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OEA

SERVICE DATE – LATE RELEASE FEBRUARY 18, 2015

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1120X**

**The State of New Hampshire – Abandonment Exemption –  
in Grafton County, New Hampshire**

**Docket No. AB 1120 (Sub-No. 1X)**

**Claremont Concord Railroad Corporation – Discontinuance of Service Exemption –  
In Grafton County, New Hampshire**

**BACKGROUND**

In this proceeding, the State of New Hampshire (the State) and Claremont Concord Railroad Corporation (CCRC) filed a joint 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 and discontinuance of a line of railroad in Grafton County, New Hampshire. The proposed abandonment and discontinuance extends 0.97 miles from milepost B140, Station 3515+69 on map v32.1-68 to milepost B141, Station 3568+49 on map v32.1-69 in Lebanon. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, CCRC would be relieved of its obligation to offer rail service over the line and the State would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

CCRC and the State 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. CCRC and the State 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> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

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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 1120X or AB 1120 (Sub-No. 1X)

According to CCRC and the State, no local traffic has moved over the line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment and discontinuance 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 (Applicable to Abandonment by the State)***

According to CCRC and the State, the Line is located in a generally wooded area in Lebanon, New Hampshire, near residential and commercial buildings as well as Interstate 89 and Route 4; it also runs along and across the Mascoma River in places. According to the State, the bridge crossing the Mascoma River near milepost 140.04 would remain intact. The State plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. If this abandonment is approved, the State intends to salvage rail, ties, and other track material but leave the railbed in place.

According to the State, salvage activities would not cause sedimentation or erosion of the soil, and the State does not anticipate any dredging or use of fill when removing the track material. The State affirms that no debris would be discarded along the right-of-way and that any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

The U.S. Environmental Protection Agency, Region 1, commented that the proposed project would not require a stormwater construction permit under Section 402 of the Clean Water Act. The U.S. Army Corps of Engineers (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required. The Corps also stated in their comments that should the abandonment be stayed to allow for interim trail use, they would need to review project plans to determine whether a permit is needed for activities relating to trail construction across or in wetlands. However, the Board's role in the conversion of a rail line to a trail under the Trails Act is ministerial and is not a "major federal action" requiring an environmental review under NEPA.

The New Hampshire Department of Environmental Services confirmed in a phone conversation with OEA that Lebanon is not located within a designated coastal zone, therefore, a federal consistency review is not required under the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. and the Board's environmental regulations at 49 CFR 1105.9.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would not affect federal trust resources under its jurisdiction and currently protected by the Endangered Species Act.

The National Geodetic Survey (NGS) identified one geodetic station marker that may be affected by the proposed abandonment. Accordingly, OEA recommends a condition that the State shall consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

OEA 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, 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 U.S. Army Corps of Engineers for review and comment.

## **HISTORIC REVIEW**

CCRC and the State served the Historic Report on the New Hampshire Division of Historical Resources, the State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that it requires additional information to determine whether the proposed abandonment would affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database did not indicate that any federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

## **CONDITIONS**

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

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<sup>2</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited February 11, 2015).

- 1. The State of New Hampshire (the State) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. The State shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the New Hampshire Division of Historical Resources and the public. The State may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**
- 2. The State of New Hampshire shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

## **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 four-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 two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Adam Assenza, 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 1120X or AB 1120 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.dot.gov](mailto:adam.assenza@stb.dot.gov).

Date made available to the public: February 18, 2015.

**Comment due date: March 4, 2015.**

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

Attachment