

34162  
DO

SERVICE DATE - LATE RELEASE NOVEMBER 25, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-416 (Sub-No. 3X)

SAN BERNARDINO ASSOCIATED GOVERNMENTS—ABANDONMENT EXEMPTION—  
IN SAN BERNARDINO COUNTY, CA

Decided: November 25, 2003

Consistent with the Surface Transportation Board's decision in Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Associated Governments, San Diego Metropolitan Transit Development Board, North San Diego County Transit Development Board—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32173 et al. (STB served Mar. 12, 1997) (Transit Agencies), San Bernardino Associated Governments (SANBAG) filed a verified notice of exempt abandonment, and information otherwise required under 49 CFR 1152 Subpart F—Exempt Abandonments, to abandon any residual common carrier obligation on a 1.92-mile line of railroad, formerly operated by The Burlington Northern and Santa Fe Railway Company (BNSF), between milepost 9.48 and milepost 11.40 in Redlands, San Bernardino County, CA. Notice of the exemption was served and published in the Federal Register on October 27, 2003 (68 FR 61245). The exemption is scheduled to become effective on November 26, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding that was served on October 31, 2003. In the EA, SEA stated that the California Department of Fish and Game, Eastern Sierra-Inland Deserts Region (Department) submitted comments stating that the project area does not contain any threatened or endangered species, or known wildlife sanctuaries, refuges, or designated critical habitat. However, the Department also stated that the rail line crosses Zanja Creek, which may contain riparian scrub habitat. In addition, the Department stated that several rare species of wildlife may occur in the vicinity of the right-of-way and that it is unclear whether the abandonment would impact jurisdictional streams. Therefore, SEA recommends that SANBAG consult with the Department prior to beginning any salvage activities regarding potential impacts to fish and wildlife resources.

SEA also stated that BNSF's historic report<sup>1</sup> indicated that there are no buildings or structures on the property or in the surrounding area that are 50 years old or older. The San Bernardino County Museum, Archaeological Information Center (SBCM) submitted comments stating that the rail line, sidings and associated structures are historic properties, and several historic resources are also in the vicinity of the line proposed for abandonment. SBCM stated that one of the resources is the Zanja, which is the original 1819 water ditch that is still in use today. The Zanja is listed on the National Register of Historic Places and is a California Historic Landmark. SEA stated that the California Office of Historic Preservation has not yet completed its review of SANBAG's proposed abandonment. Therefore, SEA also recommends that SANBAG retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments on the EA were due by November 14, 2003. Comments were filed by the California Regional Water Quality Control Board (WQCB). As set forth in the EA, WQCB previously had indicated that coverage under a general storm water permit would be needed only if more than five acres of soil would be disturbed by salvage activities. In its comments on the EA, WQCB states that it has recently revised its regulations to comply with Phase II of the Federal storm water regulations so that activities that disturb land equal to or greater than one acre would require coverage under a general permit. WQCB states that the proposed abandonment would involve salvage activities affecting more than one acre of land and lists certain steps SANBAG would need to take to obtain coverage under this general permit. Based on WQCB's comments, SEA now recommends that, prior to any salvage activities, SANBAG must file a Notice of Intent with WQCB to obtain coverage under the WQCB general permit for compliance with Federal storm water regulations; develop and implement a Storm Water Pollution Prevention Plan, which specifies Best Management Practices (BMPs) that will prevent all pollutants from contacting storm water; eliminate or reduce nonstorm water discharges to the storm sewer system and other waters of the nation; and perform inspections of all BMPs.

The environmental conditions recommended by SEA will be imposed. 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.

---

<sup>1</sup> Pursuant to the Board's decision in Transit Agencies, SANBAG is relying on the environmental documentation provided by BNSF in its notice of exemption in The Burlington Northern and Santa Fe Railway Company--Abandonment Exemption--in San Bernardino County, CA, STB Docket No. AB-6 (Sub-No. 398X) (STB served Dec. 12, 2002, and consummated Apr. 1, 2003).

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that: (1) SANBAG shall consult with the Department prior to beginning any salvage activities regarding potential impacts to fish and wildlife resources; (2) SANBAG shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the NHPA; and (3) prior to any salvage activities, SANBAG shall file a Notice of Intent with WQCB to obtain coverage under the WQCB general permit for compliance with Federal storm water regulations, develop and implement a Storm Water Pollution Prevention Plan specifying BMPs that will prevent all pollutants from contacting storm water, eliminate or reduce nonstorm water discharges to the storm sewer system and other waters of the nation, and perform inspections of all BMPs.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary