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SERVICE DATE - JANUARY 7, 2000

**SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 70)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—WALLACE BRANCH, ID

Decided: January 3, 2000

**ACTION:** Notice of Availability of a Draft Supplemental Environmental Assessment and Request for Comments.

**SUMMARY:** The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared, and now asks for public review and comment on, a Draft Supplemental Environmental Assessment (Draft Supplemental EA) to complete the environmental review process under the National Environmental Policy Act (NEPA) for this rail abandonment proceeding.

**DATES:** Written comments on the Draft Supplemental EA are due February 22, 2000 (45 days).

**ADDRESSES:** Send an original and 10 copies to Vernon A. Williams, Office of the Secretary, Room 711, Surface Transportation Board, 1925 K Street, NW, Washington, D.C., 20423-0001, to the attention of Phillis Johnson-Ball. Please refer to Docket No. AB-33 (Sub-No. 70) in all correspondence addressed to the Board.

**FOR FURTHER INFORMATION CONTACT:** Phillis Johnson-Ball, (202) 565-1530 (TDD for the hearing impaired (202) 565-1695). Additional information is contained in the Draft Supplemental EA. To obtain a copy of the Draft Supplemental EA, contact D.C. News & Data, 1925 K Street, NW, Washington, D.C. 20423, phone (202) 289-4357 or visit the Board's website at "WWW.STB.DOT.GOV".

**SUPPLEMENTARY INFORMATION:** This Draft Supplemental EA addresses the Union Pacific Railroad Company's (UP's) filings with the Board on June 18, 1999 and October 19, 1999, of environmental information required to complete the environmental review process in this rail abandonment proceeding in accordance with the Court's decision in State of Idaho v.

ICC, 35 F.3d 585 (D.C. Cir. 1994). UP now seeks final approval to salvage (i.e., remove the tracks, ties, and roadbed) the rail lines known as the Wallace-Mullan Branches (Wallace Branch) in Benewah, Kootenai and Shoshone Counties, Idaho outside of the Bunker Hill Superfund Site (BHSS).<sup>1</sup>

To meet its obligations under NEPA, SEA has completed its independent review of the material submitted by UP and has prepared this Draft Supplemental EA to address UP's environmental information and evaluate (1) whether the six environmental conditions previously imposed by the Interstate Commerce Commission (ICC)<sup>2</sup> are met and (2) whether the environmental concerns regarding salvage activity raised during the course of the environmental review process have now been appropriately addressed and resolved. The document also contains SEA's preliminary recommendations for mitigating the potential environmental impacts from salvage activity that have been identified.

Based on SEA's independent evaluation of all the available information, SEA preliminarily concludes that the material provided by UP is sufficient to satisfy five of the six environmental conditions imposed by the ICC to ensure that, prior to salvage of the line, the potential significance of environmental effects related to the proposed track salvage will have been properly evaluated.<sup>3</sup> Furthermore, SEA concludes, based on the available information and the input of other agencies and government entities with specialized expertise, that if UP complies with the mitigation in the Engineering Evaluation/Cost Analysis and the Track Salvage Work Plan that were issued and

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<sup>1</sup> The 71.5-mile line extends from milepost 16.5 near Plummer, to milepost 80.4, near Wallace, and then to milepost 7.6, near Mullan, in Benewah, Kootenai, and Shoshone Counties, Idaho. The line traverses the U.S. Postal Service zip codes 83851, 83861, 83833, 83810, 83839, 83837, 83846, and 83846. The Wallace Branch no longer has stations because rail service has already been discontinued. The 7.9-mile section of right-of-way within the BHSS was addressed in the BHSS Record of Decision (EPA 1992) and is not part of the salvage proposal before the Board. Section 121(e)(1), 42 U.S.C. 9261(e)(1), relieves railroads of the requirement to obtain Board approval to abandon the portions of rail lines within Superfund sites if they do so in connection with remediation actions carried out in compliance with the Comprehensive Environmental Response, Compensation and Liability Act.

<sup>2</sup> The ICC Termination Act of 1995 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and established the Board to assume some regulatory functions involving rail transportation matters that the ICC had administered, including the functions involving the abandonment of rail service at issue here. The ICC's six environmental conditions required consultation and possible permitting and review by appropriate agencies with specialized expertise prior to any salvage activity on this line.

<sup>3</sup> The only condition that has not yet been satisfied is the ICC's Environmental Condition No. 6, involving historic preservation. SEA recommends that the Board impose a modified historic preservation condition on any decision approving salvage to ensure completion of the historic review process.

approved by EPA, and the Biological Assessment prepared by UP and approved by the U.S. Fish and Wildlife Service, and if the additional mitigation SEA recommends in this Draft Supplemental EA is imposed and implemented by UP, UP's proposal to salvage the Wallace Branch would not have significant adverse environmental impacts.

SEA encourages the general public and interested agencies, government entities, and parties to participate in the environmental review of UP's salvage proposal by commenting on this Draft Supplemental EA during the 45-day comment period which ends February 22, 2000. SEA seeks public input on all aspects of this Draft Supplemental EA, as well as on the Board's environmental review process, so that SEA can assess public concerns and issues related to the UP proposal and determine whether additional environmental analysis and mitigation are necessary to analyze and effectively mitigate the potential environmental impacts that could occur as a result of track salvage activity on this line.

SEA will fully consider all comments that it receives in preparing final environmental recommendations to the Board, which will be based on further documentation and analysis, if any is needed. The Board then will consider the entire environmental record, the Draft Supplemental EA, all public comments, and SEA's Post EA recommendations, including SEA's final recommended environmental mitigation before issuing a decision either granting or denying UP final authority to salvage the portion of the Wallace Branch outside of the BHSS. In that decision, if UP's proposal is approved, the Board will impose any environmental conditions it deems appropriate.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary