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OEA

SERVICE DATE – JANUARY 14, 2011

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 33 (Sub-No. 293X)**

**Union Pacific Railroad Company – Abandonment Exemption –  
in Wright County, Iowa**

**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 Kanawha Industrial Lead, in Wright County, Iowa. The rail line proposed for abandonment extends approximately .45 miles from milepost -.55, to milepost -.1 near Belmond (the Line). 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.

**DESCRIPTION OF THE LINE**

According to UP, the Line was originally constructed in 1899 by the Iowa Central & Western Railway Company. It consists primarily of 90 to 100 pound rail, and there is one bridge on the Line. The bridge is a typical 18 span timber, pile trestle bridge with an open deck on a 5.5 degree curve. UP also indicates that the land proposed for abandonment contains some reversionary property which will be made available to those requesting it, should the Board authorize the abandonment.

**ENVIRONMENTAL REVIEW**

UP submitted an Environmental Report that concludes the quality of the human environment would 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)).<sup>1</sup>

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 293X).

The Board's Office of Environmental Analysis (OEA)<sup>2</sup> 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 to be rerouted. 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.

### ***Salvage Activities***

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.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that the proposed abandonment would not require a Department of Army, Section 404 permit. The Corps also indicated that if UP removes the bridge on the Line as part of the proposed abandonment, it would be required to remove all fill material to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. In addition, UP would be required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the U.S. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring UP to comply with these requirements if UP removes the bridge on the Line as part of the proposed abandonment.

The U.S. Fish and Wildlife Service, Division of Realty stated that it does not own any lands in the vicinity of the proposed abandonment and does not have any concerns regarding real estate matters.

The U.S. Department of Agriculture, Natural Resources Conservation Service indicated that it has no concerns or comments about the proposed abandonment.

The U.S. Department of Interior, National Park Service (NPS) reviewed the proposed abandonment and indicated that the project area includes a public park and recreation area that was developed with assistance from the Land and Water Conservation Fund (L&WCF) program. NPS recommends that UP consult directly with the official who administers the L&WCF program to determine if any potential conflicts exist with Section 6(f)(3) of the L&WCF Act. Accordingly, we recommend that a condition be imposed upon any decision granting

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<sup>2</sup> OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

abandonment authority requiring UP to consult with the L&WCF program and to comply with its reasonable requirements.

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.

The U.S. Environmental Protection Agency's Region 7 Office (USEPA) has not submitted comments regarding the proposed abandonment. Accordingly, OEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the Corps, NPS, and USEPA for their review and comment.

## **HISTORIC REVIEW**

UP served the Historic Report on the State Historical Society of Iowa (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the Flandreau Santee Sioux Tribe of South Dakota, the Lower Sioux Indian Community in the State of Minnesota, the Prairie Island Indian Community in the State of Minnesota, the Sac & Fox Nation of Missouri in Kansas and Nebraska, the Sac & Fox Nation, Oklahoma, the Sac & Fox Tribe of the Mississippi in Iowa, the Santee Sioux Nation, Nebraska, the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota, the Spirit Lake Tribe, North Dakota and the Upper Sioux Community, Minnesotamay may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment. Accordingly, OEA is sending a copy of this EA to these tribes for their review and comment.

## **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 (UP) shall comply with the U.S. Army Corps of Engineers' reasonable requirements regarding bridge removal if UP removes the bridge on the Line as part of the proposed abandonment.
2. Prior to commencement of any salvage activities, Union Pacific Railroad Company shall consult with the Land and Water Conservation Fund (L&WCF) program to determine if any potential conflicts exist with Section 6(f)(3) of the L&WCF Act and shall comply with the L&WCF program's reasonable requirements.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA 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, DC 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, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 293X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: January 14, 2011.

**Comment due date: January 28, 2011.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment