

21181

SERVICE DATE - LATE RELEASE DECEMBER 19, 1996
SURFACE TRANSPORTATION BOARD¹
WASHINGTON, DC 20423
ENVIRONMENTAL ASSESSMENT

NO. AB-485X

Blue Mountain Railroad, Inc,
-- Abandonment Exemption --
In Whitman County, WA and Latah County, ID

BACKGROUND

This proceeding, the Blue Mountain Railroad, Inc. (BMR) has filed a petition under 49 U.S.C. 10505 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between Pullman, WA and Moscow, ID, a distance of 7.45 miles in Whitman County, WA and Latah County, ID. This line is composed of three segments located between: (1) MP 19.0 (at Kamiaken Street) and MP 19.30 at Pullman, WA; (2) MP 19.75 at Pullman, WA and MP 25.50 near Moscow, ID; and (3) MP 26.10 near Moscow and MP 27.50 at Line Street in Moscow. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption 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

BMR acquired the line from the Union Pacific Railroad in 1992, Commodities handled include agricultural products, dry fertilizers, and coal. BMR serves two shippers on the line: Washington State University which receives coal, and McGregor Company which receives fertilizer, Both shippers support the abandonment since neither will lose rail service. Last year BMR obtained trackage rights over a segment of the former BN line in Pullman which will enable BMR to continue serving WSU. BMR is retaining the rail section between mileposts 25.50 and 26.10 to facilitate continued rail service to McGregor.

ENVIRONMENTAL REVIEW

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding, Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment, Contacts have included U.S. Fish and Wildlife Service, USDA Natural Resources Conservation Service, U.S. Army Corps of Engineers, Washington Department of Ecology, Washington Department of Community, Trade, and Economic Development (office of Archaeology and Historic Preservation), Idaho Division of Environmental Quality.

¹ Formerly the Interstate Commerce Commission (ICC). The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain functions and proceedings to the Surface Transportation Board.

CONDITIONS

The Washington Department of Ecology expressed concern that if the Blue Mountain Railroad, Inc. (BMR) uses water for dust control, the water should not be discharged into creeks, ditches, or other waterways. We note that the Board's environmental review and conditions are limited to the abandonment and salvaging activities of the railroad and do not apply to subsequent construction of trails.

The Idaho Division of Environmental Quality (IDEQ) is concerned about water quality in nearby Paradise Creek. IDEQ also stated that, if work will be completed below the ordinary high water mark of Paradise Creek, BMR may need an Idaho Department of Water Resources stream alteration permit and a U.S. Army Corps of Engineers 404 permit. IDEQ also recommended that BMR implement best management practices so that project activities do not result in a violation of water quality standards or increase pollutants in Paradise Creek. IDEQ further expressed concern that unidentified hazardous material releases may be encountered during track and tie removal. IDEQ suggests developing a mitigation contingency plan for unrecorded hazardous material releases including sampling areas of stained soil if encountered during track removal and determine if remedial action is necessary.

Therefore, SEA recommends the following conditions be placed on any decision granting abandonment authority:

1. Blue Mountain Railroad shall ensure that any water that may be used for dust control during salvaging activities not be discharged into creeks, ditches, or other waterways.
2. Blue Mountain Railroad, prior to commencing salvage operations, shall consult with the Idaho Department of Water Resources and the U.S. Army Corps of Engineers to determine if permits are required.
3. Blue Mountain Railroad shall implement Best Management Practices during salvage operations.
4. Blue Mountain Railroad, prior to commencing salvage operations, shall consult with the Idaho Division of Environmental Quality to develop a mitigation contingency plan for unrecorded hazardous material releases, if such sites are encountered during track removal activities. BMR shall advise the Section of Environmental Analysis of the results of its consultations and provide SEA with a copy of the IDEQ-approved mitigation plan.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude that, as currently proposed, 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 Assistance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA directly at (202) 9276184, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Room 4412, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an original and two copies to Vernon A. Williams, office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Mike Dalton, who prepared this environmental assessments Please refer to Docket No. AB- 485X in all correspondence addressed to the Board. If you have questions regarding this environmental assessment, you should contact Mr. Dalton at (202) 927-6197.

Date made available to the public: December 16, 1996.

Comment due date: January 15, 1997.

By the Board, Elaine K, Kaiser, Chief, Section of Environmental Analysis.

(SEAL)

Vernon A. Williams
Secretary