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SEA

SERVICE DATE – FEBRUARY 1, 2008

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-32 (Sub-No. 102X)

Boston & Maine Corporation – Abandonment Exemption – In Merrimack County, NH

STB DOCKET NO. AB-355 (Sub-No. 36X)

**Springfield Terminal Railway Company – Discontinuance of Service Exemption –
In Merrimack County, NH**

BACKGROUND

In this proceeding, the Boston & Maine Corporation (B&M) and the Springfield Terminal Railway Company (ST) jointly filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for B&M to abandon and for ST to discontinue service of a line of railroad in Concord, Merrimack County, New Hampshire. The Concord & Claremont Branch (the line) extends from Milepost 0.9 to Milepost 1.86, a distance of 0.96 miles. B&M and ST certify that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment or discontinuance. According to B&M and ST, the portion of line to be abandoned was constructed in the late 1850's. The rail line travels primarily through an industrial section of Concord along the west side of Horseshoe Pond. The right-of-way to be abandoned is generally 66 feet in width and the terrain is relatively level. The line traverses Zip Code 03301. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

B&M and ST 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. B&M and ST served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-32 (Sub-No. 102X).

Diversion of Traffic

B&M and ST state that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

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. If the petition is granted, B&M would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The U.S. Fish and Wildlife Service (USFWS) commented that there are no Federally-listed or proposed threatened or endangered species or critical habitat under its jurisdiction. Therefore, the USFWS has concluded that the preparation of a Biological Assessment or further consultation under Section 7 of the Endangered Species Act is not required. SEA has therefore concluded that no further consultation with the USFWS is necessary.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the area of the proposed abandonment. SEA has therefore concluded that no further consultation with NGS will be necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; the National Park Service; the Natural Resources Conservation Service; the New Hampshire Office of State Planning; the New Hampshire Department of Environmental Services; and the Manager of the City of Concord.

HISTORIC REVIEW

SEA has not heard from the State Historic Preservation Officer (SHPO) and therefore 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. Accordingly, we are recommending a condition requiring B&M to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that there were no Federally recognized tribes with interests in the area. Therefore, SEA has determined that no further consultation is necessary.

CONDITION

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

1. The Boston & Maine Corporation (B&M) 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, 16 U.S.C. 470f, has been completed. B&M shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office and the public. B&M 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, SEA concludes that, as currently proposed and if the recommended condition is 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 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) 245-0230, 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 Diana Wood, who prepared this Environmental Assessment. 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-32 (Sub-No. 102X) and AB-355 (Sub-No. 36X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov

Date made available to the public: February 1, 2008.

Comment due date: February 19, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment