

SERVICE DATE – JUNE 25, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 286X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Yakima County, Wash.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of a rail line, known as the Yakima Industrial Lead, in Yakima County, Wash. The rail line proposed for abandonment extends approximately .8 miles from milepost 62.75 to milepost 63.55 (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (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

According to UP, the Line was originally constructed during 1909-1911 by the North Coast Railroad Company and the Oregon Washington Railroad and Navigation Company. The Line is primarily constructed with 90 pound jointed rail put into service in 1951; there is one bridge located on the Line. Should the Board grant authority for the proposed abandonment, UP indicates that the area would continue to be served over the remaining portion of the Yakima Industrial Lead at Midvale, which is accessed by UP's Sunnyside line. Additionally, UP states that the Line is within a couple miles of Interstate 82 via local roads.

ENVIRONMENTAL REVIEW

UP 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. UP 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 C.F.R. § 1105.7(b)).¹

¹ The 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 33 (Sub-No. 286X).

The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to UP, no local traffic has moved over the Line for at least 2 years, and there is no overhead traffic to 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. SEA notes that UP is also currently seeking to abandon another portion of the Yakima Industrial Lead near Grandview in Yakima County. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the Line assessed here in this EA are set forth below.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that the proposed abandonment may require a permit under Section 404 of the Clean Water Act. The Corps requested additional information to determine if the proposed abandonment would impact waters under the Corps' jurisdiction. The Corps also indicated that irrigation ditches in the area of the proposed abandonment are likely jurisdictional. Accordingly, we recommend that UP consult with the Corps regarding potential Section 404 requirements and comply with the Corps' reasonable requirements.

The National Geodetic Survey did not identify any geodetic station markers in the area of the proposed abandonment. Accordingly, no mitigation regarding geodetic station markers is recommended.

The U.S. Environmental Protection Agency's Region 10 Office (USEPA) has not submitted comments regarding the proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the Corps and USEPA for their review and comment.

HISTORIC REVIEW

UP served the Historic Report on the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted comments stating that the UP Midvale Bridge is a significant resource spanning an irrigation system which the Bureau of Reclamations considers eligible for listing on the National Register of Historic Places (National Register). The SHPO recommended that a professional cultural resources survey be completed for the project area. Accordingly, SEA is recommending that UP 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 that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Confederated Tribes and Bands of the Yakama Nation, Wash., and the Confederated Tribes of the Colville Reservation, Wash. may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment. Accordingly, SEA is sending a copy of this EA to those tribes for review and comment.

CUMULATIVE IMPACTS

As noted above, UP filed a notice of exemption with the Board seeking to abandon another portion of the Yakima Industrial Lead on June 2, 2010; a 1.45-mile segment between milepost 57.30 to milepost 58.75, near Grandview in Yakima County.² This segment of rail line is four miles away from the Line assessed in this EA.

The regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (NEPA) define a cumulative impact as “the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” (40 CFR 1508.7). This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

SEA received comments similar to those described above from the Corps and the SHPO for the proposed abandonment of the 1.45-mile segment near Grandview. The Corps requested more information to determine whether the abandonment would involve any work subject to its jurisdiction, and the SHPO requested a cultural resources survey. Therefore, SEA concludes that

² Materials filed in that proceeding can be viewed on the Board’s website at www.stb.dot.gov by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 33 (Sub-No. 285X).

the proposed abandonment of this 1.45-mile portion of the Yakima Industrial Lead would have no adverse cumulative impacts on the environment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential Section 404 requirements and shall comply with the Corps' reasonable requirements.
2. Union Pacific Railroad Company (UP) 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. UP shall report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO) and the public. UP 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 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 4-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 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 C.F.R. § 1152.29).

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, D.C. 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, D.C. 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 286X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: June 25, 2010.

Comment due date: July 12, 2010.

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

Attachment