

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 304X)

**Union Pacific Railroad Company—Abandonment Exemption—
in Pocahontas County, Iowa**

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 line of railroad in Pocahontas County, Iowa. The area proposed for abandonment consists of a 100-foot wide right-of-way extending approximately 1.95 miles from milepost 475.15 in Laurens to milepost 477.10 (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.

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 The Board's Office of Environmental Analysis (OEA) 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 two years and there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use or transportation of energy resources, recyclable commodities or ozone-depleting materials; and would not result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network.

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. 304X).

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.

In its comments, the U.S. Department of Agriculture, Natural Resources Conservation Service states that it has no objection to the proposed abandonment. Accordingly, no mitigation regarding the conservation of prime agricultural land is recommended.

UP states, and OEA review has confirmed, that the Line does not cross and is not immediately adjacent to any waterway.

The U.S. Army Corps of Engineers (Corps) has submitted comments stating that the proposed project would not result in the discharge of dredge or fill material into waterways or wetlands of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

The U.S. Environmental Protection Agency (EPA) has submitted comments stating that the proposed project as described would not require permitting under the Clean Water Act. However, EPA has also stated that a storm water permit from the Iowa Department of Natural Resources (IDNR) may be required for land disturbances greater than one acre. Because the proposed abandonment may, if approved, result in land disturbance beyond this threshold, OEA will recommend a condition requiring UP to consult with IDNR prior to beginning any salvage activities on the Line.

UP states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. Therefore, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

In a letter dated April 3, 2012, the U.S. Department of the Interior, Fish and Wildlife Service (FWS) states that it does not own any lands or interests in land in the vicinity of the proposed abandonment and has no concerns regarding real estate matters.

To date, FWS has not commented on the potential effects of the proposed project on endangered and threatened species and critical habitat areas. In its review, OEA has concluded that the proposed project is not located in an area designated as critical habitat. However, FWS records indicate that the following protected species may be present in the vicinity of the proposed project:²

² U.S. Fish and Wildlife Service, Endangered Species Database,

- Prairie bush-clover (*Lespedeza leptostachya*)- Threatened
- Western prairie fringed Orchid (*Platanthera praeclara*)- Threatened

Accordingly, OEA will recommend a condition that UP consult with FWS regarding the potential impact of the proposed project on these or any other endangered or threatened species prior to conducting any salvage activities.

UP has requested comments from the U.S. Department of the Interior, National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review, OEA has concluded that the project area is not located in or adjacent to any National or State parks; designated wildlife sanctuaries, refuges, or reserves; or other protected areas. Accordingly, no mitigation regarding protected areas is recommended. OEA is providing a copy of this EA to NPS for its review and comment.

In its comments, the U.S. Department of Commerce, National Geodetic Survey (NGS) has stated that there are two geodetic survey markers located in the project area. Accordingly, OEA will recommend a condition requiring UP to consult with NGS at least 90 days prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

UP has stated that it believes the proposed abandonment to be consistent with existing local land use plans. UP has further stated that the property proposed for abandonment may be suitable for public purposes including roads, other transportation, conservation, energy production or transmission, or trail use. Should the Board approve the proposed abandonment, UP states that it would work with owners of land adjacent to the property to dispose of the right-of-way.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to the following agencies for review and comment: FWS, NPS, and IDNR.

HISTORIC REVIEW

According to UP, the Line was originally constructed by Chicago, Rock Island and Pacific Railroad (or Rock Island) in 1900. Currently, the track consists primarily of 90 pound jointed rail laid in 1957. UP states that it has fee title ownership to the area proposed for abandonment and that the Line does not include any federally granted right-of-way. The Line includes a 100-foot wide right-of-way traversing a level agricultural area near the town of Laurens. UP states, and OEA has confirmed, that there are no structures or bridges on the Line.

Should the Board approve the proposed abandonment, UP states that Laurens would continue to receive rail service via its Laurens Subdivision.

UP served its Historic Report on the Iowa State Historical Society (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known historic properties. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

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 no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. 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 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.³ 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 of the proposed abandonment:

- Flandreau Santee Sioux Tribe of South Dakota;
- Iowa Tribe of Kansas and Nebraska;
- Iowa Tribe of Oklahoma;
- Lower Sioux Indian Community in the State of Minnesota;
- Omaha Tribe of Nebraska;
- Otoe-Missouria Tribe of Indians in Oklahoma;
- Prairie Island Indian Community in the State of Minnesota;
- Sac and Fox Nation of Missouri in Kansas and Nebraska;

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 10, 2012).

- Sac and Fox Nation in Oklahoma;
- Sac and Fox Tribe of the Mississippi in Iowa;
- Santee Sioux Nation in Nebraska;
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation in South Dakota;
- Spirit Lake Tribe in North Dakota; and
- Upper Sioux Community in Minnesota.

Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

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

- 1. Union Pacific Railroad Company 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 located in the project area.**
- 2. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to Federally listed threatened and endangered species that may occur in the vicinity of the line. The railroad shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.**
- 3. Union Pacific Railroad Company shall, prior to commencement of any salvage activities, consult with the Iowa Department of Natural Resources regarding its storm water permitting process and shall comply with all reasonable requirements.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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 would 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 four-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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, 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. 304X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: August 28, 2012

Comment due date: September 12, 2012

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