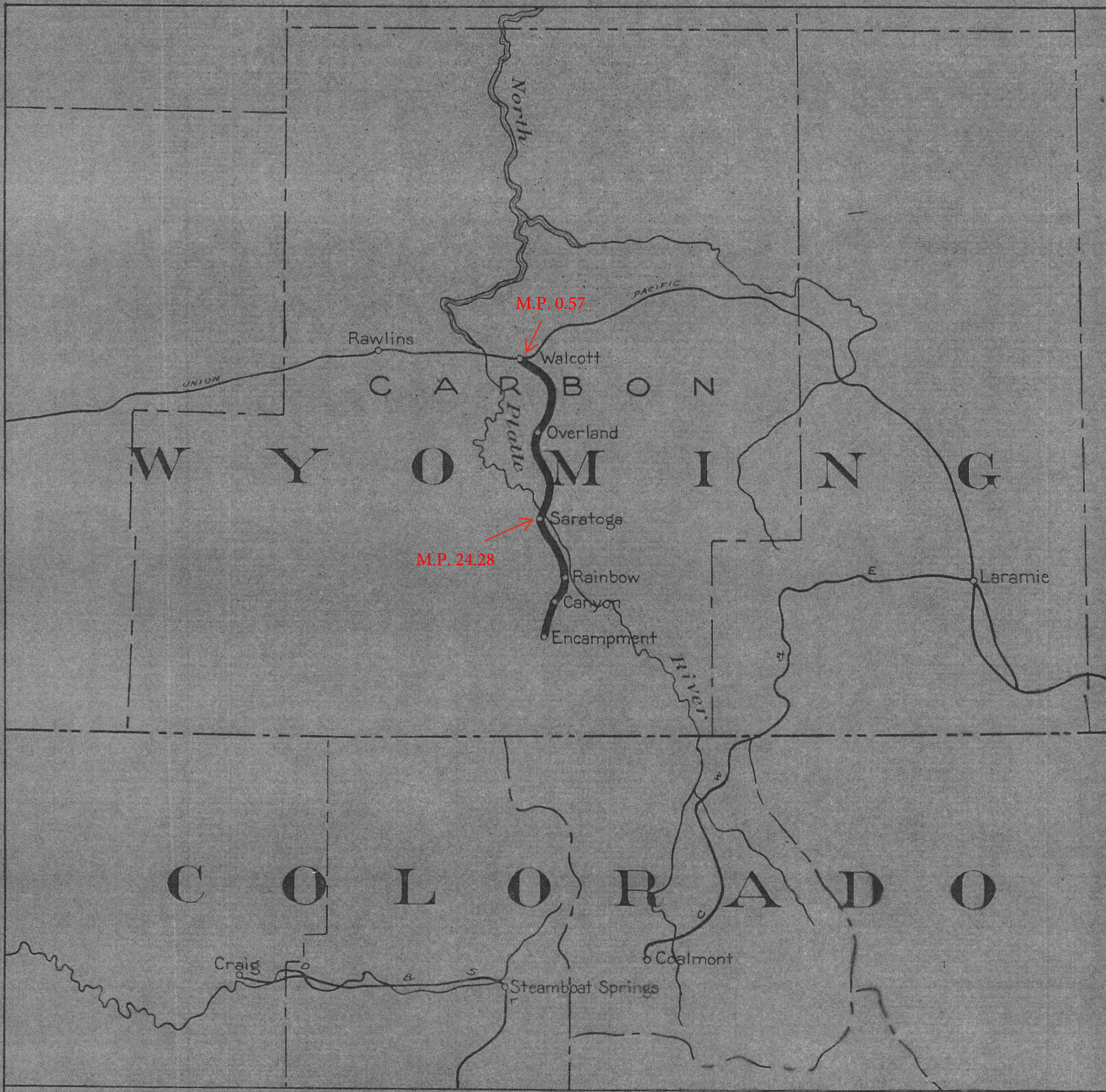
**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX A – MAPS

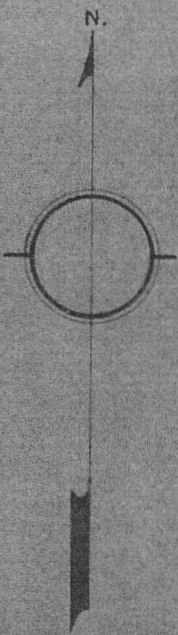
Saratoga's Valuation Map is Available for Download in the Following Hightail Link:

<https://spaces.hightail.com/space/qKNH26vINY>



Legend

 *Saratoga And Encampment Railway.*

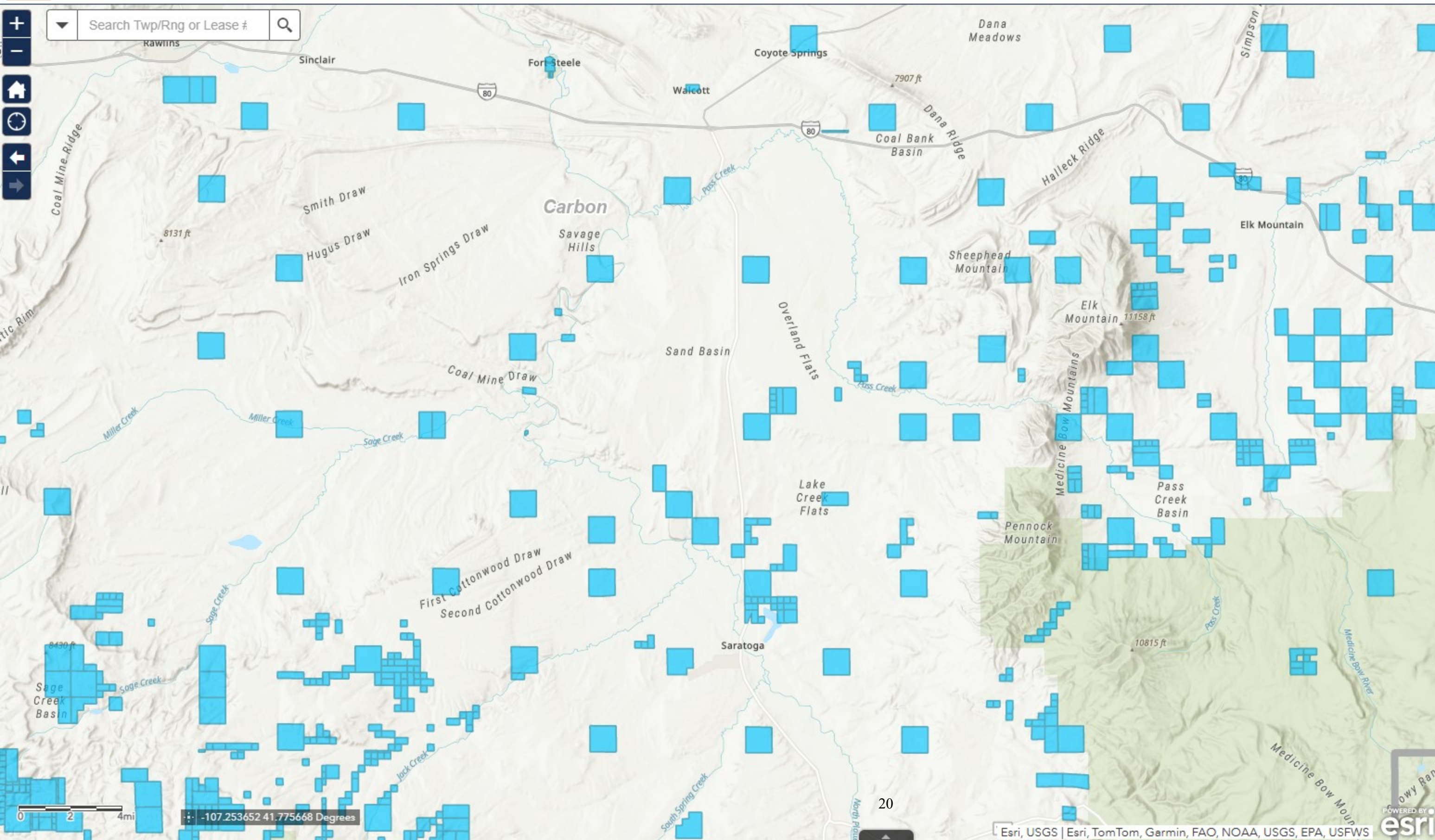


Interstate Commerce Commission
Bureau of Valuation
Washington D.C.
MAP OF THE

SARATOGA AND ENCAMPMENT RAILWAY

Scale 1"=16 Miles

June 30, 1919.



Legend

Land and Lease Map Viewer

Counties

State Surface Ownership

0 2 4mi

-107.253652 41.775668 Degrees

20

Esri, USGS | Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS

esri

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX B - E&HR CONSULTATION LETTER EXAMPLE AND SERVICE LIST

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

Spencer M. Naake
snaake@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7829
Facsimile: (202) 765-3189

December 5, 2024

[Insert Consulting Party]

**RE: Saratoga Railroad, LLC – Abandonment Exemption – In
Carbon County, WY, AB 1343X**

Dir Sir or Madam,

On or about January 6, 2025, Saratoga Railroad, LLC (“Saratoga”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 CFR Part 1152, Subpart F (Exempt Abandonments, et al.), seeking authority for Saratoga to abandon operations over an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).

Enclosed is a consolidated Environmental and Historic Report (the “E&HR” or “Report”), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The Report is being provided so that you may submit information that will form the basis for the STB’s independent environmental analysis of the proceeding. If you believe any of the information is 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 Board’s Office of Environmental Analysis (“OEA”) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. However, any documentation in Saratoga’s possession will be made available promptly to those requesting it. Please refer to the above Docket when contacting the STB.

Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated **within three**

MULLINS LAW GROUP PLLC

December 5, 2024

Page 2

weeks. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. For us to consider your input before filing with the STB, Saratoga must receive your comments within three weeks.

If there are any questions concerning this notice of intent, please contact me, Saratoga's representative, by mail: Spencer M. Naake, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: snaake@mullinslawgroup.net; or by telephone: (202) 663-7829. If I am not available, you may also contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@mullinslawgroup.net.

Sincerely,

/s/ Spencer M. Naake

Spencer M. Naake
Counsel for Saratoga Railroad, LLC

Enclosure

RECIPIENT LIST - AB 1343X

STATE HISTORICAL SOCIETY

Aley Philp
Executive Director
Wyoming Historical Society
P.O. Box 247
Wheatland, WY 88201

STATE DOT

David Herdt
State Railroad Coordinator
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

US ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REGIONAL/STATE EPA

KC Becker
Regional Administrator
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Todd Parfitt, Director
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

CITY/TOWNSHIP

Chuck Davis, Mayor
Saratoga Town Hall
110 E Spring Ave.
Saratoga, WY 82331

COUNTIES

Sue Jones, Chair
County Commissioners
Carbon County Courthouse
215 W Buffalo
P.O. Box 6
Rawlins, WY 82301

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers,
Omaha District
1616 Capitol Ave.
Suite 9000
Omaha, NE 68102

STATE COASTAL ZONE MANAGEMENT

Jennifer Zygmunt
Water Quality Administrator
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

U.S. FISH AND WILDLIFE SERVICE

Matt Hogan, Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
Region 6 (CO, KS, MT, NE, ND, SD, UT,
& WY)
Lake Plaza North
134 Union Boulevard
Lakewood, CO 80225

Wyoming Game & Fish Department

Department Headquarters
5400 Bishop Blvd
Cheyenne, WY 82006

NATIONAL PARK SERVICE

Bob Ratcliffe, Chief
Conservation and Outdoor Recreation
Division
Rivers, Trails, and Conservation Assistance
Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Kate Hammon, Regional Director
Interior Region 7, Upper Colorado Basin
National Park Service
12795 West Alameda Parkway
Denver, CO 80255

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
Email: RRAE@noaa.gov

NATURAL RESOURCES CONSERVATION SERVICE

Jackie Byam
State Conservationist
10 E Babcock St, Rm 443
P.O. Box 33124
Casper, Wyoming 82602

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX C – FEEDBACK RECEIVED

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX D – TOPOGRAPHICAL MAPS AND COLOR PHOTOS

**Saratoga's Topographical Maps are Available for Download
in the Following Hightail Link:**

<https://spaces.hightail.com/space/qKNH26vINY>

Bridge at M.P. 0.84



Rail and Other Materials at M.P. 0.84



Property Fence on Right Of Way - Limited Access to Bridges at M.P. 3.19 and M.P. 3.69



The two bridges are indicated by **blue location markers**. The GPS Coordinates for the Bridge at M.P. 3.19 are 41° 44'07.7" N 106°47'56" W and for the Bridge at M.P. 3.69, 41° 43'47" N 106°47'37" W. The property fence (shown in the first photo) and the house on the property are indicated by **red arrows**.

Bridges at M.P. 3.19 and M.P. 3.69



Wyoming State Trust Land Signs in ROW



36739
SEA

SERVICE DATE – APRIL 11, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-307 (Sub-No. 6X)

Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – in Carbon County, WY

BACKGROUND

In this proceeding, Wyoming and Colorado Railroad Company, Inc. (WYCO) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for WYCO to abandon approximately 23.71 miles of rail line located between milepost 0.57 near Walcott and milepost 24.28 in Saratoga, in Carbon County, Wyoming. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, WYCO will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to WYCO, the line proposed for abandonment was constructed in 1907 as part of a longer line extending to Encampment, Wyoming, by the Saratoga & Encampment Railway Company (S&ER). The line was originally constructed to handle copper ore. The mine, however, closed shortly after the line was built. Thereafter, the line's principal traffic consisted of shipments of stock and farm products. Union Pacific (UP) gained control of the S&ER in 1928 and absorbed the S&ER into UP in 1951. WYCO acquired the line from UP in 1987 as part of a larger purchase. Since it was acquired by WYCO, the line has been used to handle shipments of finished lumber and wood chips. The mill located in Saratoga closed in January 2003, thus idling the line. WYCO seeks to abandon the line in order to salvage the track and track materials.

WYCO states that the line traverses a rural area that is open and flat or slightly rolling. The right-of-way is approximately 100 feet in width. Based on information in WYCO's possession, the line does not contain any Federally granted right-of-way. Upon receipt of abandonment authority, WYCO intends to remove the rail, track material, and crossties. WYCO intends to sell the right-of-way to the adjacent land owners, to the extent the right-of-way is owned in fee. There are currently no plans to remove the three bridge structures along the line.

The three bridges on the line were constructed in 1907, at the same time the line was constructed. Two of the bridges are three-span timber pile trestle open deck bridges located at milepost 0.84 and at milepost 3.19. The third bridge is a five-span timber pile trestle open deck

bridge located at milepost 3.69. WYCO is not aware of any archeological resources or railroad related historic properties in the project area.

WYCO states that the line was previously used to serve a single customer, Louisiana-Pacific Corporation, located in Saratoga. The only traffic that has moved over the line since it was acquired by WYCO has been lumber, wood chips, and a one-time shipment of fluorspar. Intermountain Resources, LLC (IMR) acquired the mill in September 2003. Since the mill was closed in January 2003, no traffic has moved over the line. The line is stub-ended and no overhead traffic moves over the line. Thus, no rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Board's thresholds for conducting more detailed air quality and noise analysis (an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment) will not be exceeded.

WYCO previously filed a petition for exemption to abandon the line with the Board on July 23, 2004 in STB Docket No. AB-307 (Sub-No. 5X). By decision served November 10, 2004, the Board denied the petition. The Board invited WYCO to refile a petition for exemption or file a formal abandonment application to provide the Board with additional information.

ENVIRONMENTAL REVIEW

WYCO submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WYCO served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The Board of Carbon County Commissioners has indicated that they would like the Board to deny the abandonment. The Commissioners assert that the line is sited at mid point in Carbon County and is an asset to current and future economic development in the area. Moreover, they state that there is currently a request to use the line as a siding to handle materials for planned energy projects.

The National Geodetic Survey (NGS) has advised SEA that 18 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that WYCO contact NGS at least 90 days prior to beginning salvage activities so that that NGS may plan for the possible relocation of the geodetic station markers.

The United States Department of Agriculture, Natural Resources Conservation Service in Casper, Wyoming, does not have any comments on the abandonment of the railroad line but has indicated that they would like to see a plan in place as to what the use of the land will be after the railroad is abandoned. WYCO has indicated that it intends to sell the right-of-way to the adjacent

land owners, to the extent the right-of-way is owned in fee, and that the vegetative cover on the adjacent land (sage brush and prairie grass) will envelop the right-of-way after the line is salvaged.

The United States Department of the Interior, Fish and Wildlife Service, Mountain-Prairie Region in Lakewood, Colorado, has indicated that they would be interested in negotiating a purchase or donation of the right-of-way property that bisects the Saratoga National Fish Hatchery.

The Wyoming Department of Environmental Quality (DEQ) in Cheyenne has indicated that there are two Water Quality Division permits that may apply to the proposed abandonment, depending on the scope of the project. Any discharger to “waters of the state” must obtain a Temporary Discharge Permit under the National Pollutant Discharge Elimination System program. The type of activity proposed can most likely be covered under the general permit for temporary discharges. A Storm Water Associated with Construction Activities Permit is required when a project results in clearing, grading, or otherwise disturbing one or more acres. A general permit has been established for this purpose. In addition, every effort to prevent erosion of any kind should be taken. Accordingly, we will recommend a consultation condition requiring that WYCO contact the Wyoming DEQ, Water Quality Division, prior to commencement of any salvage activities on this project.

The United States Department of the Army, Corps of Engineers, Omaha District (Corps) has indicated that, based on the information provided, the project does not involve the placement of dredged or fill material in wetlands or other waters of the United States. Therefore, Corps authorization is not required for the project under Section 404 of the Clean Water Act.

The United States Department of the Interior, Fish and Wildlife Service, Ecological Services Office (USFWS) in Cheyenne, Wyoming has indicated by letter dated June 16, 2005, that three Federally threatened or endangered species which may require specific protective measures in accordance with the Endangered Species Act may be present in or near the project area: Bald eagle (*Haliaeetus leucocephalus*), Black-footed ferret (*Mustela nigripes*), and the Ute ladies'-tresses (*Spiranthes diluvialis*). USFWS also has concerns regarding the Greater sage-grouse (*Centrocercus urophasianus*). USFWS indicates that specific protective measures may be appropriate for migratory birds in accordance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. USFWS suggests the avoidance and minimization of impacts to any wetland areas, stream channels, and surrounding vegetation to the greatest extent possible. We will recommend a condition requiring that WYCO consult with USFWS prior to commencement of salvage activities to address possible impacts to species of Federal concern.

HISTORIC REVIEW

WYCO submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. WYCO served the report on the Wyoming State Historic Preservation Office (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has concurred with WYCO's assessment that the proposed abandonment, as planned, would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register of

Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of WYCO's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

The SHPO recommends that the Board allow the project to proceed in accordance with state and Federal laws subject to the stipulation that if any cultural materials are discovered during construction, WYCO shall halt work in the area immediately, contact SEA and SHPO staff, and WYCO shall have the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983). We will recommend a condition accordingly to address the SHPO's concern.

SEA consulted the National Park Service Native American Graves Protection and Repatriation Act (NAGPRA) website to identify Federally recognized tribes that may have an interest in the proposed abandonment. The consultation resulted in identification of two tribes. SEA has added the Arapahoe Tribe of the Wind River Reservation and the Shoshone Tribe of the Wind River Reservation to the service list for this proceeding to ensure that they receive a copy of this EA for their comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. WYCO shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.
2. To address the concerns raised by the Wyoming Department of Environmental Quality (DEQ), WYCO shall, prior to commencement of any salvage activities on this project, consult with Wyoming DEQ concerning its Water Quality Division requirements and shall comply with DEQ's reasonable requirements.
3. To address the concerns of the United States Department of the Interior, Fish and Wildlife Service (USFWS) Wyoming Field Office, prior to commencement of any salvage activities, WYCO shall consult with USFWS concerning potential impacts to species of Federal concern that may occur in the vicinity of the line.

4. To address the concerns of the Wyoming State Historic Preservation Office (SHPO), WYCO shall halt work immediately if any cultural materials are discovered during salvage operations, contact the Section of Environmental Analysis and SHPO staff immediately, and have the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will 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 CFR 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 the class 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to

the attention of Kenneth Blodgett, the environmental contact for this case. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-307 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Kenneth Blodgett by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: April 11, 2006.

Comment due date: May 11, 2006.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

SERVICE DATE – FEBRUARY 7, 2025

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1343X

**Saratoga Railroad, LLC – Abandonment Exemption
In Carbon County, Wyo.**

BACKGROUND

In this proceeding, Saratoga Railroad, LLC (Saratoga) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Carbon County, Wyoming. The rail line proposed for abandonment extends approximately 23.71 miles from milepost 0.57 in Walcott, Wyoming, to milepost 24.28 in Saratoga, Wyoming (the Line).

The Line's prior owner, Wyoming and Colorado Railroad Company, Inc. (WYCO), was previously granted abandonment authority by the Board in 2006.¹ However, WYCO did not file its consummation notice within a year as required by the Board's regulations at 49 C.F.R. § 1152.29(e)(2) and abandonment authority lapsed. Subsequently, Saratoga acquired the Line from WYCO in 2017, but some portions of the Line had already been sold. Saratoga is now seeking authority to abandon the Line in its entirety.

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 is located in central southern Wyoming and runs from Walcott just north of Interstate Route 80 south to Saratoga roughly parallel to Wyoming Highway 130, which lies west of the Line. There are three bridges on the Line at mileposts 0.84, 3.19, and 3.69, all of

¹ Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyo., AB 307 (Sub-No. 6X) (STB Served May 31, 2006)

which are likely more than 50 years old. The right-of-way ranges from 100 to 200 feet wide. The land adjoining the Line consists of residential, commercial, and agricultural areas.

According to Saratoga, the Line was constructed in 1907 as part of a longer rail line extending to Encampment, Wyoming, by the Saratoga & Encampment Railway Company (S&ER). The Line was originally constructed to handle copper ore, but the associated mine closed shortly after the Line was built. Thereafter, the Line's traffic primarily consisted of shipments of stock and farm products. The Union Pacific Railroad Company (UP) gained control of S&ER in 1928 and absorbed S&ER into UP in 1951. WYCO then acquired the Line from the UP in 1987, as part of a larger purchase. WYCO used the Line to handle shipments of finished lumber and wood chips until the sawmill located in Saratoga closed in January 2003. There have been no shippers, stations, or traffic on the Line since that time.

According to Saratoga, after receiving abandonment authority from the Board in 2006, WYCO removed nearly all rail, track, and cross ties from the existing roadbed; the only remaining track and crossties are located near the bridge at milepost 0.84.

ENVIRONMENTAL REVIEW

Saratoga 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, including salvage. Saratoga served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)]² implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Saratoga, no local traffic has moved over the Line over for at least two years, and overhead traffic on the Line has been rerouted. 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.

² The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1343" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on January 13, 2025.

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. Saratoga intends to salvage the only remaining track and crossties, which are located near the bridge at milepost 0.84. As stated above, WYCO already salvaged all other materials from the Line. Saratoga intends to leave intact the three bridge structures on the Line. Further, Saratoga does not intend to alter the contour of the existing roadbed, modify existing drainage systems, remove ballast, or cause any ground disturbance.

Saratoga also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, the Line passes through 100-year floodplains. Accordingly, OEA has included the appropriate offices of the U.S. Army Corps of Engineers (Corps) and the Federal Emergency Management Agency (FEMA) on the service list for this proceeding for their review.

The Line is not located within a coastal management zone. Therefore, no coastal zone consistency review is required.

Wyoming Department of Environmental Quality's Water Quality Division commented that neither a Wyoming Pollutant Discharge Elimination System permit nor a 401 Water Quality Certification would be required for abandonment-related salvage activities. Therefore, no further consultation is required.

Saratoga 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 Consultation (IPaC) system.³ Seven protected threatened or endangered species are located in the area of the proposed abandonment: piping plover (*Charadrius melodus*), a threatened bird; whooping crane (*Grus americana*), an endangered bird; pallid sturgeon (*Scaphirhynchus albus*), an endangered fish; monarch butterfly (*Danaus plexippus*), a proposed threatened insect; Suckley's cuckoo bumble bee (*Bombus suckleyi*), a proposed endangered insect; Ute ladies'-tresses (*Spiranthes diluvialis*), a threatened flowering plant; and Western prairie fringed orchid (*Platanthera praeclara*), a threatened flowering plant. According to the IPaC report, there is no critical habitat for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be

³ <https://ipac.ecosphere.fws.gov>, last accessed February 4, 2025

impacted because salvage activities would be limited to a small previously-disturbed area where these species are not likely to be found. OEA is providing USFWS Wyoming Wyoming Ecological Services Field Office a copy of this Draft EA for its review.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities would also be temporary and should not have a significant impact on the area surrounding 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 following agencies for review and comment: U.S. Army Corps of Engineers; Federal Emergency Management Agency; and U.S. Fish and Wildlife Service, Wyoming Ecological Services Field Office..

HISTORIC REVIEW

Saratoga served the E&H Report on the Wyoming State Historic Preservation Office (State Historic Preservation Office or SHPO).⁴ OEA has not heard from the State Historic Preservation Officer (SHPO) and 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 (National Register). Accordingly, OEA is recommending a condition requiring the railroad 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 until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.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

⁴ 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 overviewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

federally recognized Tribes that may have ancestral connections to the project area.⁵ 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: Apache Tribe of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; and Standing Rock Sioux Tribe of North & South Dakota. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition(s) be imposed on any decision granting abandonment authority:⁶

Saratoga Railroad, LLC (Saratoga) 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. Saratoga shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Wyoming State Historic Preservation Office and the public. Saratoga 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 will

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed February 4, 2025).

⁶ 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.

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 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.⁷

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.⁸

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.

⁷ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1343" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

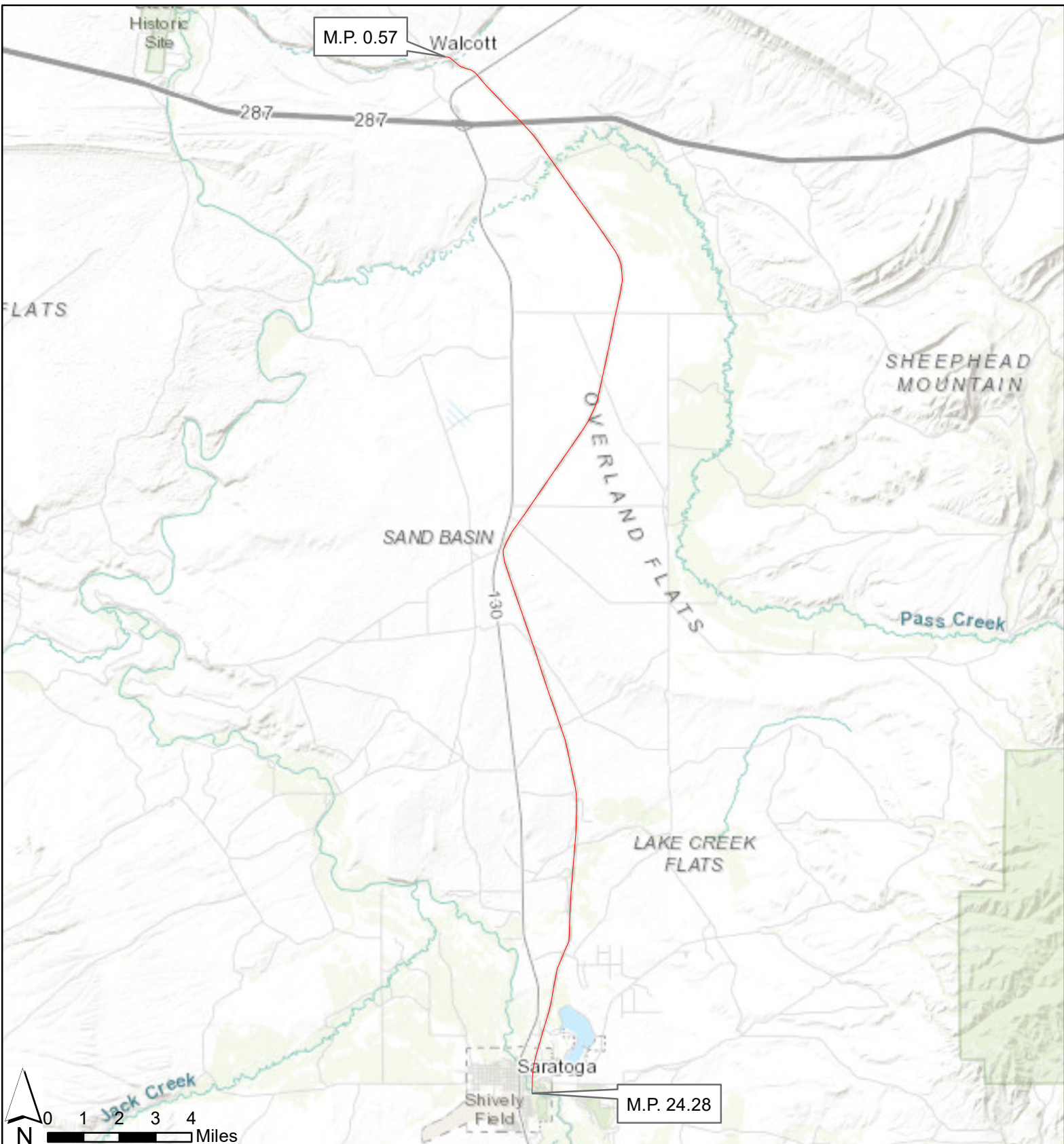
Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1343X. If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: February 7, 2025.

Comment due date: February 24, 2025.

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

Attachment



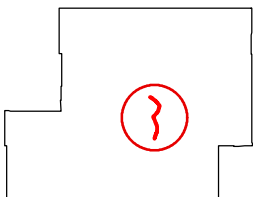
Docket No. AB 1343X

Saratoga Railroad, LLC
 Abandonment Exemption
 In Carbon County, Wyo.

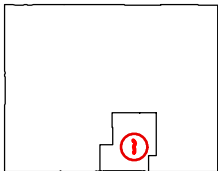
Legend

— 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.



Carbon County



Wyoming

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

Spencer M. Naake
snaake@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7829
Facsimile: (202) 765-3189

February 6, 2025

Via Email

Brian Beadles
Deputy State Historic Preservation Officer
Wyoming State Historic Preservation Office
2301 Central Avenue
Cheyenne, Wyoming 82002
Email: brian.beadles@wyo.gov

**RE: Saratoga Railroad, LLC – Abandonment Exemption – In Carbon
County, WY, AB-1343**

Dear Brian Beadles,

On or about December 5, 2024, Saratoga Railroad, LLC (“Saratoga”) inadvertently provided the attached Combined Environmental and Historic Report (the “E&HR” or “Report”) related to the proposed abandonment in the above-stated docket to the Wyoming Historical Society. Since then, counsel for Saratoga was made aware of the mistake by the Surface Transportation Board’s (“STB”) Office of Environmental Analysis (“OEA”) on February 5, 2025, and requested Saratoga to send the Report to the correct agency, the Wyoming State Historic Preservation Office.

Saratoga now seeks to correct this error by enclosing the E&HR to this letter, albeit after it filed its Notice of Exemption, which was filed on January 13, 2025, pursuant to 49 CFR Part 1152, Subpart F (Exempt Abandonments, et al.), seeking authority for Saratoga to abandon operations over an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).

The E&HR includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The Report is being provided so that you may submit information that will form the basis for the STB’s independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you believe that pertinent information is missing, or if you have any

MULLINS LAW GROUP PLLC

February 6, 2025

Page 2

questions about the Board's Environmental Review process, please contact the Board's OEA by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. However, any documentation in Saratoga's possession will be made available promptly to those requesting it. Please refer to the above Docket when contacting the STB.

Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action.

If there are any questions concerning this notice of intent, please contact me, Saratoga's representative, by mail: Spencer M. Naake, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: snaake@mullinslawgroup.net; or by telephone: (202) 663-7829. If I am not available, you may also contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@mullinslawgroup.net.

Sincerely,

/s/ Spencer M. Naake

Spencer M. Naake
Counsel for Saratoga Railroad, LLC

Enclosure

Cc: Adam Assenza, OEA

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

William A. Mullins
wmullins@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7823
Facsimile: (202) 459-2115

309089

January 13, 2025

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Proceedings
January 13, 2025
Part of
Public Record

Re: Saratoga Railroad, LLC – Abandonment Exemption – In Carbon County,
Wyoming, AB 1343X

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances Saratoga Railroad, LLC, is filing a verified notice of exemption to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming. A \$5,200.00 filing fee has been paid via Pay.gov. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@mullinslawgroup.net. If I am unavailable, you may contact Spencer M. Naake, who can be reached at (202) 663-7829 or by e-mail at snaake@mullinslawgroup.net.

Respectfully submitted,

/s/ William A. Mullins

William A. Mullins
Attorney for Saratoga Railroad, LLC

Enclosures

FILED

January 13, 2025

SURFACE TRANSPORTATION BOARD

FEE RECEIVED

January 13, 2025

SURFACE TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**William A. Mullins
Spencer M. Naake
MULLINS LAW GROUP PLLC
2001 L Street, NW
Suite 720
Washington, DC 20036
Tel: (202) 663-7823
wmullins@mullinslawgroup.net**

January 13, 2025

Attorneys for Saratoga Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

INTRODUCTION

Saratoga Railroad, LLC (“Saratoga”) hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances) for Saratoga to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).¹ As discussed in the Board’s August 13th Decision

¹ The Line currently owned by Saratoga was originally acquired by Wyoming and Colorado Railroad Company, Inc. (“WYCO”), as part of a 131.52-mile rail line from Union Pacific Railroad Company (“UP”) in 1987. See Wyo. & Colo. R.R. – Acquis. & Operation Exemption – Certain Lines of Union Pac. R.R., FD 31140 (ICC served Nov. 30, 1987) (“1987 Acquisition”). The remainder of the former UP line acquired in the 1987 Acquisition has either been abandoned or sold through a series of proceedings. See David L. Durbano, Wyoming and Colorado Railroad Company, Inc., and Saratoga Railroad, LLC – Corporate Family Transaction, FD 36091, slip op. at 1, n. 1 (STB Served Feb. 2, 2017) (“Durbano Corporate Family Transaction”). From 1987 until 2020, David L. Durbano (“Durbano”), owned and controlled WYCO, a Class III rail carrier. In 2020, WYCO was acquired by Jaguar Rail Holdings, LLC (“Jaguar”). See OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC – Acquisition of Control Exemption – Cimarron Valley Railroad, L.C.; Southwestern Railroad, Inc.; Texas & Eastern Railroad, LLC; Washington Eastern Railroad, LLC; and Wyoming and Colorado Railroad, Inc., FD 36440 (STB Served Oct. 16, 2020). However, Jaguar only acquired WYCO’s rail line in Oregon. See David L. Durbano and Phillip D. Scott – Common Control Exemption—Intermountain Western Railroad and Wyoming and Colorado Railroad, Inc., FD 31440 (ICC served May 11, 1989) (noting that WYCO owned and operated a feeder line in Oregon known as the Oregon and Eastern Branch).

In 2017, prior to Jaguar’s Acquisition of WYCO, Saratoga acquired the Line from WYCO, and Durbano continued in control of Saratoga, when it became a Class III rail carrier. See Corporate Family Transaction, slip op. at 2-3 (the purpose of the “corporate reorganization was for the eventual purpose of selling of certain assets or stock of various Durbano-controlled railroad companies, except for Saratoga.”).

denying Saratoga's Petition for Waiver of the Consummation Notice Requirement,² the Board directed Saratoga to file for abandonment authority in a new docket to abandon the Line.³ Accordingly, this abandonment is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007.⁴ At present, the Line has no track, shippers, or stations and no traffic has been handled on the Line since January 2003.⁵

Certification: 49 C.F.R. § 1152.50(b)

Saratoga certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of David L. Durbano (Exhibit A). Since January 2003, inclusive of the past two years, no local traffic has moved over the Line and any overhead traffic on the Line can be rerouted over other lines, and no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period.

² See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyo., AB 307 (Sub-No. 6X), slip opinion at 4 (STB served August 13, 2024) (“August 13th Decision”) (The Board denied Saratoga's Petition for Waiver from Wyoming and Colorado Railroad Company, Inc.'s (“WYCO”) requirement to have filed a consummation notice by May 31, 2007, which would have allowed Saratoga to officially consummate the abandonment without refiling for abandonment authority.)

³ See August 13th Decision at 3 (“If Saratoga wishes to abandon the Line, it must file for abandonment authority in a new docket.”).

⁴ Given that WYCO mistakenly deemed that the Line had been abandoned and salvaged in full compliance with the Board's authority and procedures, Saratoga believes that WYCO, after receiving the Board's authority in 2006, sold some segments of the Line's right-of-way (“ROW”) to adjacent landowners. See August 13th Decision, slip op. at 2 (“WYCO's failure to timely file a notice [of] consummation by the May 2007 deadline was due to an honest mistake, a change in corporate structure, and a change in regulatory counsel.”). A recent ground survey of the Line has also indicated that portions of the ROW may have been subsequently acquired by the Wyoming State Trust Land. A Land and Lease Map from the Wyoming State Trust Land website is included in Appendix A of Exhibit D to show state surface ownership between Walcott, WY, and Saratoga, WY, and photos of the Wyoming State Trust Land signs in the ROW are included in Appendix D of Exhibit D.

⁵ See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, WY, AB 307 (Sub-No. 6X) (STB served May 31, 2006) (“WYCO II”) (The Line was previously used to serve a single customer located in Saratoga, a mill that closed in January 2003.)

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after March 4, 2025 (50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Saratoga Railroad, LLC

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

Saratoga Rail, LLC is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

Saratoga hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the "Line"). The Line traverses the United States Postal Zip Code territories 82331 and 82335.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representatives (49 C.F.R. § 1152.22(a)(7)):

Saratoga's representatives to whom correspondence should be sent are as follows:

William A. Mullins
Spencer M. Naake
MULLINS LAW GROUP PLLC
2001 L St., NW, Suite 720
Washington, DC 20036
Tel: (202) 663-7831

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in the following United States Postal Zip Code territories: 82331 and 82335.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

Saratoga's has a mixture of partially fee and partially revisionary to the right-of-way underlying the Line proposed for abandonment; thus, Saratoga may have a corridor available for redeployment for alternative public use(s). In 2006, the U.S. Fish and Wildlife Service ("USF&W") was interested in negotiating a purchase or donation of the part of the right-of-way that bisects the Saratoga National Fish Hatchery. Moreover, as noted in FN 4, portions of the ROW may have been acquired by the Wyoming State Trust Land for public use. The Line does not contain any federally granted right-of-way. As appropriate, Saratoga is willing promptly to make available any information in its possession to anyone requesting it.

Labor Protection

Because freight service over the Line has been inactive for over twenty years, no railroad employees will be adversely affected by the exercise of abandonment authority. Nevertheless, the interests of Saratoga's employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), Saratoga has prepared an E&HR in anticipation of the proposed abandonment, which

conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,

/s/ William A. Mullins

William A. Mullins
Spencer M. Naake
MULLINS LAW GROUP PLLC
2001 L St., NW
Suite 720
Washington, DC 20036
Tel: (202) 663-7831

January 13, 2025

Attorneys for Saratoga Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, David L. Durbano, President and Owner of Saratoga Railroad, LLC ("Saratoga"), hereby verify under penalty of perjury that to the best of my knowledge, the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of Saratoga in connection with this proceeding before the Surface Transportation Board.

Executed this 9th day of January 2025


David L. Durbano
President and Owner
Saratoga Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**EXHIBIT A
CERTIFICATION**

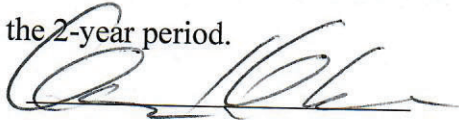
CERTIFICATION

STATE OF CALIFORNIA:

SS:

COUNTY ~~CITY~~ OF RIVERSIDE :

David L. Durbano makes oath and says that he is President and Owner of Saratoga Railroad, LLC; that the approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the "Line"), over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the Line for at least two (2) years and any overhead traffic on the Line can be rerouted over other lines; and that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period.



David L. Durbano
President and Owner
Saratoga Railroad, LLC

Subscribed and sworn to before me
this ___ day of January, 2025.

Notary Public

My commission expires:

SEE ATTACHED
CALIFORNIA JURAT



CALIFORNIA JURAT CERTIFICATE

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

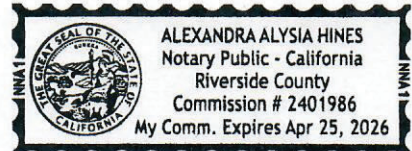
County of Riverside

Subscribed and sworn to (or affirmed) before me on this 9th day of January
2025, by David L. Durbano

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Signature of Notary Public



(Notary Seal)

OPTIONAL INFORMATION

The jurat contained within this document is in accordance with California law. Any affidavit subscribed and sworn to before a notary shall use the preceding wording or substantially similar wording pursuant to Civil Code sections 1189 and 8202. A jurat certificate cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. The seal and signature cannot be affixed to a document without the correct notarial wording. As an additional option an affiant can produce an affidavit on the same document as the notarial certificate wording to eliminate the use of additional documentation.

DESCRIPTION OF ATTACHED DOCUMENT

Certification
(Title of document)

Number of Pages 2 (Including jurat)

Document Date 01/09/2025

(Additional Information)

CAPACITY CLAIMED BY THE SIGNER

☐ Individual
☐ Corporate Officer
☐ Partner
☐ Attorney-In-Fact
☐ Trustee
☒ Other: President and owner

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

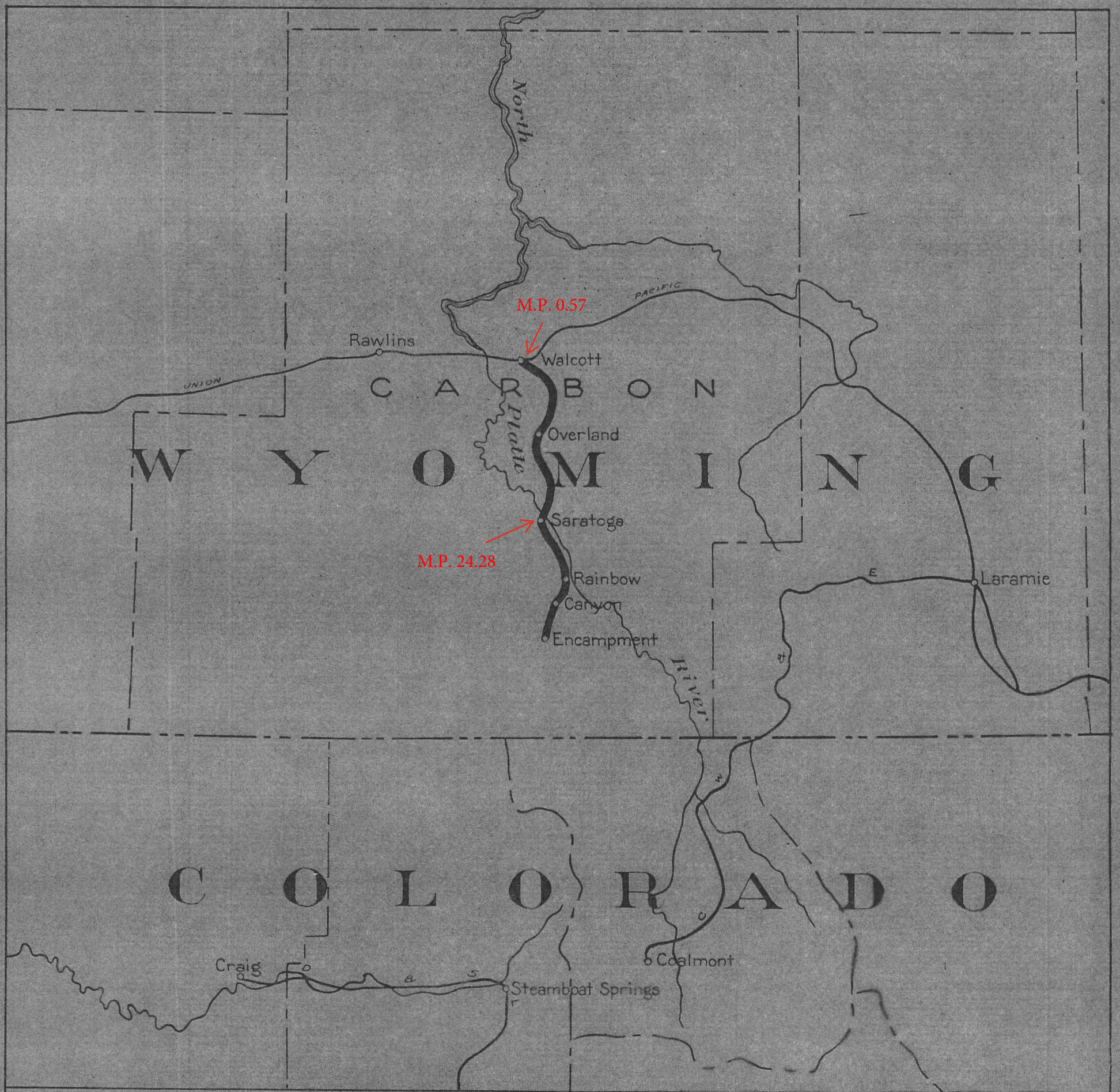
AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

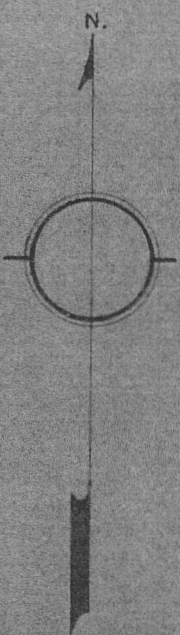
EXHIBIT B

MAP



Legend

 *Saratoga And Encampment Railway.*



Interstate Commerce Commission
Bureau of Valuation
Washington D.C.
MAP OF THE

SARATOGA AND ENCAMPMENT RAILWAY

Scale 1"=16 Miles

June 30, 1919.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on January 2, 2025, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Saratoga Railroad, LLC to invoke the Board's notice of exemption procedures to abandon rail service over an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the "Line"). I further certify that the Line does not contain any federally granted right of way.

Public Service Commission, et al.

WY Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002

David Herdt
State Railroad Coordinator
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

Sean Neef
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
1 Soldier Way, Rm 3129
Scott AFB, IL 62225-5006

The National Park Service, Recreation Resources Assistance Division

Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW, Room 1344
Washington, DC 20240

U.S. Department of Agriculture, Chief of the Forest Service

Randy Moore
Chief of Forest Service
US Forest Service
1400 Independence Ave., SW
Washington, D.C.
20250-0003

January 13, 2025

/s/ William A. Mullins

William A. Mullins
Attorney for Saratoga Railroad, LLC

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on January 9, 2025, in the Saratoga Sun a newspaper of general circulation in Carbon County, Wyoming.

January 13, 2025

/s/ William A. Mullins

William A. Mullins

Attorney for Saratoga Railroad, LLC

PUBLIC NOTICES

NOTICE OF INTENT TO ABANDON RAIL SERVICE
AB 1343

Saratoga Railroad, LLC (“Saratoga”) gives notice that on or about January 13, 2025, it intends to file with the Surface Transportation Board (“Board”), Washington, DC, a Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F – Exempt Abandonments and Discontinuances, permitting Saratoga to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”). The Line traverses the United States Postal Zip Code territories 82331 and 82335. There are no customers served on the Line, which has been out of service for more than twenty years. The proceeding has been docketed as AB 1343.

The proposed action entails the abandonment of rail service over the Line. For abandonments, the Board’s Office of Environmental Analysis (“OEA”) generally will prepare an Environmental Assessment (“EA”), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance (“OFAs”) to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.FR. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on the applicants’ representative [See 49 CFR § 1104.12(a)]. Questions regarding OFAs, public use, or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant’s representative: Spencer M. Naake, Mullins Law Group PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036; phone: 202-663-7831.

Legal #9088
Published in
The Saratoga Sun
January 9, 2025

Notice Request For Bids

The Carbon County Fire Protection District is accepting bids for (1) new 2024 or newer model year, 4-wheel drive, 60 inch cab to axle, 4 door crew cab, utility box truck with the following minimum specifications:
6.7 L Turbo Diesel Engine.
Automatic transmission with overdrive. Minimum 150 Amp alternator.
Full size spare tire. Solid White in color.
Trailer towing package with trailer brake control. Cruise control.
Air conditioner. AM/FM radio.
Heavy duty floor mats. Heavy duty battery.
Heavy duty cooling system with transmission cooler. Back Up Camera.
Bedliner.
All Terrain Light Truck Tires. 40/20/40 Split Bench Seat.
Protective Style bumper and Grill Guard Installed. Cold Weather Package.
Tilt Steering Column. Tow Hooks.
Shift on the fly transfer case. Upfitter switches.
Minimum GVWR 16,500 pounds.
Heavy duty, one-piece, protective bumper with grill guard installed.
Delivery of sale within 60 days of acceptance of proposal by

District.

Mail bids to the Carbon County Fire Protection District. 812 E. Murray Suite C. Rawlins, WY. 82301 or email jrutherford@carbonwyfpd.com.
Please indicate on the envelope or subject line “Fire Dist. Pickup”. All sealed bids must be received at the Carbon County Fire Protection District Office by January 15, 2025, by 5 PM. Bids will be opened January 16, 2025 during the Regular Fire District Board Meeting.
Bidder understands and accepts responsibility, if bids are sent electronically by email, they may not be received by the district, therefore not eligible for consideration.
The Carbon County Fire Protection District reserves the right to reject any and all bids or to accept any bid which, in its sole and absolute judgment, shall under all circumstances best serve the district’s interest. No bids will be considered that are received after the scheduled time. The district reserves the right to waive any and all formalities of any bid.

Legal #9086
Published in
The Saratoga Sun
January 2 and 9, 2025

SAVE THE DATE
NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TITLE 17 SUBDIVISION ORDINANCE

In pursuant to Wyoming Code; notice is hereby given that a Public Hearing will be held by the Planning and Zoning Commission of Saratoga.

The Town of Saratoga Planning and Zoning Commission has recently drafted an ordinance that will fully repeal and re-write Title 17 “Subdivisions”; within the Saratoga Town Code. The purpose of the revision is to clarify the process and development requirements when subdividing property or altering existing subdivision boundaries within the Town limits of Saratoga. The revision also clarifies the processes and assurances required when making public improvements during the subdivision process including but not limited to; roads, sewer, water, natural gas, curb and gutter, etc. Prior to recommending the ordinance for adoption to the Town Council, the Planning Commission is requesting input from the matter on the topic. The Commission would appreciate any information that could be beneficial in improving this process for the staff, residents, developers, elected officials and residents alike. A copy of the proposed ordinance is available online at: [HYPERLINK "http://www.townofsaratoga.org"](http://www.townofsaratoga.org)www.townofsaratoga.org or at Town Hall at the address listed below.

The hearing will take place at;
Time: 5:30pm
Date: January 14th, 2025
Where: Town Hall (Council Chambers)
110 E. Spring Ave.
Saratoga, WY 82331

This is an opportunity for the public to provide opinions, insights and information to the Saratoga Planning and Zoning Commission as it pertains to the subdivision process within the Town Limits. Written comments may be mailed to: Saratoga Planning Department
P.O. Box 486
Saratoga, Wyoming 82331

For questions or information please contact the Saratoga Planning Department at the mailing address above or call 307-447-2882.

Legal #9070
Published in
The Saratoga Sun
December 19, 2024 and January 9, 2025

Town of Saratoga
Cash Requirements 12-17-2024

Armstrong Consultants, Inc - \$12,713.80; Armstrong Consultants, Inc - \$14,400.00; BCN - \$109.01; Carbon Power & Light Inc. - \$14,659.88; Caselle, Inc. - \$1,347.00; Kelsey Kristen Huntoon - \$30.00; Kylie M Waldrip, P.C. - \$1,063.00; Motorola Solutions, Inc. - \$1,494.48; MPM Corp - \$605.00; One-Call of Wyoming, Inc. - \$27.75; Perue Printing - \$761.30; Pitney Bowes Global Finan - \$431.37; Platte Valley Porta Pots, In - \$300.00; Rocky Mountain Battery LL - \$303.90; Saratoga Carbon County J - \$350.00; Saratoga Feed and Grain - \$11.99; Saratoga Recycling - \$30.00; Saratoga Sun - \$4,578.00; Shively Hardware Co - \$10.99; Stinker Stores, Inc - \$2,238.65; TACONE Consulting - \$1,000.00; US Bank - \$1,973.53; Valley Oil Company - \$921.05

Legal #9074
Published in
The Saratoga Sun
January 9,2025

Carbon County Fire Protection District
Notice of Date and Time of Regular Meetings for 2025

The Carbon County Fire Protection District regular monthly meetings for 2025 will be held only once a month on the third Thursday of each month commencing at 6:30 p.m. The meeting will be held at the Platte Valley Community Center in Saratoga, WY.

Legal #9085
Published in
The Saratoga Sun
January 2 & 9, 2025
February 6, 2025

NOTICE OF ABANDONED VEHICLE SALE
February 5, 2025 from 1:00 to 2:00 pm
Elk Mountain Onsite
212 1st Street Hanna, Wyoming 82337

2007 Dodge Caliber LP: JBU 1094 OH Vin: 1B3HB28B87D3806 Amt: \$7,500	1998 Dodge Grand Caravan LP: QDI 503 CO Vin: 1B4GP54L8WB768038 Amt: \$8,200
2004 Honda Element LP: 248 BTF LA Vin: 5J6YH27384L015979 Amt: \$9,990	2016 Toyota Corolla LP: U970PN UT Vin: JTNK4RBE4K3048611 Amt: \$12,500
2000 KIT Travel Trailer LP: 2993540 UT Vin: 1KT266T27Y2993540 Amt: \$7,500	1997 Acura CL LP: HGM 5218 TX Vin: 19UYA1246VL024266 Amt: \$6,550
2003 Mercedes Benz LP: LKG 5177 TX Vin: WDBUF65J43A131823 Amt: \$8,500	2003 Lincoln Aviator LP: 6 890 WY Vin: 5LMEU78H93ZJ33773 Amt: \$7,500
2003 Toyota Camry LP: 48B MYX OR Vin: 4T1BG22KXXU501054 Amt: \$7,500	2001 Chevrolet Impala LS LP: DW 4218 IL Vin: 2G1WH55KX19135805 Amt: \$9,500
2011 BMX X3 LP: BEN 7797 WA Vin: 5UXWX5C56BL713088 Amt: \$11,500	2006 Pontiac Grand Prix LP: UNKNOWN Vin: 2G2WP552461164477 Amt: \$7,200
2008 Nissan Altima LP: JFP 2751 OH Vin: 1N4AL21E88C183827 Amt: \$9,500	2021 Nissan Sentra LP: AAL01658 MT Vin: 3N1AB8CU8MY315096 Amt: \$14,500
1998 Ford F150 LP: RCJ 0143 TX Vin: 1FTZF1729WKA38300 Amt: \$6,500	

Legal # 9089
Published in
The Saratoga Sun
January 9, 2025

What Is Your Government Up To? Find Out! Read Public Notices.



Subscribe Today! Call (307) 326-8311

www.saratogasun.com

January 8, 1925 100 Years Ago
Mrs. Ross Inaugurated at Capital City Last Monday

First Woman to Be Made Governor of Any American State — Inaugural Address Was Very Brief

Shortly after noon last Monday in the senate chamber of the Wyoming state capitol, occurred the ceremonies which made Mrs. Nellie Tayloe Ross governor of the commonwealth of Wyoming, succeeding her late husband, William Br. Ross. The oath of office was administered by Chief Justice Chas. N. Potter of the state supreme court.

The address of the new governor was very brief and entirely devoid of any discussion of political matters. She said:

“My friends:

“Owing to the tragic and unprecedented circumstances which surround my induction into office, I have felt it not only unnec-

essary but inappropriate for me now to enter into such a discussion of policies as usually constitutes an inaugural address.

“This occasion does not mark the beginning of a new administration, but rather a resumption of that which was inaugurated in this chamber two years ago. It is well understood, I am sure, that it is my purpose to continue, as I am convinced it is the desire of my state that I should, insofar as changing conditions will permit, the program and policies then launched.

“I avail myself of this opportunity to acknowledge the gracious consideration shown my by Governor Lucas during the period h has served as chief executive of our state and to say that I look forward confidently to that same degree of cooperation with

him and with the other state officers and with the legislature, that during my husband’s term lightened for him the burdens of official life and contributed to his satisfaction and joy in service.

“In approaching the responsibilities of this exalted office, I do so with profound sense of the high obligation it imposes upon me. That the people of Wyoming should have placed such trust in me — in large measure, I feel an expression of their recognition of my husband’s devotion to their interests, and of his contribution to the progress of the state — calls forth in this solemn hour my deepest gratitude and challenges e to rise to the opportunities for service thus made possible, and to dedicate to the task before me every faculty of mind and body with which I may

be endowed.

“ Such dedication I now offer to my state, relying upon Divine help for strength and guidance.”

Secretary of State Frank E. Lucas, who has been acting governor since the death of Mr. Ross, also addressed the large assemblage saying in conclusion:

“Speaking for all the state officers, I desire to wish for the incoming incumbent, the governor-elect, a successful administration, and pledge to her the loyal support and cooperation of all the members of the present state administration, and ask that all citizens of Wyoming ever remember that she is governor of the state, and that they aid and assist in every way possible toward making her administration a successful one.”

January 9, 1975 50 Years Ago
Industrialists purchase Silver Spur from Sidleys

William D. Sidley has sold the Silver Spur Ranch near Encampment after nearly 41 years of operating the ranch and raising commercial Hereford and registered Charolais cattle. The Sidley family has watched the ranch grow to biome internationally known for its Charolais cattle operation.

The purchasers of the ranch in the multi-million dollar land deal ar Mr. and Mrs. Edward W. Cook of Membphis, Tenn., and Mrs. and Mrs. John L. Welsh, Jr’, of Houston, Tex. The ranch will be managed by James York, Jr.

Cook is chairman of the board and chief executive officer of Cook Industries, one of the nations leading grain exporters. Cook Industries also engaged in the merchandising of other agricultural products, the production of materials

for the building industry, pesticides, insurance, and real estate development. Welsh is an independent oil operator in Houston.

The Silver Spur ranches comprise over 11,000 acres and have a cow-calf capacity exceeding 1500 units. In 1934 Sidley purchased the heart of the Silver Spur Ranch, the Hawkes-Huston Ranch, comprising 3,500 acres of irrigated native hay meadow and some pasture. The ranch has been increased in size over the years and is situated in the Saratoga-Encampment valley between the Medicine Bow Mountains and the Sierra Madre Range. All of the creeks from both sides flow into the North Platte River, Through the years the lands that the Sidleys have added to the ranch have been irrigable. Water for irrigation is everything in this country

and the Silver Spur is well supplied.

When William D. Sidley first took up ranching in the Platte Valley be raised commercial Hereford cattle. Over the years numerous loads of carload feeder calves were shown at the National Western Stockshow in Denver with several awards being won.

In 1954 the first Charolais bulls were purchased by the Silver Spur, at a time when, according to Sidley, “Nobody in our whole Rocky Mountain country had ever heard of them. After making the change to Charolais, we have endeavored to breed the finest Charolais possible, always concentrating on breeding fast gaining beef-type animals.” The Silver Spur has at the present time one of the finest Charolais herds in the Rocky Mountain West.

According to Jim York, Jr., the present purebred Charolais herd will be kept at the Silver Spur until May 10 when a dispersal sale will be held at the farmer-Rancher Livestock Commission in Fort Collins, Colo. These cattle were not included in the sale. He also added that the ranch would have less registered cattle and that it would be a cow-calf operation rather than a yearling operation in the future.

Jim York, Sr. has moved to Encampment with his family after managing the Silver Spur Ranch for the past 14 years. According to him, Sidley is retaining his home at the South Ranch of the Silver Spur (headquarters of the ranch) and also some adjacent mountain pasture. Sdley plans to run some cattle in the summer with the assistance of York. This will be known as the 7 Bar Ranch.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Certificate of Compliance

49 C.F.R. § 1105.11 – Advance Distribution of Environmental and Historic Report

I hereby certify that, on December 5, 2024, a copy of Saratoga Railroad, LLC's Consolidated Environmental and Historic Report for the proposed abandonment encompassed by AB 1343X, accompanied by a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11, was served upon the following entities as prescribed by 49 C.F.R. § 1105.7(b) and 1105.8(c) (copies of the transmittal letters are also appended hereto as part of Attachment 1):

STATE HISTORICAL SOCIETY

Aley Philp
Executive Director
Wyoming Historical Society
P.O. Box 247
Wheatland, WY 88201

CITY/TOWNSHIP

Chuck Davis, Mayor
Saratoga Town Hall
110 E Spring Ave.
Saratoga, WY 82331

STATE DOT

David Herdt
State Railroad Coordinator
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

COUNTIES

Sue Jones, Chair
County Commissioners
Carbon County Courthouse
215 W Buffalo
P.O. Box 6
Rawlins, WY 82301

US ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers,
Omaha District
1616 Capitol Ave.
Suite 9000
Omaha, NE 68102

REGIONAL/STATE EPA

KC Becker
Regional Administrator
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

STATE COASTAL ZONE MANAGEMENT

Jennifer Zygmunt
Water Quality Administrator
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

Todd Parfitt, Director
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

U.S. FISH AND WILDLIFE SERVICE
Matt Hogan, Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
Region 6 (CO, KS, MT, NE, ND, SD, UT,
& WY)
Lake Plaza North
134 Union Boulevard
Lakewood, CO 80225

Wyoming Game & Fish Department
Department Headquarters
5400 Bishop Blvd
Cheyene, WY 82006

NATIONAL PARK SERVICE

Bob Ratcliffe, Chief
Conservation and Outdoor Recreation
Division
Rivers, Trails, and Conservation Assistance
Program
1849 C. Street NW, Room 1344
Washington, DC 20240

January 13, 2025

Kate Hammon, Regional Director
Interior Region 7, Upper Colorado Basin
National Park Service
12795 West Alameda Parkway
Denver, CO 80255

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
Email: RRAE@noaa.gov

NATURAL RESOURCES CONSERVATION SERVICE

Jackie Byam
State Conservationist
10 E Babcock St, Rm 443
P.O. Box 33124
Casper, Wyoming 82602

/s/ William A. Mullins

William A. Mullins
Attorney for Saratoga Railroad, LLC

ATTACHMENT 1

**ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
–ABANDONMENT EXEMPTION–
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

**William A. Mullins
Spencer M. Naake
MULLINS LAW GROUP PLLC
2001 L Street, NW
Suite 720
Washington, DC 20036
Tel: (202) 663-7823
wmullins@mullinslawgroup.net**

January 13, 2025

Attorneys for Saratoga Railroad, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

Saratoga Railroad, LLC (“Saratoga”) submits this Combined Environmental and Historic Report (“E&HR” or “Report”) pursuant to 49 C.F.R. 1105.7(e) and 49 C.F.R. 1105.8(d), respectively, in connection with Saratoga’s proposed abandonment of an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).¹ As discussed in the Board’s August 13th Decision denying

¹ The Line currently owned by Saratoga was originally acquired by Wyoming and Colorado Railroad Company, Inc. (“WYCO”), as part of a 131.52-mile rail line from Union Pacific Railroad Company (“UP”) in 1987. See Wyo. & Colo. R.R. – Acquis. & Operation Exemption – Certain Lines of Union Pac. R.R., FD 31140 (ICC served Nov. 30, 1987) (“1987 Acquisition”). The remainder of the former UP line acquired in the 1987 Acquisition has either been abandoned or sold through a series of proceedings. See David L. Durbano, Wyoming and Colorado Railroad Company, Inc., and Saratoga Railroad, LLC – Corporate Family Transaction, FD 36091, slip op. at 1, n. 1 (STB Served Feb. 2, 2017) (“Durbano Corporate Family Transaction”). From 1987 until 2020, David L. Durbano (“Durbano”), owned and controlled WYCO, a Class III rail carrier. In 2020, WYCO was acquired by Jaguar Rail Holdings, LLC (“Jaguar”). See OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC – Acquisition of Control Exemption – Cimarron Valley Railroad, L.C.; Southwestern Railroad, Inc.; Texas & Eastern Railroad, LLC; Washington Eastern Railroad, LLC; and Wyoming and Colorado Railroad, Inc., FD 36440 (STB Served Oct. 16, 2020). However, Jaguar only acquired WYCO’s rail line in Oregon. See David L. Durbano and Phillip D. Scott – Common Control Exemption— Intermountain Western Railroad and Wyoming and Colorado Railroad, Inc., FD 31440 (ICC served May 11, 1989) (noting that WYCO owned and operated a feeder line in Oregon known as the Oregon and Eastern Branch).

In 2017, prior to Jaguar’s Acquisition of WYCO, Saratoga acquired the Line from WYCO, and Durbano continued in control of Saratoga, when it became a Class III rail carrier. See Corporate Family Transaction, slip op. at 2-3 (the purpose of the “corporate reorganization was for the eventual purpose of selling of certain assets or stock of various Durbano-controlled railroad companies, except for Saratoga.”).

Saratoga’s Petition for Waiver of the Consummation Notice Requirement,² the Board directed Saratoga to file for abandonment authority in a new docket to abandon the Line.³ Accordingly, this abandonment is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007.⁴ At present, the Line has no track, shippers, or stations and no traffic has been handled on the Line since January 2003.⁵

ENVIRONMENTAL REPORT

(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.

Saratoga proposes to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming. As stated above, no customers have been served on the Line since 2003. As such, Saratoga intends to avail

² See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyo., AB 307 (Sub-No. 6X), slip opinion at 4 (STB served August 13, 2024) (“August 13th Decision”) (The Board denied Saratoga’s Petition for Waiver from Wyoming and Colorado Railroad Company, Inc.’s (“WYCO”) requirement to have filed a consummation notice by May 31, 2007, which would have allowed Saratoga to officially consummate the abandonment without refile for abandonment authority.)

³ See August 13th Decision at 3 (“If Saratoga wishes to abandon the Line, it must file for abandonment authority in a new docket.”).

⁴ Given that WYCO mistakenly deemed that the Line had been abandoned and salvaged in full compliance with the Board’s authority and procedures, Saratoga believes that WYCO, after receiving the Board’s authority in 2006, sold some segments of the Line’s right-of-way (“ROW”) to adjacent landowners. See August 13th Decision, slip op. at 2 (“WYCO’s failure to timely file a notice [of] consummation by the May 2007 deadline was due to an honest mistake, a change in corporate structure, and a change in regulatory counsel.”). A recent ground survey of the Line has also indicated that portions of the ROW may have been subsequently acquired by the Wyoming State Trust Land. A Land and Lease Map from the Wyoming State Trust Land website is included in **Appendix A** to show state surface ownership between Walcott, WY, and Saratoga, WY, and photos of the Wyoming State Trust Land signs in the ROW are included in **Appendix D**.

⁵ See Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, WY, AB 307 (Sub-No. 6X) (STB served May 31, 2006) (“WYCO II”) (The Line was previously used to serve a single customer located in Saratoga, a mill that closed in January 2003.)

itself of the two-year out-of-service abandonment provision at 49 CFR Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights).

In 2006, following receipt of abandonment authority from the Board, the Line's rail and related track material were salvaged. Salvage consisted of removing rail and track material from the existing roadbed, which to date remains as is. Except for rail near the bridge at milepost 0.84, all salvaged steel components have already either been reused or sold as scrap.⁶ Similarly, except for crossties near the bridge at milepost 0.84, all crossties have also either already been reused in other railroad operations or were recycled in accordance with applicable federal and state laws and regulations. As stated above, this abandonment exemption is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007. As a result, following abandonment authority being granted here, Saratoga will only be salvaging the remaining rail and related track material at milepost 0.84. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be undertaken as a result of the abandonment. Accordingly, Saratoga believes that no stormwater mitigation measures including, but not limited to, a National Pollutant Discharge Elimination System permit will be required. Saratoga has no plans to remove the three bridge structures on the Line, which remain intact.

The alternative to abandonment is to not abandon the Line. This alternative is not satisfactory. Maps depicting the Line are attached as **Appendix A**.⁷ An example of Saratoga's letter to federal, state, and local government agencies along with a list of the consulting agencies

⁶ Prior to filing a consummation notice, any remaining materials near the Line will be removed and salvaged in accordance with applicable federal and state laws and regulations. Pictures of the loose rail and crossties near milepost 0.84 have also been included in **Appendix D**.

that Saratoga has contacted is attached as **Appendix B**. Comments received as a result of Saratoga's written requests for feedback can be found in **Appendix C**. Topographical Maps and Color Photos⁸ are included in **Appendix D**.

(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.

Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is currently no rail freight or passenger traffic originating or terminating on the Line.

(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.**

Saratoga believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of a combination of residential and commercial areas and agricultural land. By letters dated December 5, 2024, copies of this Report have been mailed to the appropriate local and state contacts, including to representatives of Carbon County, WY, and of the Cities of Walcott, WY, and Saratoga, WY for their information and comments. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

⁸ Due to sales of segments of the ROW, as described in FN 4, Saratoga could not access the bridges at milepost 3.19 and milepost 3.69 and take bridge photos. As the bridge photos from the 2006 E&HR filing are indiscernible, Saratoga is alternatively supplying Google Earth images as well as photos showing the lack of access.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

Saratoga does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the Line traverses a combination of residential and commercial areas and agricultural land. However, since the contour of the existing roadbed has remained as is, and existing drainage systems have remained intact, the proposed abandonment should not contribute to prime farmland loss. Nevertheless, Saratoga has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated December 5, 2024 (to which letter this E&HR was appended) and has requested assistance in identifying any potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.

The Line is not located within a coastal zone. However, a copy of the E&HR was mailed to the Water Quality Division at the Wyoming Department of Environmental Quality ("WDEQ") for its information and comment. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(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.

The corridor appears suitable for alternative public use such as a trail. In 2006, the U.S. Fish and Wildlife Service ("USF&W") was interested in negotiating a purchase or donation of the part of the right-of-way that bisects the Saratoga National Fish Hatchery. As noted in Section (8) of this Report, Saratoga has notified the USF&W of the proposed abandonment by letters

dated December 5, 2024, and any response from the USF&W will determine if such interest still exists.

(4) ENERGY

- (i) Describe the effect of the proposed action on the transportation of energy resources.**

Development and transportation of energy resources will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

Movement or recovery of recyclable commodities will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in any material impact on overall energy efficiency because no rail freight or passenger traffic is originating or terminating on the Line.

- (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.

The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

(5) AIR

- (i) If the proposed action will result in either:**

(A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent 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 sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:
 - (A) An increase in rail traffic or at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
 - (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 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.

Saratoga's Line is *not* a designated non-attainment area, and the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (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.

Not applicable.

(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.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment of an out-of-service rail line should have no material adverse impact on public health and safety.

- (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.

Not applicable.

- (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.

Saratoga has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or adjacent land.

(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.

Saratoga does not believe that the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as critical habitat. Saratoga has notified the U.S. Fish and Wildlife Service ("USF&W") and the Wyoming Game and Fish Department

(“WGFD”) of the proposed abandonment by letters dated December 5, 2024, and has requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this report was attached to the letters sent to USF&W and WGFD. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks, or forests will be affected, and describe any effects.

Having consulted local maps, Saratoga is unaware of any wildlife sanctuaries or refuges, National or State parks, or forests that would be adversely affected by the proposed abandonment. Nevertheless, Saratoga has notified the National Park Service (“NPS”) of the proposed abandonment by letter dated December 5, 2024. NPS has been supplied with a copy of this Report. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(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.

As the Line was already salvaged in 2006, the contour of the roadbed underlying the Line to be abandoned will not be altered. Saratoga believes that no stormwater mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There were no plans in 2006 (and there are currently no plans) to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason, also, the proposed abandonment will not result in water quality impacts. Saratoga currently provides no rail common carrier service over the Line and has not done so for over two decades. Nevertheless, consultation was requested from the Water Quality Division at WDEQ and the United States Environmental Protection Agency (“USEPA”) by letters dated December 5, 2024. A copy of this report was attached to each of these letters. See E&HR Consultation

Letter Example and Service List, attached as **Appendix B**.

- (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.**

Saratoga believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. As stated above, the Line was completely salvaged in 2006 with the exception of the materials at milepost 0.84. Accordingly, Saratoga believes that a permit under Section 404 of the Clean Water Act will not be required.

Moreover, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Moreover, consultation was requested from the U.S. Army Corps of Engineers – Omaha District by letter dated December 5, 2024. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.**

Saratoga believes that no permit under section 402 of the Clean Water Act would be required for the proposed abandonment. Nevertheless, Saratoga has contacted the WDEQ and the USEPA regarding this item by letter dated December 5, 2024, and has requested guidance in identifying any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

(10) **PROPOSED MITIGATION**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Saratoga does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. However, Saratoga will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts, including consulting with federal, state, and/or local agencies on any mitigation measures they may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Saratoga proposes to abandon an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming. In 2006, following receipt of abandonment authority from the Board, the Line's rail and related track material were salvaged. Salvage consisted of removing rail and track material from the existing roadbed, which to date remains as is. This abandonment is being filed to clean up a regulatory omission – failure to timely file a consummation notice for original abandonment by May 31, 2007.⁹ As noted above the Line has been fully salvaged with the exception of rail materials at milepost 0.84, and Saratoga has no plans to remove the three bridge structures on the Line, which remain intact. A map depicting the Line is attached in **Appendix A**.

ADDITIONAL INFORMATION

49 CFR 1105.8(d):

- (1) A U.S.G.S. topographic map (or 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;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the approximate location of structures that are 50 years old or older and that are located along the

⁹ Given that WYCO mistakenly deemed that the Line had been abandoned and salvaged in full compliance with the Board's authority and procedures, Saratoga believes that WYCO, after receiving the Board's authority in 2006, sold some segments of the Line's right-of-way ("ROW") to adjacent landowners. See August 13th Decision, slip op. at 2 ("WYCO's failure to timely file a notice [of] consummation by the May 2007 deadline was due to an honest mistake, a change in corporate structure, and a change in regulatory counsel."). A recent ground survey of the Line has also indicated that portions of the ROW may have been subsequently acquired by the Wyoming State Trust Land. A Land and Lease Map from the Wyoming State Trust Land website is included in **Appendix A** to show state surface ownership between Walcott, WY, and Saratoga, WY, and photos of the Wyoming State Trust Land signs in the ROW are included in **Appendix D**.

Line are attached as part of **Appendix D**. These maps are being supplied to the Wyoming Historical Society (“WHS”) as part of a complete copy of this report. Saratoga understands that there are three railroad bridges on the Line that are believed to be 50 years old or older.

(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;

The 23.71 miles of right-of-way ranges from 100 to 200 feet (50 to 100 feet on each side of the centerline) in width. A valuation map is included in Appendix A. The right-of-way is in Carbon County, WY. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking. The Line runs adjacent to residential, commercial, and agricultural areas. The topography of the Line is generally open and flat or slightly rolling.

(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;

Saratoga does not anticipate removing or dismantling any of the structures along the line that are 50 years old or older. Photographs of the three bridges on the Line are included in **Appendix D**.¹⁰ As noted in FN 10, Saratoga was only able to access the bridge at milepost 0.84; however, the bridges at mileposts 3.19 and 3.69 have similar structural compositions.¹¹ Saratoga has also supplied a map in **Appendix A** to WHS, which may provide further documentation potentially relevant to the historical analysis of the structures in question. Aside from the materials, Saratoga does not have any additional information in its possession (such as

¹⁰ Due to sales of segments of the ROW, as described in FN 9, Saratoga could not access the bridges at mileposts 3.19 and 3.69 to take bridge photos. As the bridge photos from the 2006 E&HR filing are indiscernible, Saratoga is alternatively supplying Google Earth images as well as photos showing the lack of access to the ROW at the bridge location.

¹¹ The bridges at M.P. 0.84 and 3.19 are composed of 3 Span Timber Pile Trestle with an Open Deck, and the bridge at MP 3.69 is a 5 Span Timber Pile Trestle with an Open Deck.

engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structure analysis.

(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;

As discussed below, the Line was constructed in 1907. According to the limited information in Saratoga's possession, the three bridges on the Line are the original bridges and thus constructed in 1907. While these three bridges have been improved over time, Saratoga has not undertaken any major improvements to these three bridges during the time that Saratoga has owned 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;

The Line was constructed in 1907 as part of a longer line extending to Encampment, WY, by the Saratoga & Encampment Railway Company ("S&ER"). The Line was originally constructed to handle copper ore. The mine, however, closed shortly after the Line was built. Thereafter, the Line's principal traffic consisted of shipments of stock and farm products.

The Union Pacific Railroad Company ("UP") gained control of the S&ER in 1928 and absorbed the S&ER into UP in 1951. WYCO then acquired the Line from the UP in 1987, as part of a larger purchase. See Wyoming and Colorado Railroad Company, Inc. – Acquisition and Operation – Certain Lines of Union Pacific Railroad Company (not printed), FD 31140 (STB served November 30, 1987). WYCO used the Line to handle shipments of finished lumber and wood chips; however, the sawmill located in Saratoga closed in January 2003, thus idling the Line. A complete description of WYCO seeking abandonment authority in 2003 and 2006 and its subsequent failure to consummate the abandonment by May 31, 2007, can be found in the August 13th Decision and Saratoga's Pet.¹² Moreover, the events that led to Saratoga becoming

¹² See Saratoga Pet. at p. 2, n. 4; citing Wyoming and Colorado Railroad Company, Inc. – Abandonment

the common carrier over the Line in 2017 are described, *supra*, in FN 1. Saratoga intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line, which has been out of service for over twenty years.

(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;

As indicated above, the Line appears to have been built in 1907, but Saratoga is one of many subsequent owners of these rail assets. Saratoga was not supplied with and does not have engineering drawings of the structures discussed above. In fact, the only relevant documents in Saratoga’s possession have been included as part of **Appendix A**.

(7) An opinion (based on readily available information in the railroad’s possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 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);

As indicated above, Saratoga’s records indicate that there are three structures (bridges) on or adjacent to the Line that are believed to be 50 years old or older. In Saratoga’s opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to WHS would suggest, none of the subject structures appear to have unique or otherwise significant design characteristics. Moreover, none of these structures are linked to events or historic significance. Saratoga understands that many, if not all, of the structures in question, could remain in use if the Line’s right-of-way was to be converted into a recreational trail. Saratoga is unaware of any archeological resources or any other previously unknown historic properties on the Line’s right-of-way.

Exemption – In Carbon County, WY, AB-307 (Sub-No. 5X) (STB served November 10, 2004) (“WYCO I”). (the Board denied WYCO’s initial petition for abandonment exemption without prejudice because WYCO failed to present evidence supporting its argument that the Line could not be operated on a profitable basis).

- (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 waste), and the surrounding terrain.**

Saratoga has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources.

Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for the recovery of archeological resources.

- (9) Follow-Up Information – Additional information will be provided as appropriate.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

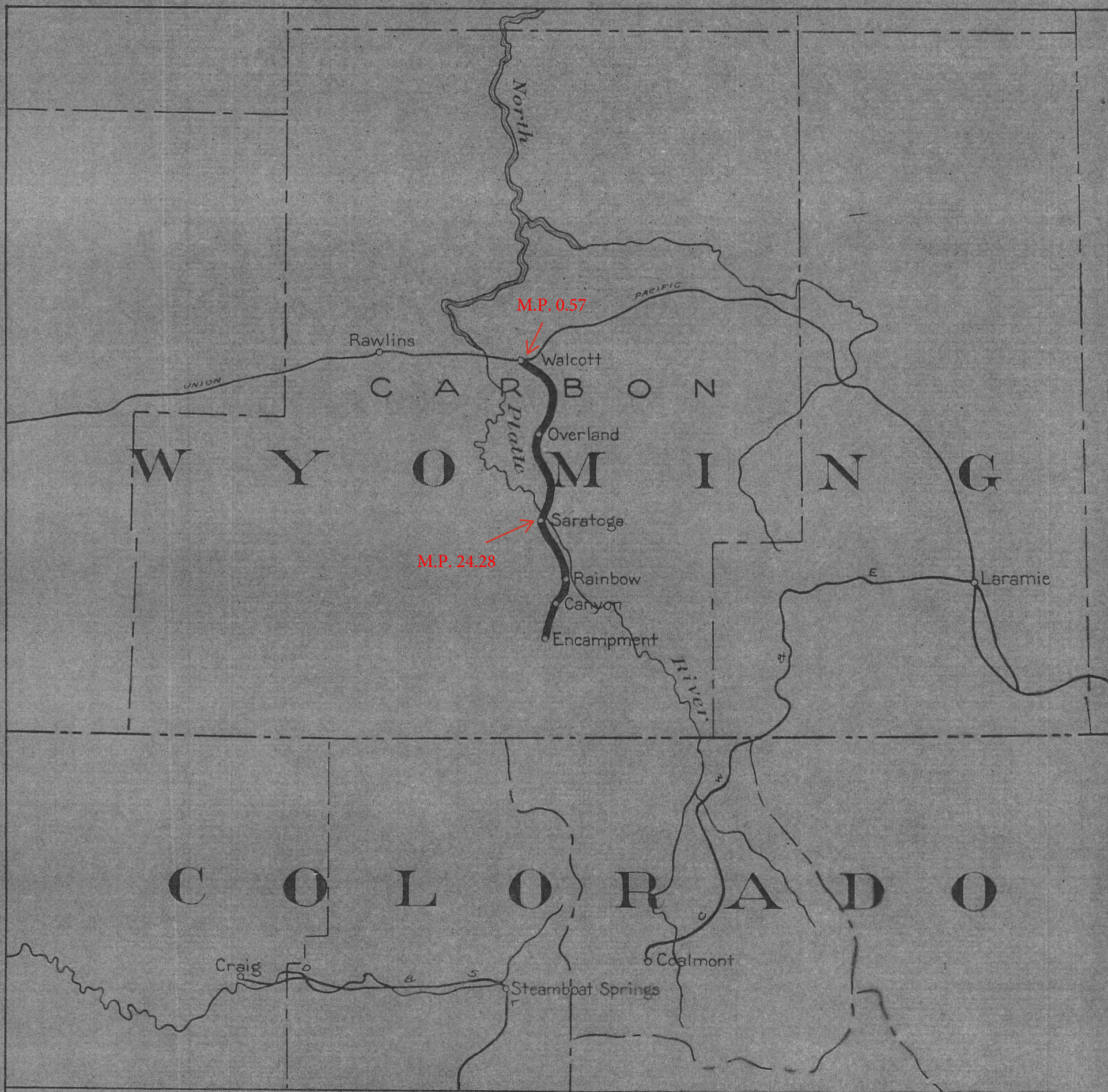
**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX A – MAPS

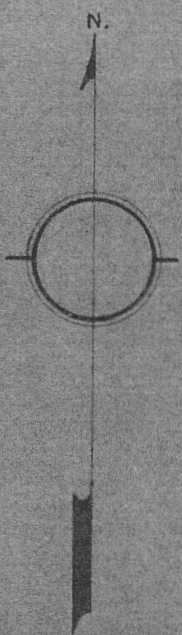
Saratoga's Valuation Map is Available for Download in the Following Hightail Link:

<https://spaces.hightail.com/space/qKNH26vINY>



Legend

 *Saratoga And Encampment Railway.*

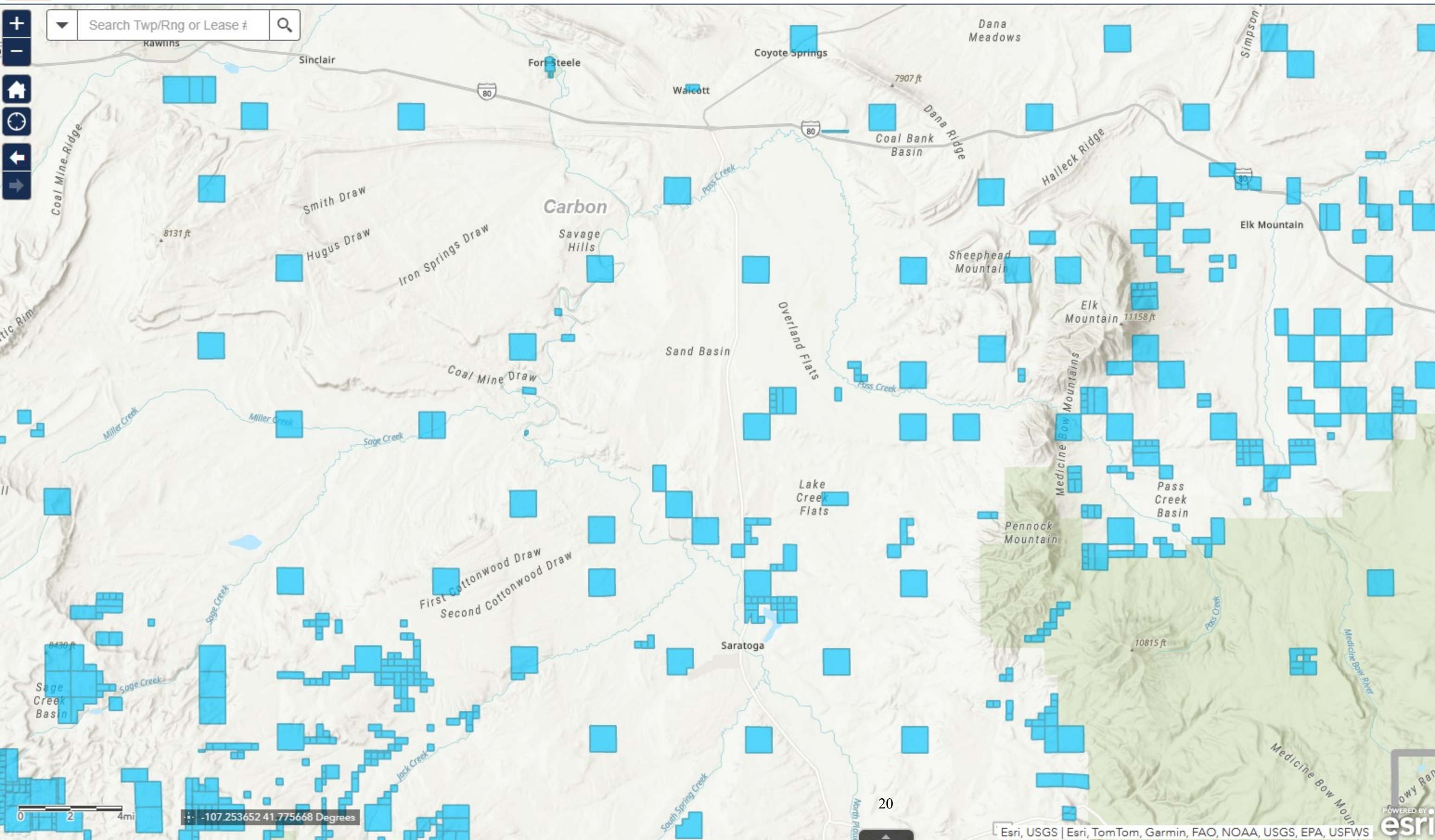


Interstate Commerce Commission
Bureau of Valuation
Washington D.C.
MAP OF THE

SARATOGA AND ENCAMPMENT RAILWAY

Scale 1"=16 Miles

June 30, 1919.



Legend

Land and Lease Map Viewer

Counties

State Surface Ownership

Esri, USGS | Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS

POWERED BY

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX B - E&HR CONSULTATION LETTER EXAMPLE AND SERVICE LIST

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

Spencer M. Naake
snaake@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7829
Facsimile: (202) 765-3189

December 5, 2024

[Insert Consulting Party]

**RE: Saratoga Railroad, LLC – Abandonment Exemption – In
Carbon County, WY, AB 1343X**

Dir Sir or Madam,

On or about January 6, 2025, Saratoga Railroad, LLC (“Saratoga”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 CFR Part 1152, Subpart F (Exempt Abandonments, et al.), seeking authority for Saratoga to abandon operations over an approximately 23.71-mile rail line extending from Walcott, WY (M.P. 0.57) to Saratoga, WY (M.P. 24.28) in Carbon County, Wyoming (the “Line”).

Enclosed is a consolidated Environmental and Historic Report (the “E&HR” or “Report”), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The Report is being provided so that you may submit information that will form the basis for the STB’s independent environmental analysis of the proceeding. If you believe any of the information is 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 Board’s Office of Environmental Analysis (“OEA”) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. However, any documentation in Saratoga’s possession will be made available promptly to those requesting it. Please refer to the above Docket when contacting the STB.

Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated **within three**

MULLINS LAW GROUP PLLC

December 5, 2024

Page 2

weeks. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. For us to consider your input before filing with the STB, Saratoga must receive your comments within three weeks.

If there are any questions concerning this notice of intent, please contact me, Saratoga's representative, by mail: Spencer M. Naake, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: snaake@mullinslawgroup.net; or by telephone: (202) 663-7829. If I am not available, you may also contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@mullinslawgroup.net.

Sincerely,

/s/ Spencer M. Naake

Spencer M. Naake
Counsel for Saratoga Railroad, LLC

Enclosure

RECIPIENT LIST - AB 1343X

STATE HISTORICAL SOCIETY

Aley Philp
Executive Director
Wyoming Historical Society
P.O. Box 247
Wheatland, WY 88201

STATE DOT

David Herdt
State Railroad Coordinator
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

US ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REGIONAL/STATE EPA

KC Becker
Regional Administrator
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Todd Parfitt, Director
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

CITY/TOWNSHIP

Chuck Davis, Mayor
Saratoga Town Hall
110 E Spring Ave.
Saratoga, WY 82331

COUNTIES

Sue Jones, Chair
County Commissioners
Carbon County Courthouse
215 W Buffalo
P.O. Box 6
Rawlins, WY 82301

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers,
Omaha District
1616 Capitol Ave.
Suite 9000
Omaha, NE 68102

STATE COASTAL ZONE MANAGEMENT

Jennifer Zygmunt
Water Quality Administrator
Wyoming Department of
Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

U.S. FISH AND WILDLIFE SERVICE

Matt Hogan, Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
Region 6 (CO, KS, MT, NE, ND, SD, UT,
& WY)
Lake Plaza North
134 Union Boulevard
Lakewood, CO 80225

Wyoming Game & Fish Department

Department Headquarters
5400 Bishop Blvd
Cheyenne, WY 82006

NATIONAL PARK SERVICE

Bob Ratcliffe, Chief
Conservation and Outdoor Recreation
Division
Rivers, Trails, and Conservation Assistance
Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Kate Hammon, Regional Director
Interior Region 7, Upper Colorado Basin
National Park Service
12795 West Alameda Parkway
Denver, CO 80255

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
Email: RRAE@noaa.gov

NATURAL RESOURCES CONSERVATION SERVICE

Jackie Byam
State Conservationist
10 E Babcock St, Rm 443
P.O. Box 33124
Casper, Wyoming 82602

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX C – FEEDBACK RECEIVED

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 1343X

**SARATOGA RAILROAD, LLC
– ABANDONMENT EXEMPTION –
IN CARBON COUNTY, WYOMING**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX D – TOPOGRAPHICAL MAPS AND COLOR PHOTOS

**Saratoga's Topographical Maps are Available for Download
in the Following Hightail Link:**

<https://spaces.hightail.com/space/qKNH26vINY>

Bridge at M.P. 0.84



Rail and Other Materials at M.P. 0.84



Property Fence on Right Of Way - Limited Access to Bridges at M.P. 3.19 and M.P. 3.69



The two bridges are indicated by **blue location markers**. The GPS Coordinates for the Bridge at M.P. 3.19 are 41° 44'07.7" N 106°47'56" W and for the Bridge at M.P. 3.69, 41° 43'47" N 106°47'37" W. The property fence (shown in the first photo) and the house on the property are indicated by **red arrows**.

Bridges at M.P. 3.19 and M.P. 3.69



Wyoming State Trust Land Signs in ROW



ATTACHMENT 2

**CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)**



Mark Gordon, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director

January 3, 2025

Via: snaake@mullinslawgroup.net

Mullins Law Group PLLC
Attn: Spencer M. Naake
2001 L Street NW, Suite 720
Washington, DC 20036

Re: Saratoga Railroad, LLC – Abandonment Exemption - in Carbon County, WY

Dear Spencer Naake,

The Wyoming Department of Environmental Quality Water Quality Division (WDEQ-WQD) has reviewed Mullins Law Group PLLC's Environmental and Historical Report (Report) for the Saratoga Railroad LLC, Abandonment Exemption in Carbon County, Wyoming. Based on this review, WDEQ-WQD concludes that the proposed abandonment will comply with applicable provisions of the federal Clean Water Act, Wyoming Statute, and Wyoming Water Quality Rules (Chapters 1 and 2). Additional details regarding WDEQ-WQD's authorities and its findings from this review are outlined below.

WDEQ-WQD Authorities

In accordance with Title 35, Chapter 11 of the Wyoming Statutes and Wyoming Water Quality Rules (Chapters 1 and 2), the WDEQ-WQD is responsible for the protection and restoration of the quality of waters of the state. The WDEQ-WQD also implements portions of the federal Clean Water Act, including development of surface water quality standards, identification of impaired waters, and development of total maximum daily loads for impaired waters under Section 303; inventorying water quality under Section 305; point source discharge permitting under Section 402; water quality certifications under Section 401; and addressing nonpoint sources of pollution under Section 319.

WDEQ-WQD Findings

The abandonment will span approximately 23.71 miles of rail line from Walcott, WY to Saratoga, WY. Since 2003, the line has not been in service, and in 2006 the rail and related track material were salvaged, except for rail and crossties near the bridge at milepost 0.84. The proposed abandonment includes the salvaging of rail and crossties at milepost 0.84. The contour of the rail line and existing drainage system would remain. In addition, there will be minimal surface disturbing activities, and no burying of materials would occur. As mentioned in the Report, neither a Wyoming Pollutant Discharge Elimination Systems (WYPDES) permit nor a 401 Water Quality Certification would be required. Based on this information, WDEQ-WQD has no further comments or concerns regarding the abandonment.

WDEQ-WQD appreciates the opportunity to review the Environmental and Historical Report. Should you have any questions please contact Tori Nye at tori.nye@wyo.gov or 307-777-7050.

Sincerely,

Jennifer Zygmunt

Water Quality Division Administrator

