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SERVICE DATE – LATE RELEASE FEBRUARY 7, 2011

SURFACE TRANSPORTATION BOARD

DECISION

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

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
WRIGHT COUNTY, IOWA

Decided: February 7, 2011

Union Pacific Railroad Company (UP), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad known as Kanawha Industrial Lead, extending from milepost -0.55 to milepost -0.1, a distance of .45 miles, near Belmond, in Wright County, Iowa (the Line). Notice of the exemption was served and published in the Federal Register on January 7, 2011 (76 Fed. Reg. 1,211-12). The exemption is scheduled to become effective on February 8, 2011.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on January 14, 2011. In the EA, OEA states that the United States Army Corps of Engineers (Corps) commented that the proposed abandonment would not require a Department of Army, Section 404 permit but 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 United States. Accordingly, OEA recommends that a condition be imposed upon any decision granting abandonment authority requiring UP to comply with these reasonable requirements if UP removes the bridge on the Line as part of the proposed abandonment.

In the EA, OEA also states that the United States 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, OEA recommends that a condition be imposed upon any decision granting abandonment authority requiring UP to consult with the L&WCF program and to comply with its reasonable requirements.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database (Database) at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. According to OEA, the Database indicated that there are 10 tribes that may have knowledge regarding properties of

traditional religious and cultural significance within the right-of-way for the proposed abandonment. The tribes are: 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. OEA sent a copy of the EA to these tribes for review and comment.

Comments to the EA were due by January 28, 2011. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on January 7, 2011, exempting the abandonment of the line described above, is subject to the conditions that UP, prior to commencement of any salvage activities, be required to: (1) comply with the Corps' reasonable requirements regarding bridge removal if UP removes the bridge on the Line as part of the proposed abandonment; and (2) consult with the L&WCF program to determine if any potential conflicts exist with Section 6(f)(3) of the L&WCF Act, and to comply with the L&WCF program's reasonable requirements.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.