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OEA

SERVICE DATE – April 15, 2013

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB-33 (Sub No. 311X)

**Union Pacific Railroad Company — Abandonment and Discontinuance Exemption—
in Washington County, Idaho**

BACKGROUND

On March 21, 2013, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a notice under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon and discontinue rail service over 0.28 miles of rail line on the New Meadows Industrial Lead between milepost 0.22 and milepost 0.50, at Weiser, in Washington County, ID (Line). A map depicting the Line in relationship to the area served is attached 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.

According to UP, no rail traffic has moved over the Line in more than two years, including overhead or passenger rail traffic. UP also notes that it has not received any complaints regarding the proposed cessation of rail service. If the abandonment and discontinuance is approved, UP would continue to provide rail service to the New Meadows Industrial Lead from its Huntington Subdivision main line. UP also notes that Weiser is served by local roadways that connect to U.S. Highway 95, which also connects to U.S. Interstate 84 located approximately 20 miles to the south.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the Line is generally flat and passes through a mixture of commercial industrial areas. The width of the right-of-way is typically 25 feet wide and traverses United States Postal Service Zip Code 83672.

According to UP, a single 75 foot bridge is located on the Line and is 50 years old or older. The bridge crosses Monroe Creek.

The Line also contains reversionary property but does not contain and federally granted rights-of-way.

ENVIRONMENTAL REVIEW

UP submitted an Environmental Report that concludes that the quality of the human environment will 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 Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, the Line has been out of service for more than two years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Further, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

Salvage Activities

If the abandonment and discontinuance is approved, UP would salvage the track, ties and other track materials but leave the bridge crossing Monroe Creek in place. Salvage would generally occur as follows:

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. These proposed salvage activities would be performed within the right-of-way and via existing access routes. UP states that it does not intend to disturb the sub-grade or sub-grade structures, and the proposed salvage activities would not involve any excavation, grading, or other ground or soil disturbance.

According to UP, it is unaware of any adverse impacts that the proposed abandonment and discontinuance would have on local and existing land use plans.

UP believes that the Line may be suitable for conservation and use as a recreational trail and could become an extension of the Weiser River Trail that is now in place.

OEA was not able to identify any farmland that would be affected by the proposed abandonment. The Natural Resources Conservation Service (NRCS) has not responded to the

² 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. 311X).

railroad's environmental report. OEA has provided a copy of this EA to the NRCS for review and comment.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line. The Environmental Protection Agency, Region 10 (EPA), has not responded to the railroad's environmental report. OEA has provided a copy of this EA to the EPA for review and comment.

OEA performed a search the U.S. Fish and Wildlife Service's (USFWS) website² to search for any species of concern in Washington County, ID. The USFWS website lists the following species as threatened or proposed threatened:

- Bull Trout (*Salvelinus confluentus*) – Threatened
- Northern Idaho Ground Squirrel (*Spermophilus brunneus brunneus*) – Threatened
- North American Wolverine (*Gulo gulo luscus*) – Proposed Threatened

Although several species of concern were identified, OEA does not believe that the abandonment, as proposed would result in any adverse impacts to the species identified above.

OEA was not able to identify any National or State parks, wildlife sanctuaries, or refuges that would be affected by the proposed abandonment. The National Park Service has not responded to the railroad's environmental report. OEA has provided a copy of this EA to the National Park Service for review and comment.

UP states that it does not anticipate that permits would be required under Section 402 of the Clean Water Act.

The U.S. Army Corps of Engineers, Walla Walla District (Corps), states that because the proposed abandonment would not involve the discharge of dredged or fill material below the ordinary high water mark, including wetlands of Monroe Creek or the Weiser River, that a Department of Army authorization is not required.

In an email dated March 25, 2013, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that no geodetic station markers are located in the area of the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would result in significant environmental impacts.

² U.S. Fish and Wildlife Website, Find Endangered Species:
<http://www.fws.gov/endangered>.

HISTORIC REVIEW

In its Historic Report, UP states that the Line contains a single bridge that is 50 years old or older. The bridge was constructed in 1938 and is of an open deck timber stringer design.

The Line was originally constructed in 1899 by the Pacific & Idaho Northern Railway Company. Many of the rail lines in the Pacific Northwest date back to the Oregon Short Line Railway, a subsidiary of UP in 1881.

UP served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Idaho State Historical Society (SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ The SHPO, in a letter dated October 10, 2012, states that neither the lead line nor the one small bridge is eligible for the National Register of Historic Places, and concludes that no historic properties would be affected by the proposed abandonment.

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, 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 C.F.R. § 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 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that the Nez Pearce Tribe of Idaho may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Nez Pearce Tribe of Idaho for review and comment.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

³ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited April 8, 2013).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed that 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, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, 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. 311X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: April 15, 2013.

Comment due date: April 30, 2013.

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

Attachment

date: April 30, 2013.

Victoria Rutson, Director, Office of