

SERVICE DATE – AUGUST 14, 2009

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-570 (Sub-No. 3X)**

**Palouse River & Coulee City Railroad, Inc. - Abandonment Exemption –  
In Latah County, Idaho**

**BACKGROUND**

In this proceeding, the Palouse River & Coulee City Railroad, Inc. (PRCC) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of three segments of rail line in Moscow, Latah County, Idaho. The line segments include: (1) an approximately 1.91-mile segment between milepost 84.0, at the Idaho State line, and milepost 85.91; (2) an approximately 0.79-mile segment between milepost 86.11 and milepost 86.9; and (3) an approximately 0.28-mile segment between milepost 85.5 and the end of the line at the intersection of A Street and Almon Street. The three segments add up to approximately 2.98 miles of rail line total.<sup>1</sup> If the notice becomes effective, PRCC will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

PRCC 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. PRCC 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)].<sup>2</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> Unless otherwise noted, the three line segments are referred to together as "the line" in this Environmental Assessment.

<sup>2</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-570 (Sub-No. 3X).

## ***Diversion of Traffic***

There are no active rail shippers located along the line. Moreover, there has been no local traffic on the line in over two years, and any overhead traffic can be rerouted over other lines. 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***

The line, which was built in approximately 1890, is located in the City of Moscow, near the University of Idaho. According to PRCC, the line is in poor condition and would require substantial rehabilitation if it is not abandoned. For this proposed abandonment, PRCC intends to salvage rail, ties, and track materials from the line. There is one bridge located on the line at milepost 84.3; however, PRCC states in the Environmental Report that it will not salvage the bridge and the ballast will remain intact. In addition, PRCC stated that the salvage contractor will be required to limit its activities to the width of the right-of-way and will not place fill or other material in water bodies. Therefore, PRCC does not believe that the prevailing water flows will be altered or impacted.

The Natural Resources Conservation Service reviewed the proposed project and submitted comments stating that it would not change or otherwise affect prime or unique farmland. Accordingly, no mitigation regarding prime farmland is necessary.

The National Geodetic Survey (NGS) identified four geodetic station markers in the area of the proposed abandonment, and has requested notification at least 90 days in advance of any activities that would disturb or destroy these markers in order to plan for their relocation. Accordingly, we recommend that PRCC consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that Spalding's catchfly (*Silene spaldingii*), a Federally-listed threatened species, may occur in the area of this proposed abandonment.<sup>3</sup> In an August 6, 2009 phone call with SEA, the USFWS recommended that a botanist conduct a survey to determine if the species occurs in the project area. Accordingly, we recommend that, prior to the onset of salvage operations, PRCC retain a botanist to conduct a survey in order to determine if Spalding's catchfly occurs in the project area and submit the results of that survey to SEA. If the species does not occur in the project area, no further consultation or action would be necessary. However, if Spalding's catchfly is found in the project area, SEA will initiate consultations with USFWS, pursuant to Section 7 of the Endangered Species Act, to determine whether the proposed rail line abandonment is likely to adversely affect the species and, if so, to identify appropriate mitigation measures.

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<sup>3</sup> Spalding's catchfly is a leafy, perennial plant in the carnation or pink family that emerges in the spring and dies back below ground level in the fall.

In a letter dated June 5, 2009, the U.S. Army Corps of Engineers (Corps) submitted comments stating that they required additional information in order to determine whether the proposed abandonment will involve any work subject to their jurisdiction. In response, PRCC provided the Corps with a letter describing the proposed abandonment in more detail, and based on that additional information, the Corps concluded that the proposed abandonment will not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is not required.

The U.S. Environmental Protection Agency's Region 10 Office (USEPA) submitted comments expressing concern regarding the proposed abandonment's potential impacts to the water quality of Paradise Creek, which runs through the City of Moscow and the University of Idaho campus and flows across Idaho's border with Washington State to the South Fork of the Palouse River near Pullman, Washington. According to USEPA, Paradise Creek is on Idaho's list of impaired waters,<sup>4</sup> and activities near the creek, as well as ditches that drain into to creek, could further degrade water quality standards for sediment, nutrients and other criteria. Because a portion of the rail line proposed for abandonment is adjacent to Paradise Creek, USEPA recommended that the Idaho Department of Environmental Quality (Idaho DEQ) be contacted in order to determine if a water quality certification would be required for the project. We note that the Idaho DEQ has reviewed the proposed abandonment and submitted comments in a separate letter. Those comments are addressed below.

The Lewiston Regional Office of the Idaho DEQ submitted comments stating that, in addition to being located adjacent to Paradise Creek, a portion of the line is adjacent to the remediated Sweet Avenue site and the Jackson Silo Brownfield project site.<sup>5</sup> Accordingly, Idaho DEQ recommended a number of mitigation measures in order to address concerns regarding environmental and water quality in the area of the proposed project. First, Idaho DEQ noted that activities that include placing fill below the high water mark in waters or wetlands of the State will require a Section 401 water quality certification or will be pre-certified under a nationwide Section 404 permit.

PRCC has stated in writing that salvage activities would not involve the discharge of fill or other material into water bodies. Consequently, the Corps has determined that a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is not required for this proposed project. Therefore, the mitigation suggested by Idaho DEQ regarding the placement of fill in waters or wetlands is not necessary.

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<sup>4</sup> Section 303(d) of the Clean Water Act establishes requirements for states to identify and prioritize water bodies that are considered "water quality limited" (i.e., water bodies that do not meet water quality standards).

<sup>5</sup> Before it was remediated, the Sweet Avenue site was considered a hazardous waste site because it was previously a fertilizer storage area. The Jackson Street silos property is an approximately 1.0-acre Brownfield parcel that was originally developed as a grain elevator and silo complex. Surface soil on the property was impacted by contaminants, such as the pesticide DDT and lead.

Second, Idaho DEQ recommended that a pollution prevention plan for sediment and erosion control should be developed to identify and prevent landslides and erosion that could result from the proposed rail line abandonment. Idaho DEQ further stated that a Clean Water Act Section 402 Construction Storm Water Permit may be required by the USEPA. Third, Idaho DEQ recommended that PRCC employ methods to prevent leaching of wood preservatives from newly exposed treated wood surfaces during dismantling of rail line structures. Fourth, Idaho DEQ recommended that PRCC restore the creek's riparian canopy cover, channel configuration and sinuosity in order to remediate pollutant loads where the rail line has affected these attributes.<sup>6</sup> Fifth, Idaho DEQ recommends that PRCC identify and clean up railroad tie piles, debris dumps, and contaminated areas. Last, because adjacent properties have been shown to have contained hazardous materials or wastes, Idaho DEQ recommends that PRCC develop a hazardous waste contingency plan to ensure that any hazardous wastes that are generated during salvage activities are stored and disposed of in accordance with the Idaho Hazardous Waste Management Act.<sup>7</sup> Based on these comments, SEA will recommend that PRCC develop a hazardous waste contingency plan and consult with Idaho DEQ regarding salvaging and abandonment procedures prior to commencement of any salvage activities. We also recommend that the railroad report the results of these consultations in writing to SEA prior to the onset of salvage operations.

Based on all information available to date, and with the imposition of the recommended mitigation, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following groups and agencies: USFWS and Idaho DEQ.

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<sup>6</sup> It is well settled that in conducting an environmental review of abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8<sup>th</sup> Cir. 1990). The proposed abandonment does not include any bridge removal or in-water work; accordingly, the prevailing water flows of Paradise Creek will not be altered or impacted by the project. Because any conditions imposed, including environmental mitigation, must be directly related to the abandonment before the Board for approval and must be reasonable, Idaho DEQ's request for the railroad to restore the creek's riparian canopy cover, channel configuration and sinuosity appears to go beyond the Board's conditioning authority in abandonment cases.

<sup>7</sup> Any contingency plan would need to include notification of Idaho DEQ if hazardous wastes or materials are encountered.

## ***Trails Use***

In its Historic Report, PRCC states that local entities<sup>8</sup> may be interested in railbanking all or most of the line for trails use. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned.<sup>9</sup> The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

## **HISTORIC REVIEW**

PRCC submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Idaho State Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). In the Historic Report, PRCC states that there is one bridge on the line that is 50 years old or older. The bridge is located at milepost 84.3, and PRCC believes that this structure was built in 1890. However, PRCC notes that most of the original components of the bridge have been replaced. In a letter dated July 14, 2009, the SHPO submitted comments stating that the proposed abandonment will have no effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not 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(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

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, which may have ancestral connections to the project area. 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: Coeur D'Alene Tribe of Indians and Nez Perce Tribe of Indians. Accordingly, SEA is sending a copy of this EA to those tribes for review and comment.

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<sup>8</sup> In an August 6, 2009 phone call with SEA, a representative for PRCC clarified that the local entities interested in trails use are the City of Moscow and the University of Idaho.

<sup>9</sup> The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a "major Federal action" under NEPA. Only major actions by Federal agencies require environmental review.

## **CONDITIONS**

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

1. The Palouse River & Coulee City Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Pursuant to Section 7 of the Endangered Species Act, the Palouse River & Coulee City Railroad, Inc. (PRCC) shall retain a botanist to conduct a survey of the project area and shall submit the results of that survey to the Board's Section of Environmental Analysis (SEA). If Spalding's catchfly (Silene spaldingii) is found in the project area, SEA shall initiate Section 7 consultations with the U.S. Fish and Wildlife Service to determine whether the proposed rail line abandonment is likely to adversely affect the species and, if so, to develop appropriate mitigation measures.
3. Prior to commencement of any salvage activities, the Palouse River & Coulee City Railroad, Inc. shall develop a hazardous waste contingency plan and consult with the Idaho Department of Environmental Quality regarding salvaging and abandonment procedures. The railroad shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.

## **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 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 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 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 CFR 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, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-570 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at [christa.dean@stb.dot.gov](mailto:christa.dean@stb.dot.gov).

Date made available to the public: August 14, 2009.

**Comment due date: August 31, 2009.**

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

Anne K. Quinlan  
Acting Secretary

Attachment