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SERVICE DATE – FEBRUARY 23, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 248X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Polk County, IA**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) 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 a line of railroad in Polk County, Iowa. The rail line proposed for abandonment extends 7.24 miles from milepost 225.56 to milepost 232.80 (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 constructed between 1882-1884 by the Wisconsin, Iowa and Nebraska Railway, which later became part of the Chicago Great Western Railway Company and then the Chicago & North Western Railway Company. The Line currently comprises 112 and 115 pound jointed rail laid at various times from 1937 through 1961. UP indicates that the topography of the right-of-way varies from level to hill. The rail corridor is located in an area that lacks public utilities for large scale urban development. The right-of-way is also adjacent to agricultural lands and is generally 100 feet wide but expands to 250 feet in two areas.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes 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 Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The

¹ The railroad's 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. 248X).

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 two 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.

UP states that the Line contains no federally granted right-of-way. UP also indicates that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

The State of Iowa, Department of Natural Resources (IDNR) indicated that the proposed abandonment is located in close proximity to the US Highway 65 Wildlife Management Area and that therefore, UP would need to obtain a "Sovereign Lands Construction Permit" from IDNR before salvaging the Line. IDNR also indicated that Mally's Weh-Weh-Neh-Kee Park, owned by the Polk County Conservation Board (PCCB), is within the area of the proposed abandonment and suggested that UP contact PCCB to solicit comments. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring UP to consult with IDNR and obtain the necessary Sovereign Lands Construction Permit and to consult with PCCB for its comments on the proposed abandonment.

The U.S. Fish and Wildlife Service, Division of Realty commented that it does not own any lands or interests in land in the vicinity of the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) commented that the proposed abandonment may require a Section 404 permit if the project involves the placement of dredged and/or fill material in wetlands or waters of the U.S. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring UP to consult with the Corps regarding possible Section 404 requirements.

The National Geodetic Survey (NGS) stated that there are no geodetic station markers located within the area of the proposed abandonment. Accordingly, no mitigation measures were recommended by NGS.

The U.S. Environmental Protection Agency's Region 7 Office (USEPA) has not submitted comments regarding this 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 IDNR, PCCB and USEPA for their review and comment.

HISTORIC REVIEW

UP served the historic report on the Iowa State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). SEA has not heard from the Iowa SHPO and therefore has not been able to consider the Iowa SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to 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) eligible for listing or listed in the National Register until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: the Flandreau Santee Sioux Tribe of South Dakota, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Lower Sioux Indian Community in the State of Minnesota, the Prairie Island Indian Community in the State of Minnesota, the Sac & Fox Nation of Missouri in Kansas and Nebraska, the Sac & Fox Nation, Oklahoma, the Sac & Fox Tribe of the Mississippi in Iowa, the Santee Sioux Nation, Nebraska, and the Upper Sioux Community, Minnesota. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Union Pacific Railroad Company (UP) shall consult with the State of Iowa, Department of Natural Resources and obtain the necessary Sovereign Lands Construction Permit. UP

shall also consult with the Polk County Conservation Board and solicit its comments on the proposed abandonment.

2. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers regarding possible Section 404 requirements.
3. The Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) 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 Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. 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 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 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 248X) 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: February 23, 2010.

Comment due date: March 8, 2010.

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

Attachment