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SEA

SERVICE DATE – JANUARY 11, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-512X**

**Sierra Pacific Industries–Abandonment Exemption–in Amador County, CA**

**STB DOCKET NO. AB-880X**

**SierraPine–Discontinuance Exemption–in Amador County, CA**

**BACKGROUND**

In this proceeding, Sierra Pacific Industries (SPI) and SierraPine, a California limited partnership, (collectively, petitioners) jointly filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903. SPI seeks to abandon and SierraPine seeks to discontinue service over an approximately 12-mile line of railroad, extending from milepost 0.0 at Ione to milepost 12.0 at Martell, in Amador County, California. A map depicting the rail line in relationship to the area served is appended to the report. If the petition becomes effective, SPI will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The line proposed for abandonment travels east through an area that is primarily grazing land and rolling foothills. Petitioners state that the line is located between Ione, where it connects with a line of the Union Pacific Railroad Company (UP), and Martell, where it is stub-ended. The width of the right-of-way is 50 feet from the center line of track.

According to the petitioners, the right-of-way was constructed in 1906. Initially, the line was operated as the Ione and Eastern Railroad, hauling gold ore and firebricks west from Martell and hauling passengers, mail, groceries, clothing, and animal feed east from Ione. In later years, the line also served lumber shippers. In 1997, SPI acquired the line, associated tracks, and a mill complex located near the end of the line at Martell. See Sierra Pacific Industries – Acquisition and Operation Exemption – Amador Central Railroad Company, STB Finance Docket No. 33378 (STB served Apr. 9, 1997). All mill operations – except a particle board plant – were shut down at that time. In May 1997, SierraPine bought the particle board plant (also referred to as the Ampine plant) and entered into an agreement with SPI to lease and operate the line.

Currently, there are two shippers on the line: SierraPine and Landmark Trim, USA (Landmark). SierraPine's Ampine plant and Landmark's fiberboard plant are both connected to the line via spur track at milepost 11.6. From 1999 to June 3, 2004, SierraPine operated the line, primarily to transport its own product (particle board panels and shelving stock) from the Ampine plant to the junction with UP at Ione. In addition, SierraPine occasionally transported cars of inbound particle board to its Ampine plant and medium-density fiberboard to Landmark's plant. Petitioners state that 514 carloads were transported over the line in 2002, 561 carloads in 2003, and 138 carloads in 2004.

According to petitioners, there have been problems with rail operations as a result of the poor track conditions. In November 2003, the California Public Utilities Commission advised SierraPine that inspections had identified 123 Federal Railroad Administration defective conditions on five miles of the line. Following two major derailments in February and March 2004, SierraPine concluded that the risk of future derailments was too high and operations ceased on June 3, 2004. On July 7, 2004, SierraPine formally embargoed the line. Petitioners state that most of the Ampine plant's transportation needs have been met by truck since 1999, and SierraPine will continue to rely on trucks to meet all of its transportation needs. Petitioners also state that Landmark has adequate transportation alternatives, as Martell is served by two state highways.

Upon receiving authority to abandon the line, SPI intends to remove all rail, track material, crossties, and structures from the right-of-way;<sup>1</sup> however, the roadbed will be left intact. Petitioners believe that portions of the right-of-way may be suitable for alternative public use, such as a recreational trail.

## **ENVIRONMENTAL REVIEW**

Petitioners 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)]. SEA has reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. Therefore, SEA will recommend a condition to address this concern.

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<sup>1</sup> In a January 4, 2005 phone call with SEA, a representative for the railroad clarified that there are no plans to remove the railroad bridge that crosses over State Route 88.

The railroad has not proposed the discharge of dredged or fill material in waters of the United States, including wetlands. However, the United States Army Corps of Engineers, Sacramento District (USACE), had not responded to the reports at the time this document was prepared. Accordingly, in order to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would be required, we recommend that SPI consult with the USACE prior to commencement of any salvage activities.

In a letter dated December 21, 2004, the United States Fish and Wildlife Service (FWS) provided a list of Federally threatened and endangered species that may be present in the area of the planned project. However, more information is needed to determine whether any of these species occur in the project area. To facilitate a review of the possible effects of this project on endangered or threatened species or areas designated as critical habitat, the FWS recommends that petitioners contact the California Natural Diversity Database (CNDDDB) for a records search. Accordingly, we will recommend a condition requiring petitioners to consult with the CNDDDB, as well as the FWS, regarding possible impacts to Federally-listed threatened and endangered species that may occur in the vicinity of the line proposed for abandonment.

On January 4, 2005, SEA contacted Mr. Bob Long with the United States Department of Agriculture, Natural Resources Conservation Service in Amador County. Mr. Long stated that the land along the rail route is range land, and no prime farmland soils would be affected by the proposed project. Accordingly, no mitigation measures were suggested.

The California Coastal Commission submitted comments stating that the proposed abandonment would not affect land or water resources within the California coastal zone. Additionally, petitioners do not believe that the proposed abandonment would affect any wildlife sanctuaries, refuges, or National or State parks or forests.

In 1997, in connection with its purchase of the line and mill property, SPI hired consultants to conduct an environmental investigation of the mill property. The consultants investigated soil and water conditions near the combined machine shop and roundhouse at Martell and detected: 1) motor-oil-range hydrocarbons and acetone at low concentrations in surface soil samples collected along a drain pipe and 2) diesel-range hydrocarbons in a reconnaissance groundwater sample. In 2002, the consultants conducted another investigation and determined that petroleum hydrocarbons, volatile organic compounds, and polycyclic aromatic hydrocarbons are not present in soil or groundwater at concentrations that warrant further investigation or remedial action. Subsequently, there were two major derailments in February and March 2004. However, the railroad informed SEA that no environmental clean-up was necessary for these incidents. In addition, there is one above-ground, empty diesel fuel storage tank adjacent to the roundhouse within a concrete bunker.

Petitioners state that, except as disclosed by the consultants' investigation, there are no known hazardous waste sites or hazardous material spill sites on the subject right-of-way. In a January 3, 2005

phone call with SEA, the California Department of Toxic Substances Control (CDTSC) indicated that the investigation results should be reliable in identifying potential contamination, provided the consultants followed the standards set by the Association for Testing Materials (ATMS).<sup>2</sup> However, the CDTSC expressed some concern that the investigations did not include the entire right-of-way. Additionally, the United States Environmental Protection Agency (EPA), Region 9, expressed concerns regarding the presence of unmitigated spills, hazardous materials, or other liquid storage containers such as fuels, solvents, and oils. In the absence of these materials, the EPA does not believe there are any Clean Water Act implications. However, the EPA advises that a project involving earth-moving equipment and removal of rail line would likely require coverage under a Section 402 stormwater construction permit. To ensure that the concerns regarding potential contamination of the right-of-way are addressed, SEA recommends that petitioners consult with the CDTSC and EPA prior to commencement of any salvage activities. SEA will also recommend that the railroad contact the EPA in order to determine whether a Section 402 stormwater construction permit is required.

### **Traffic**

Petitioners state in their application that a total of 561 carloads were moved on the line during the base year (calendar year 2003).<sup>3</sup> Using a rail-to-truck conversion factor of 4 trucks per railcar,<sup>4</sup> SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 2,244 new trucks per year (4,488 truck trips assuming an empty backhaul). This equates to approximately 19 trucks per day being added to area roads during a 240 workday year.<sup>5</sup>

### **Other Comments**

The Board of Supervisors of Amador County (County) and the Amador County Transportation Commission (ACTC) both submitted comments stating that the proposed abandonment and discontinuance of service would be detrimental to existing and prospective businesses in Martell, as well as the overall development of Amador County. The County further states that it supports more transportation modes that “remove vehicular emissions from the County’s air.”

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<sup>2</sup> A representative of Kennedy/Jenks Consultants has confirmed that the investigations complied with ATMS standards.

<sup>3</sup> Because the line has been out of service since June 3, 2004, SEA is using 2003 as the base year.

<sup>4</sup> The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

<sup>5</sup> 240 workdays result when weekends and holidays are subtracted from a 365 day year.

According to the ACTC, abandonment of the line would be inconsistent with the 2004 Amador County Regional Transportation Plan that includes a long-term goal of passenger rail service on the line. The ACTC also submitted a formal request for a public use condition and a trails use condition. The requirements for public use and trail use are discussed below.

### **The 1995 Trails Act and the Board's Environmental Review**

The Trails Act, 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned. The Trails Act is intended to preserve railroad rights-of-way for future railroad use.

Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition (known as a Certificate of Interim Trails Use (CITU))<sup>6</sup> to begin the trail use process on a line approved for abandonment if the rail sponsor agrees to railbanking and provides a statement of willingness to assume responsibility for managing the right-of-way, for any legal liability arising out of its use, and for the payment of taxes. If the railroad agrees to negotiate, and no offer of financial assistance to continue rail freight service on the line is received, the Board imposes a NITU, which gives the rail sponsor time to negotiate an agreement with the railroad for interim trail use/railbanking. The Board has no involvement in the negotiations and does not analyze, approve, or set the terms of trail use agreements. The Board is not authorized to regulate activities over the actual trail. In short, the Board's jurisdiction under the Trails Act is ministerial.

The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a major Federal action under NEPA. Only major actions by Federal agencies require environmental review.

### **HISTORIC REVIEW**

Petitioners submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the California Office of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). According to petitioners, most of the rail on the line is more than 50 years old or older, and many segments of rail have headstamps dating from the 1880s and 1890s. In addition, there are several structures along the line that are 50 years old or older, including the original purchase order office and freight shed that were built between 1905 and 1908, and the original machine shop and roundhouse,

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<sup>6</sup> This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned. In exempt abandonment procedures, it is a notice of interim trails use (NITU) that is issued rather than a CITU.

built around 1905.<sup>7</sup> There is also a railroad bridge that crosses over State Route 88 at approximately Milepost 3.5, that may be 50 years old or older. Petitioners state that the purchase order office and freight shed are in dilapidated condition and are not structurally sound. Accordingly, the railroad intends to remove the purchase order office and freight shed and the machine shop and roundhouse. However, the railroad has no plans to alter or remove the bridge during salvage activities associated with the proposed abandonment.

In addition, rail property traverses the Newton Copper Mine, an early copper mine that is shown on a 1912 map. Petitioners state that sparse ruins are visible in an area adjacent to State Highway 88. In addition, a recent archaeological survey conducted in conjunction with the development of an adjacent property along State Highway 49 revealed scattered surface finds consisting of chert flakes, indicating Native American activities.

There are three Federally recognized tribes located in the vicinity of the proposed abandonment. The tribes include: Buena Vista Rancheria of Me-Wuk Indians; Ione Band of Miwok Indians; and Jackson Rancheria. Accordingly, SEA will contact the tribes to inform them of the proposed project and has added the tribes to the service list.

The Amador County Archives (Archives) has submitted comments stating that the rail line and associated features, such as the Martell Lumber Mill Site and Ione Rail Depot are considered to be historic archaeological sites. Numerous known historic residences, mining sites, roadways, and possibly unknown historic or prehistoric cultural resources are located within 1/4 to 1/2 mile along either side of the alignment. If the proposed project would have any physical or visual impact on these resources, the Archives recommends that a qualified archaeologist complete an appropriate study. We note that the railroad has contacted the North Central Information Center of the California Resources Inventory regarding historical properties or archaeological resources that may be in the proposed project area and are awaiting a response.

At the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

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<sup>7</sup> According to petitioners, the roundhouse was rebuilt in the 1930s.

1. The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to conducting salvage activities in order to plan for its possible relocation by NGS.
2. Prior to commencement of any salvage activities, the railroad shall consult with the United States Army Corps of Engineers, Sacramento District (USACE), to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.
3. In order to determine whether any Federally listed threatened or endangered species occur in the project area, the railroad shall contact the California Natural Diversity Database at (916) 322-2493 for a records search. The railroad shall then consult with the United States Fish and Wildlife Service (Roberta Gerson at (916) 414-6600) to determine what additional information, if any, is needed to facilitate a review of possible effects of this project on any Federally listed threatened or endangered species or areas designated as critical habitat. We further recommend that the railroad report the results of these consultation efforts to SEA prior to the onset of salvage operations.
4. Prior to commencement of any salvage activities, the railroad shall consult with the California Department of Toxic Substances Control to ensure that any concerns regarding potential contamination of the right-of-way are addressed. We further recommend that the railroad report the results of these consultation efforts to SEA prior to the onset of salvage operations.
5. Prior to commencement of any salvage activities, the railroad shall consult with the United States Environmental Protection Agency, Region 9, to ensure that any concerns regarding potential contamination of the right-of-way and the need for a Section 402 stormwater construction permit are addressed. We further recommend that the railroad report the results of these consultation efforts to SEA prior to the onset of salvage operations.
6. SPI shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older 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, 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-512X 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) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: January 11, 2005.

**Comment due date: February 10, 2005.**

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

Vernon A. Williams  
Secretary

Attachment

