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SEA

SERVICE DATE – SEPTEMBER 5, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 442X)

BNSF Railway Company – Abandonment Exemption – in Boulder County, CO

BACKGROUND

In this proceeding, BNSF 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 Boulder County, Colorado. The rail line proposed for abandonment extends 1.13 miles from milepost 36.72 to milepost 35.59, near Longmont (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.

ENVIRONMENTAL REVIEW

BNSF 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. BNSF 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BNSF, no local traffic has moved over the Line for at least two years and there is no overhead traffic handled 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.

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. BNSF states that proposed salvage activities may include removal of all rails and ties on the Line. According to BNSF, there are no bridges on the Line and BNSF is unaware of any other structures on the Line.

According to BNSF, the right-of-way of the Line is 100 feet in width. The Line is located in an area that is a mix of urban and rural uses.

The Natural Resources Conservation Service (NRCS) submitted comments stating that although two potential prime farmland soil mapping units fall within approximately 1,000 feet of the proposed rail line abandonment, the area is not currently farmed or irrigated. Thus, NRCS believes that no prime farmlands would be affected.

The National Geodetic Survey (NGS) provided comments stating that one geodetic station marker may be located in the area of the proposed abandonment. NGS requests 90 days advance notice to relocate the station marker. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring BNSF to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.

The City of Longmont submitted comments stating that it is interested in maintaining the right-of-way as a recreation trail and utility corridor.

U.S. Fish and Wildlife Service (USFWS) submitted information indicating that 11 Federally listed threatened or endangered species occur in Boulder County. USFWS states that it does not have site specific information available and recommends that a knowledgeable consultant be contacted to conduct habitat assessments, trapping studies, or to provide other recommendations regarding options under the Endangered Species Act. Accordingly, we recommend that a condition be imposed requiring BNSF to consult with USFWS regarding its recommendations prior to beginning salvage activities and to report the results of these consultations to SEA in writing.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that no Corps permits would be required for the proposed abandonment.

The Storm Drainage Engineer for the City of Longmont submitted comments stating that salvage activities would not affect the 100-year designated floodplain.

The Colorado Department of Public Health, Water Quality Control Division (CDPH) submitted comments stating that the proposed abandonment may require a National Pollutant Discharge Elimination System permit for the regulation of stormwater. However, subsequent comments by the U.S. Environmental Protection Agency, Region 8 (USEPA), indicated that because the original surface would be left in place, no stormwater permit would be required.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: NRCS; NGS; City of Longmont; Corps; CDPH; USEPA and USFWS.

HISTORIC REVIEW

BNSF served the historic report on the Colorado Historical Society (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO requested additional information to determine the effect that the rail abandonment would have on historic resources. The SHPO also requested that BNSF consult with the City of Longmont's Historic Preservation Commission (HPC) and the Boulder County Land Use Department (BCLUD). BNSF provided additional information to the SHPO and consulted with HPC and BCLUD. The SHPO conducted a search of the Colorado Inventory of Cultural Resources and identified 12 sites and three surveys in the vicinity of the proposed abandonment. The SHPO recommends that a professional survey be conducted. Because consultation with the SHPO is still ongoing, SEA recommends that a condition be imposed requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures 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 has been completed.

BCLUD submitted comments on the proposed abandonment stating that it has no concerns regarding historic resources.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area and identified three tribes that may have an interest in the proposed abandonment: Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana. Accordingly, SEA is sending a copy of the EA to these tribes for their review and comment. SEA is also sending a copy of the EA to the SHPO, BCLUD and HPC.

CONDITIONS

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

- 1. BNSF Railway Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.**
- 2. Prior to beginning salvage activities, BNSF Railway Company shall consult with the U.S. Fish and Wildlife Service regarding its recommendations for conducting habitat assessments, trapping studies, or researching other options under the Endangered Species Act, and shall report the results of these consultations to the Section of Environmental Analysis in writing.**
- 3. BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF shall report back to the Section of Environmental Analysis regarding any consultations with the Colorado Historic Society and any other Section 106 consulting parties. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of the 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 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 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 Rini Ghosh, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 442X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please 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: September 5, 2006.

Comment due date: September 20, 2006.

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

Vernon A. Williams
Secretary

Attachment