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SEA

SERVICE DATE – JUNE 25, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 285X)

**Union Pacific Railroad Company – Abandonment Exemption –
in Yakima County, Wash.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of a rail line, known as the Yakima Industrial Lead, in Yakima County, Wash. The rail line proposed for abandonment extends approximately 1.45 miles from milepost 57.30 to milepost 58.75. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

UP 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. UP 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 C.F.R. § 1105.7(b)).¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to UP, no local traffic has moved over the line for at least 2 years and there is no overhead traffic on the line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 285X).

Salvage Activities

According to UP, the right-of-way passes through Grandview, Wash., and there is one bridge on the line. Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. SEA notes that UP is also currently seeking to abandon another portion of the Yakima Industrial Lead near Midvale in Yakima County. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the line assessed here in this EA are set forth below.

The U.S. Army Corps of Engineers' Seattle District (Corps) submitted comments stating that they required additional information in order to determine whether the proposed abandonment will involve any work subject to their jurisdiction. After submitting the Environmental Report, UP provided a more detailed description of the proposed abandonment and clarified that the bridge on the line crosses another rail line. While the line does not cross any bodies of water, the Corps has indicated there may be streams, rivers, or irrigation ditches in the area of the proposed abandonment that are tributaries to the Yakima River. Accordingly, prior to commencement of any salvage activities, we recommend that UP consult with the Corps regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

The National Geodetic Survey did not identify any geodetic station markers in the area of the proposed abandonment. Accordingly, no mitigation regarding geodetic station markers is recommended.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Based on all information available to date, and with the imposition of the recommended mitigation, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

UP served the Historic Report on the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). According to UP, the line was originally constructed between 1909 and 1911, by the North Coast Railroad Company and the Oregon Washington Railroad and Navigation Company, and the line now includes primarily 90-pound jointed rail that was placed into service in 1951. In the Historic Report, UP indicates that there is 1 bridge on the line that is 50 years old or older. The bridge was constructed in 1941, and it is located at milepost 58.19.

In response to the Historic Report, the SHPO submitted comments stating that it concurs with the area of potential effect (APE).² However, the SHPO recommended that a professional cultural resources survey be completed for the project area. Accordingly, SEA is recommending that UP retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way 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, has been completed.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Confederated Tribes and Bands of the Yakama Nation, Washington, and Confederated Tribes of the Colville Reservation, Washington. Accordingly, SEA is sending a copy of this EA to those tribes for review and comment.

CUMULATIVE IMPACTS

As noted above, on June 2, 2010, UP filed a notice of exemption with the Board seeking to abandon another portion of the Yakima Industrial Lead, a 0.8-mile segment between milepost 62.75 to milepost 63.55 in Yakima County.⁴ This segment of rail line is four miles away from the line assessed in this EA.

The regulations of the Council on Environmental Quality (CEQ) implementing the National Environmental Policy Act (NEPA) define a cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” (40 C.F.R. § 1508.7). This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

SEA received comments similar to those described above from the Corps and the SHPO for the proposed abandonment of the 0.8-mile segment near Midvale. The Corps requested more information to determine whether the abandonment would involve any work subject to its

² The APE is defined at 36 C.F.R. § 800.16(d) as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” For abandonments, the rail right-of-way is the APE.

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited June 7, 2010).

⁴ Materials filed in that proceeding can be viewed on the Board’s website at www.stb.dot.gov by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 33 (Sub-No. 286X).

jurisdiction and the SHPO requested a cultural resources survey. Therefore, SEA concludes that the proposed abandonment of this 0.8-mile portion of the Yakima Industrial Lead would have no adverse cumulative impacts on the environment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers' Seattle District (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) 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, has been completed. UP shall report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO) and the public. UP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, D.C. 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, D.C. 20423, to the attention of Christa Dean, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 285X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: June 25, 2010.

Comment due date: July 12, 2010.

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

Attachment