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SERVICE DATE – APRIL 28, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 233X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN  
WOODSON COUNTY, KS

Decided: April 27, 2006

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its Durand Industrial Lead, a 1.55-mile line of railroad, between milepost 385.45 and milepost 387.00, near Yates Center in Woodson County, KS. Notice of the exemption was served on March 29, 2006, and published in the Federal Register on April 4, 2006 (71 FR 16855). The exemption is scheduled to become effective on April 28, 2006.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in the proceeding on April 3, 2006, setting forth environmental concerns and recommending that conditions be imposed on any decision granting abandonment authority. In the EA, SEA notes that the Kansas Department of Wildlife and Parks (KDWP) recommended implementing the following measures during salvage activities: standard erosion control Best Management Practices; temporary weed-free seeding/mulching to protect water quality; minimizing instream salvage activities; and using native grasses and forbs to revegetate all areas disturbed by salvage. Therefore, SEA recommended that UP be required to contact KDWP prior to beginning salvage activities to discuss and implement appropriate recommendations during salvage activities.

SEA also notes in the EA that the National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Accordingly, SEA recommended that UP be required to notify NGS 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers by NGS.

Comments to the EA were due April 18, 2006. Based on the comments received, SEA has modified its recommendations. By letter dated March 24, 2006, NGS states that no geodetic station markers had been identified in the vicinity of the proposed abandonment. In light of the more recent information submitted by NGS, SEA no longer recommends the imposition of the NGS consultation condition.

By letter dated April 12, 2006, the Kansas State Historical Society (SHPO) states that the proposed abandonment should have no effect on properties listed in the National Register of Historic Places; however, the SHPO states that, if salvage activities uncover buried

archaeological materials, work should cease and the SHPO should be notified. Accordingly, SEA recommends that should UP discover any unrecorded cultural resources during salvage activities, UP be required to immediately cease work and notify SEA, interested Federally recognized tribes, and the SHPO, which will then collectively determine whether any mitigation measures are necessary.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served on March 29, 2006, and published in the Federal Register on April 4, 2006, is subject to the conditions that UP shall: (1) consult with KDPW regarding its recommendations for implementing standard erosion control Best Management Practices, temporary weed-free seeding/mulching, minimizing instream salvage activities, and using native grasses and forbs to revegetate all areas disturbed by salvage, prior to commencement of any salvage activities, and implement the appropriate recommendations of KDPW during salvage activities; and (2) cease all work and notify SEA, interested Federally recognized tribes, and the SHPO, if any unrecorded cultural resources (such as archaeological sites, human remains, funerary items or associated artifacts) are discovered during UP's salvage activities.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary