

EO-2061

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 33 306X and AB 1091X

March 21, 2013

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on February 19, 2013, for public review and comment. In the EA, OEA recommended four environmental conditions.

New Comment

In a letter dated March 12, 2013, the International Boundary and Water Commission (USIBWC) note the following:

- a) The USIBWC notes that it supports OEA's recommended condition requiring Union Pacific Railroad Company and Brownsville and Matamoros Bridge Company conduct a nesting survey with a condition of avoidance during the migratory season of March through August, if warranted.
- b) The USIBWC states coordination with that the U.S. Army Corps of Engineers and the Texas Commission on Environmental Quality will be required to determine if permits are required.
- c) If salvage of the B&M Bridge were to occur, the USIBWC ask for information that may assist them in identifying any resources under their jurisdiction that would require coordination, permitting and/or approval.
- d) The USIBWC does not anticipate that the proposed abandonment would result in impacts upon projects or environmental resources under its jurisdiction.
- e) The USIBWC states that the proposed abandonment would require a license from and coordination of the USIBWC if salvage of the track, ties and other track materials would require use of the USIBWC rights-of-ways. All permits and licenses should be sent to Mr. Duane Price, USIBWC Boundary and Realty Office.

In response to the comments submitted by the USIBWC, OEA will recommend the following

new condition:

Prior to commencement of any salvage activities, Union Pacific Railroad Company and Brownsville and Matamoras Bridge Company shall consult with the U.S. International Boundary and Water Commission to determine the need for any required coordination, permits and/or licenses.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that, in addition to the previously recommended environmental four conditions, that one new environmental condition be imposed upon any decision granting abandonment authority. The five recommended environmental conditions are:

1. **Union Pacific Railroad Company and Brownsville and Matamoras Bridge Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**
2. **Union Pacific Railroad Company (UP) and Brownsville and Matamoras Bridge Company (B&M) shall consult with the U.S. Fish and Wildlife Service (USFWS), Alamo Ecological Services Sub-Office regarding potential impacts to the fish hatchery, lands managed by the USFWS, and to migratory birds and animals. If requested by the USFWS, UP shall conduct a nesting survey of migratory birds if salvage activities extend into the migratory bird nesting period of March through August.**
3. **Union Pacific Railroad Company (UP) and Brownsville and Matamoras Bridge Company (B&M) shall consult with the U. S. Army Corps of Engineers, the Texas Commission on Environmental Quality, Water Quality Division regarding the need for Section 402, Section 404 or other water related permits.**
4. **Union Pacific Railroad Company (UP) and Brownsville and Matamoras Bridge Company (B&M) shall retain their interest in and take no steps to alter the historic integrity of the B&M Bridge that may be 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. UP and B&M shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public. UP and B&M may not file its consummation notice or initiate any salvage activities related to the B&M Bridge (including removal of tracks and ties from the trestle bridge) until the Section 106 process has been completed and the Board has removed this condition.**
5. **Prior to commencement of any salvage activities, Union Pacific Railroad Company and Brownsville and Matamoras Bridge Company shall consult with the U.S. International Boundary and Water Commission to determine the need for any required coordination, permits and/or licenses.**

Conclusions

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

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