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SEA

SERVICE DATE – OCTOBER 19, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-1013X**

**Kaw River Railroad, Inc. – Discontinuance of Service Exemption – in Clay County, MO**

**BACKGROUND**

In this proceeding, the Kaw River Railroad, Inc. (KRR) has filed a notice of exemption under 49 CFR 1152.50 seeking to discontinue service over 0.27 miles of rail line located between Milepost 199.66 and Milepost 200.13, in Kearney, Clay County, Missouri. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, KRR will be able to discontinue service over the above mentioned 0.27 miles of rail line.

**ENVIRONMENTAL REVIEW**

The Surface Transportation Board (Board) has previously authorized abandonment of this line in a decision dated September 13, 2007, in BNSF Railway Company – Abandonment Exemption – in Clay County, MO, STB Docket No. AB-6 (Sub-No. 450X). As stated in that decision, the environmental impacts of BNSF's proposed abandonment were examined by the Board's Section of Environmental Analysis (SEA), which prepared an EA and determined that the abandonment would not significantly affect the quality of the human environment. SEA believes that there will be no new environmental impacts as a result of KRR's proposed discontinuance beyond those previously addressed during the environmental review of BNSF's abandonment.

In this discontinuance proceeding, KRR submitted the same Environmental Report originally submitted by BNSF in its abandonment proceeding (dated August 20, 2007). KRR 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>1</sup> SEA has not received any comments from interested parties at this time concerning the proposed discontinuance.

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<sup>1</sup> The railroad's 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-6 (Sub-No. 450X) or AB-1013X.

## **HISTORIC REVIEW**

In this discontinuance proceeding, KRR submitted the same Historic Report originally submitted by BNSF in the above mentioned abandonment proceeding dated (August 20, 2007). KRR served the report on the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). Although the SHPO has not submitted comments on KRR's proposed discontinuance, the SHPO had submitted comments to BNSF when BNSF filed for the line's abandonment. The SHPO commented that BNSF's abandonment would have no adverse effect on historic structures fifty years or older in age, but that there was a moderate to high potential for the presence of archaeological sites near and within the area of BNSF's abandonment. The SHPO subsequently recommended that BNSF submit an archaeological survey to the Board prior to approval of the abandonment. SEA therefore determined that BNSF's proposed abandonment could adversely affect historic properties and recommended a condition requiring BNSF to further consult with the SHPO.

However, in considering this proposed discontinuance, SEA has determined that because KRR does not own the underlying real estate or the line itself, it cannot conduct salvage operations and is therefore not subject to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8. SEA has therefore concluded that the proposed discontinuance would not adversely 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(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which will be provided to the SHPO and made available to the public.

## **CONDITIONS**

The proposed discontinuance would not include salvage operations separate from those connected with BNSF's prior abandonment of the line. Accordingly, SEA recommends that no environmental conditions be placed on any decision granting discontinuance authority.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, discontinuance of service on the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuance would include denial (and therefore no change in operations) and continued operation by another operator. In either of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, the environmental contact for this case. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1013X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Diana Wood by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: October 19, 2007.

**Comment due date: November 6, 2007.**

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

Vernon A. Williams  
Secretary

Attachment