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SEA

SERVICE DATE – SEPTEMBER 7, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 460X)

**BNSF Railway Company – Abandonment Exemption –
in Webster County, NE**

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF), filed a petition of exemption under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Webster County, NE. The rail line (Line) proposed for abandonment extends from milepost 193.60 to milepost 202.01, a distance of 8.41 miles near Red Cloud, Webster County, NE. BNSF states that the Line traverses U.S. Postal Service Zip Codes 68970 and 68952. The right-of-way is generally 100 feet wide and there are no federally granted rights-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

BNSF has 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. BNSF 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The proposed abandonment would permit BNSF to eliminate 8.41 miles of rail line. According to BNSF, prior to 1983, the Line was part of a through route between Kansas City, MO and Denver, CO. In 1983, a bridge west of Red Cloud, NE, was damaged, rendering this overhead route unserviceable. All overhead traffic was rerouted to other rail lines. Since 1983, only local traffic has moved over the 5.25 mile portion of the Line between milepost 196.76 and milepost 202.01 (Western Line Segment), but there have been no customers since that time. BNSF recently identified the Western Line Segment as having poor track conditions, and the one bridge is also damaged. BNSF estimates that it would cost approximately \$870,000 to repair the bridge. In total, BNSF states that there are seven bridges and twenty-six (26) culverts.

Currently, Red Cloud Grain, LLC (RCG) leases and operates its shuttle service (110 rail cars per shuttle) on the 3.16 mile portion of the Line between milepost 193.60 and milepost 196.76 (Eastern Line Segment). RCG is the only customer which has used this portion of the Line within the last two years.

RCG's operations include supplying wheat to markets in the eastern half of the U.S. via transport over BNSF rail lines. RCG has the capacity to load 110 car shuttles. BNSF currently operates one shuttle, consisting of 110 rail cars, from its facility approximately every two weeks. The Eastern Line Segment has been recently rehabilitated to allow for the expansion of RCG's elevator operation to a shuttle facility. If the abandonment is approved, RCG intends to purchase the Eastern Line Segment, including the underlying real estate, and use it as a private spur to continue rail service with BNSF and for future expansion of RCG's shuttle service.

BNSF states that there is no reasonable alternative to the proposed abandonment. There is no other current rail customer on the Line and no location of a new rail served industry along the Line is anticipated. Additionally, there is also no overhead traffic. If approved, BNSF intends salvage the rails, ties, including any bridges, structures and crossings from the Western Line Segment. According to BNSF, if approved, salvage would include the following: 1) removal of all rails and metal parts of the track structure, 2) removal of the wooden ties and separation into second-hand ties, landscape quality ties, and scarp ties (which would be disposed of in an appropriate fashion), 3) and removal of bridges and crossings as well as any other structures. BNSF states that all culverts and the rail line embankment would remain intact so as not to alter the prevailing waterflows. While any bridge pilings would be pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges would be dismantled and removed. If there are concrete abutments or piers, they may be left intact. BNSF contractors are not permitted to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right-of-way.

In a letter dated February 15, 2007, Mr. Jay Hall, City Administrator, City of Red Cloud, NE, states that the proposed abandonment is outside the city limits and therefore no action is required by the city council. However, the City did note that the Lower Republican River Visionaries and the Trailblazer RC&D Council have expressed interest in converting the Line, once abandoned, into a recreational trail.

In an e-mail dated February 9, 2007, Mr. Robert Rankin, Nebraska Department of Roads, states that there are no planned highway relocation projects scheduled and that there are no comments regarding alternative public uses.

In a letter dated November 27, 2006, Mr. Stephen Chick, USDA, State Conservationist, indicates that the project, as proposed, is cleared of any Farmland Protection Policy Act concerns.

In a letter dated January 25, 2007, Mr. Steve Anschutz, Nebraska Field Supervisor, U.S. Fish and Wildlife Service, Nebraska Field Office (FWS), states the following: 1) that it is

unlikely that any federally listed species would occur in the vicinity, 2) it is unlikely that either that bald or golden eagle would be affected, and 3) that it does not appear to impact any of the seven wildlife areas managed under the National Wildlife Refuge System.

In a letter dated December 27, 2006, Mr. Robery Maydwell, U.S. Department of Interior, National Park Service, states that the project, as proposed, does not conflict with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs.

In an e-mail dated December 7, 2006, Mr. Bill Carson, Bureau of Land Management, Newcastle Field Office, states that the proposed project would not affect any public lands administered by the Department of Interior through the Bureau of Land Management.

In a letter dated January 9, 2007, Mr. Hugh Stirts, NEPA Coordinator, Nebraska Department of Environmental Quality (NDEQ) states that until the project has progressed further, it is unknown whether there may be additional regulatory requirements.

In a letter dated December 15, 2006, Ms. Kimberly Hill, U.S. Environmental Protection Agency, Region VII, Nebraska NPDES Permit Coordinator, states that BNSF should consult with the NDEQ as the NPDES program is administered through their office.¹ In its submittal, BNSF states that it contacted Ms. Mary Schroer, NDEQ NPDES Permit Section, via telephone, who stated that a NPDES permit would not be required if less than one acre would be affected and if best management practices are utilized to prevent sediment from disturbing land and if any bare earth is stabilized with grass seeding.

In its submittal, BNSF states that it contacted Mr. Ron Asch, NDEQ, via telephone. Mr. Asch stated that a Construction Water/Industrial Storm Water Permit should not be required provided there is no excavation or grading involved in the proposed abandonment. Furthermore, BNSF states that it also spoke with Mr. Terry Hickman, NDEQ, via telephone, who stated that if no fill material is placed in any water that a Section 401 water quality certification would not be required.

In a letter dated January 9, 2007, Mr. Keith Tilloston, Senior Project Manager, Department of Army, Corps of Engineers, Omaha District, states that because the proposed project would not involve fill materials to be placed into jurisdictional waters of the United States that the activity is not subject to its regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act is required.

SEA 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

¹ The NPDES program, or “National Pollution Discharge and Elimination System” is intended to control the discharge of pollutants into surface waters and was initiated by the Federal Water Pollution Control Act in 1972.

activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, SEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

BNSF states that the Line of railroad is located in the Lower Republican Valley of Webster County, NE. Red Cloud, named after the famous Native American Oglala Teton-Sioux chief who was born in the area, is also the County seat and was founded in 1871, seven years before the Republican Valley Railroad Company (RVRR) was formed.

The RVRR was established March 28, 1878, to serve the needs of the farmers in the valley. Railroad maps from as early as 1880 refer to the Line as the Republican Valley Division of the Chicago, Burlington & Quincy Railroad Company (CB&Q). RVRR was deeded to CB&Q on June 1, 1888. CB&Q merged with the Great Northern Railway Company to form Burlington Northern Inc. (BN) in 1970. BN merged with the Atchinson, Topeka and Santa Fe Railway Company in 1996, and changed its name to BNSF Railway Company in January 2005.

BNSF states that there are seven bridges and 26 culverts that are 50 years old or older. BNSF believes that the bridges are of common design and construction and is therefore not likely to be of historical significance (See Table 1. below for detail).

BNSF served the historic report on the Nebraska State Historical Society, State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c).² In a letter dated December 21, 2006, the SHPO states that there are three listed archaeological sites located on or adjacent to the proposed abandonment and recommends that that the area first be surveyed by qualified personnel to determine the potential affect to the three sites. However, in a follow-up letter dated July 10, 2007, the SHPO states that no archaeological, architectural, or historic context property resources would be affected by the proposed project. Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

² Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Table 1. Bridge Descriptions

Location	Description	Age
Milepost 193.68 – near Lester Junction.	77 ft. long, 9 ft. high and consists of threespans of 16 ft. misc. concrete girder and two spans of 15 ft. misc. concrete girder.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 198.00 - near Red Cloud.	191 ft. long, 6 ft. high, and consists of two spans of 20 ft. reinforced concrete trestle, three spans of 25 ft. reinforced concrete trestle, one span of 16 ft. reinforced concrete trestle, and one span of 60 ft. thru plate girder.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 198.46 – near Red Cloud.	26 ft. long, 5 ft. high, and is two spans of 13 ft. stringers and one span of 1.7 ft. rail stringers.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 198.86 – near Inavale.	191 ft long, 6 ft. high, and is two spans of 16 ft. reinforced concrete trestle and two spans of 30 ft. beams.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 199.90 – near Inavale.	40 ft. long, 8 ft. high, and consists of two spans of 20 ft. reinforced concrete trestle.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 200.91 – near Inavale.	72 ft. long, 10 ft. high, and consists of two spans of 16 ft. reinforced concrete trestle and two spans of 20 ft. reinforced concrete trestle.	Constructed in 1913. Unknown whether it has undergone significant alteration.
Milepost 201.53 – near Inavale.	30 ft. long 6 ft. high, in consists of a single span of misc. steel.	Constructed in 1913. Unknown whether it has undergone significant alteration.

Furthermore, BNSF states that there is no known prior subsurface ground disturbance or fill, or environmental conditions that might affect the archaeological recovery of resources. BNSF states that documentation would be made available upon request.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO, BNSF, and the public, we have determined that the proposed abandonment would not 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(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO's and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that the following nine tribes may have an interest in the proposed abandonment: 1) Iowa Tribe of Kansas and Nebraska, 2) Iowa Tribe of Oklahoma, 3) Omaha Tribe of Nebraska, 4) Otoe-Missouria Tribe of Indians, 5) Sac & Fox Nation of Missouri in Kansas and Nebraska, 6) Sac & Fox Nation, Oklahoma, 7) Sac & Fox Tribe of the Mississippi of Iowa, 8) Santee Sioux Nation, Nebraska, 9) Pawnee Nation of Oklahoma. Accordingly, SEA is sending a copy of this EA to each of the nine identified tribes for review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: USEPA Region 7 (Mr. Joe Cothorn, NEPA Team Leader -913.551.7148); U.S. Army Corps of Engineers, Omaha District; Nebraska Department of Environmental Quality, Water Quality Division and the Webster County Commissioners.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would 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).

The City of Red Cloud, NE, states that the Lower Republican River Visionaries and the Trailblazer RC&D Council have expressed interest in converting the Line, once abandoned, into a recreational trail.

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Troy Brady, 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-6 (Sub-No. 460X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: September 7, 2007.

Comment due date: October 8, 2007.

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

Vernon A. Williams
Secretary

Attachment