

SERVICE DATE – NOVEMBER 17, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 346X)

**Union Pacific Railroad Company – Abandonment Exemption –
In Kootenai County, Idaho**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Coeur D’Alene, Kootenai County, Idaho. The rail line proposed for abandonment is part of the Coeur D’Alene Industrial Lead and extends approximately 1.16 miles between milepost 1.09 and milepost 2.25 (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the Board grants the exemption, the railroad would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the Line was constructed by the Coeur d’Alene & Pend d’Oreille Railway in the early 1900’s. The Line was subsequently operated by the Spokane International Railroad, which was acquired by UP in the 1950’s. UP indicates that the right of way commences at the crossing of Highway 41, on the west side, and ends on the east side near Meyer Road. The right of way is generally 50 feet wide, and the topography is flat. There are no bridges located on the Line.

UP states that the Line connects to UP’s Spokane Subdivision and is currently used to serve one customer, AmeriGas Propane (AmeriGas). UP also states that abandonment of the Line would facilitate an Idaho Department of Transportation (IDOT) highway expansion project and allow expansion of an existing multi-use trail. UP indicates that it has reached an agreement with the State of Idaho, through IDOT, to sell the Line following abandonment. According to UP, AmeriGas has reached an agreement with IDOT to relocate its operations off the Line. Any existing traffic would be diverted to other AmeriGas facilities that are rail served. Therefore, no customers would lose rail service should the Board authorize the proposed abandonment.

ENVIRONMENTAL REVIEW

UP submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly because of the

proposed abandonment of the Line, including salvage. UP served the E&H Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ 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

As noted above, UP states that AmeriGas is the only customer on the Line and has agreed to relocate its operations off the Line following abandonment. Any existing traffic on the Line would be diverted to other AmeriGas rail served facilities. 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.

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. Should the Board authorize the proposed abandonment, UP states that it intends to salvage the track materials and sell the right of way to the State of Idaho.

UP 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 under the Endangered Species Act (16 U.S.C. § 1531 *et seq.*). 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.² One bird species identified as federally endangered or threatened, the Yellow-billed Cuckoo, may potentially be present in the project area. The report indicates that there are no designated critical habitats associated with this bird species within the project area. Due to the limited scope of the proposed salvage activities, OEA believes that impacts to the Yellow-billed Cuckoo, or to their preferred nesting habitat, would be unlikely to occur as a result of the proposed abandonment. Therefore, OEA has determined that the proposed abandonment would have no impact on federally listed threatened and endangered species. OEA is providing USFWS – Northern Idaho Field Office a copy of this Draft EA for review.

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "33" "346" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on September 18, 2020.

² U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC), <https://ecos.fws.gov/ipac/location/index> (last accessed November 9, 2020).

The E&H Report was also submitted to the U.S. Environmental Protection Agency, Region 10 (USEPA) and the U.S. Army Corps of Engineers, Seattle District (USACE) for comments on potential permitting requirements under the Sections 402 and 404 of the Clean Water Act (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from either agency. OEA does not anticipate the need for permits under the Clean Water Act because UP does not intend to disturb any roadbed underlying the Line or do any work in waters of the U.S. Nevertheless, OEA is providing a copy of this Draft EA to USEPA and USACE for review.

The Line is not located within a coastal zone of the United States. Therefore, no coastal zone consistency certification would be required.

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: USFWS, Northern Idaho Field Office, USEPA, Region 10 and USACE, Seattle District.

HISTORIC REVIEW

UP served the E&H Report on the Idaho State Historic Preservation Office (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ In a letter dated June 4, 2020, SHPO stated that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or

³ 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 overseeing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.prod.stb.gov>.

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 federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the Coeur D'Alene Tribe and the Confederated Tribes of the Warm Springs Reservation of Oregon may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

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

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the 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.⁵

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 9, 2020).

⁵ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "33" "346" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

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 notice of the petition for 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.⁶

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.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats. If you have any questions, please contact Danielle Gosselin by email at danielle.gosselin@stb.gov or by phone at 202-245-0300.

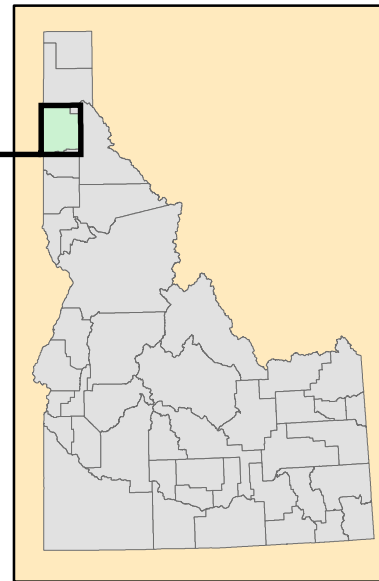
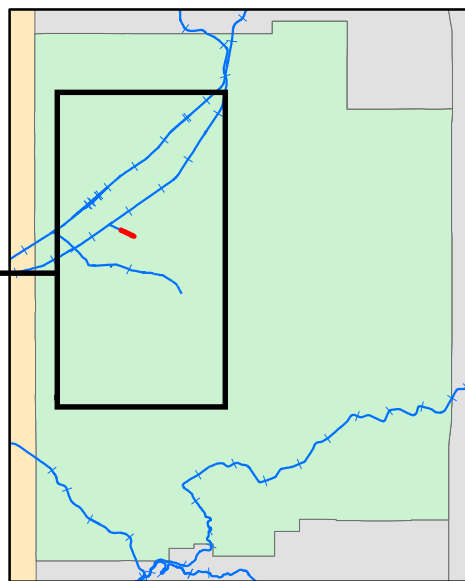
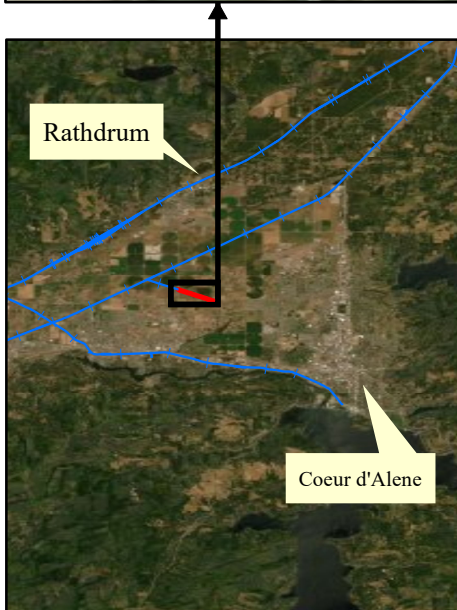
Date made available to the public: November 17, 2020.

Comment due date: December 15, 2020.

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

Attachments

⁶ Id.



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Union Pacific Railroad Company

Abandonment Exemption
in Kootenai County, Idaho

- | | |
|-------------------|------------------|
| The Line | Other rail lines |
| Rail right-of-way | Kootenai County |

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

