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SERVICE DATE – DECEMBER 13, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-994X

KETTLE FALLS INTERNATIONAL RAILWAY, LLC–
ABANDONMENT EXEMPTION–IN FERRY COUNTY, WA

Decided: December 12, 2006

On June 23, 2006, Kettle Falls International Railway, LLC (KFR), filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad extending from milepost 48.779, near Danville, to milepost 77.14, at San Poil, a distance of 28.361 miles, in Ferry County, WA (the line). By decision served on October 11, 2006 (October 11 decision), the Board granted the exemption, subject to trail use, public use, environmental and standard employee protective conditions.

One of the environmental conditions imposed by the Board was the condition that required KFR to 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 (ROW) that are eligible for listing or listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed.¹ In a letter dated October 13, 2006, the Washington Department of Archaeology & Historic Preservation (SHPO) informed the Board's Section of Environmental Analysis (SEA) that KFR conducted a Historic Structures Report. The report concluded that, based on additional information, no historic properties would be affected by the abandonment and subsequent salvage of the rail line, provided that certain stipulations set forth in the report were adhered to by KFR. The SHPO's letter concurred with the report's conclusion. Therefore, SEA recommends that the section 106 condition be removed and the following salvage conditions be imposed: (1) KFR shall conduct all salvage activities on the raised bed of the current rail alignment; (2) while conducting salvage

¹ The October 11 decision also imposed environmental conditions requiring that KFR: (1) prior to conducting salvage activities, consult with the Washington Department of Ecology to ensure that all wastes generated from salvage operations are designated and managed in accordance with pertinent laws and regulations; (2) consult with the U.S. Environmental Protection Agency regarding potential contamination of the ROW; (3) consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvage activities to federally listed threatened and endangered species that may occur in the vicinity of the line; and (4) consult with the National Park Service regarding any impacts on wildlife sanctuaries, refuges, national or state parks or forests. These environmental conditions, the conditions regarding trail use, public use, and the employee protective conditions set forth in the October 11 decision remain in effect.

activities on the rail line, KFR shall avoid all disturbances to archaeological resources; and (3) KFR shall access the rail line to conduct salvage activities only at existing grade crossings.

The new conditions will be imposed as recommended by SEA.

This action 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. The condition imposed in the October 11 decision, requiring KFR to 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 until completion of the section 106 process of the NHPA, is removed.
3. In addition to the remaining conditions listed in the October 11 decision, KFR shall: (1) conduct all salvage activities on the raised bed of the current rail alignment; (2) while conducting salvage activities on the rail line, avoid all disturbances to archaeological resources; and (3) access the rail line to conduct salvage activities only at existing grade crossings.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary