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SERVICE DATE - MAY 28, 2002

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-6 (Sub-No. 395X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – in
Cherokee County, KS and Jasper County, MO**

BACKGROUND

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Cherokee County, Kansas and Jasper County, Missouri. The line extends 28.25 miles from M.P. 343.55 in Columbus, Kansas to M.P. 315.30 in Carthage, Missouri. A map depicting the rail line in relationship to the area served is appended to the report. 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.

DESCRIPTION OF THE LINE

According to BNSF, there has been no rail traffic on the line for the past two years. BNSF states that the area surrounding the line is rural and generally flat with some rolling hills. The line passes through the towns of Carthage and Carl Junction, Missouri and the station of Military and the town of Columbus, Kansas.

ENVIRONMENTAL REVIEW

The applicant 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. The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Jasper County Commission has submitted comments expressing interest in acquiring the portion of the line from the Missouri state line to Carthage, Missouri.

The State of Kansas Department of Wildlife and Parks (DWP) has submitted comments stating that the area of the proposed abandonment contains habitat for several state listed threatened or endangered species. These species are the Northern Spring Peeper, the Dark-sided Salamander, the Eastern Narrowmouth Toad, the Central Newt, and the Northern Redbelly Snake. DPW and the U.S. Fish and Wildlife Service (FWS) have submitted comments stating that the Spring River provides habitat for several freshwater mussel species, which are Federal species of concern, especially the threatened Neosho madtom (*Noturus placidus*). However, according to DPW and FWS, if salvage activities are limited to the right-of-way and do not impact the stream channel or its banks, the species of concern will not be affected.

The Kansas Department of Health & Environment has submitted comments stating that if the proposed abandonment disturbs more than five acres of soil, applicants would need to submit a Notice of Intent form to obtain coverage under the Kansas general permit for stormwater discharges.

The Missouri State Emergency Management Agency (SEMA) has submitted comments stating that the City of Carthage and Jasper County, Missouri are participants in the National Flood Insurance Program and the proposed abandonment may require permits from the City of Carthage and Jasper County. The City of Carthage has submitted comments stating that the proposed abandonment does not fall within the corporate limits of the City and would not impact existing flood zones. The Jasper County Floodplain Administrator has submitted comments stating that although the line proposed for abandonment would cross floodplains within the County, if salvage activities are limited to track removal, the floodplains would not be impacted.

SEMA also states that if the proposed abandonment “is located within a regulatory floodway, a ‘no rise’ certificate and statement as to the effects of possible flooding is required before the development can be permitted. This analysis must be performed by a licensed engineer and to [Federal Emergency Management Agency] standards.”

The Cherokee County Kansas Office of County Engineer (OCE) has submitted comments requesting that all trestles and bridge structures be removed as part of the proposed abandonment. OCE states that “[i]n the past when these structures are left in place, they become identified as bridges and the responsibility of the County where they exist.” However, the County would have no funds available for their maintenance, repair and inspections.

The Missouri Department of Natural Resources (DNR) has submitted comments stating that a section 402 permit may be required if the proposed abandonment would involve the discharge of wastewater or stormwater into jurisdictional waters. DNR also states that the following measures could protect the quality of water in the abandonment area: keeping machinery out of the waterway as much as possible; not storing fuel, oil, other petroleum products, equipment and any solid waste below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours; immediately cleaning up and properly disposing of petroleum products spilled into any waterbody or on

the banks where the material may enter waters of the state; minimizing the clearing of vegetation/trees; using best management practices to limit the amount of erosion and deposition of sediment in waters of the state.

The Missouri Department of Natural Resources, Division of State Parks has submitted comments stating that the Battle of Carthage State Historic Site is located about three miles east of the proposed abandonment and the proposed abandonment would not impact the site.

The Missouri Department of Natural Resources State Historic Preservation Office (SHPO) has submitted comments stating that although there are no archaeological concerns associated with the proposed abandonment, the SHPO recommends that an architectural survey be performed prior to salvage to evaluate all the bridges, trestles and railroad structures along the route, including interchanges with other rail alignments. The Kansas State Historical Society has submitted comments stating that the proposed abandonment would not affect any property of historic significance. BNSF has indicated that it “is seeking requests for proposals from qualified architectural historians to perform a survey for the three bridges located along the alignment in Jasper County, Missouri. All other structures on the route are located in Cherokee County, Kansas.”

CONDITIONS

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

1. Based on the comments of the State of Kansas Department of Wildlife and Parks and the U.S. Fish and Wildlife Service, the Burlington Northern and Santa Fe Railway Company, in order to prevent impacts to several Federal species of concern (several freshwater mussel species and the threatened Neosho madtom), shall limit salvage activities to the right-of-way and avoid impacts to the stream channel and banks of the Spring River.
2. Based on the comments of the Kansas Department of Health & Environment (DHE), the Burlington Northern and Santa Fe Railway Company shall consult with DHE to determine whether the salvage activities would require coverage under the Kansas general permit for stormwater discharges.
3. Based on the comments of the Jasper County Floodplain Administrator (JCFA), the Burlington Northern and Santa Fe Railway Company, in order to minimize floodplain impacts, shall consult with JCFA prior to conducting any salvage activities other than track removal.
4. Based on the comments of the the Missouri Department of Natural Resources (DNR), the Burlington Northern and Santa Fe Railway Company (BNSF) shall consult with DNR to determine whether a section 402 permit is required. If a section 402 permit is required, BNSF

shall be prohibited from performing any salvage or abandonment activities until BNSF obtains the section 402 permit and shall then notify the Surface Transportation Board. BNSF shall also take the following DNR recommended measures during salvage to protect the quality of water in the abandonment area: keep machinery out of the waterway as much as possible; not store fuel, oil, other petroleum products, equipment and any solid waste below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours; immediately clean up and properly dispose of petroleum products spilled into any waterbody or on the banks where the material may enter waters of the state; minimize the clearing of vegetation/trees; use best management practices to limit the amount of erosion and deposition of sediment in waters of the state.

5. Based on the comments of the Missouri Department of Natural Resources State Historic Preservation Office (SHPO), the Burlington Northern and Santa Fe Railway Company shall take no steps to alter the historic integrity of the bridges, trestles and railroad structures along the route, including interchanges with other rail alignments, within the state of Missouri, until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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 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 the petition for 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).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub-No. 395X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **May 28, 2002.**

Comment due date: June 11, 2002.

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

Vernon A. Williams
Secretary

Attachment

cc: Jim Hays, State of Kansas, Department of Wildlife & Parks
William Gill, U.S. Fish and Wildlife Service

Danny Hensley, Jasper County Commission
Mary Lyon, Missouri Department of Conservation
Joe Mester, Kansas Department of Health & Environment
Bob Lytle, Kansas Department of Agriculture
George Riedel, Floodplain Management Manager, SEMA
Joe Butler, The City of Carthage Department of Engineering
Steve Lett, Floodplain Administrator Jasper County
Fred Graham, Cherokee County Kansas, Office of County Engineer
Claire Blackwell, Missouri Department of Natural Resources
Kansas State Historical Society
Missouri Department of Natural Resources

