

33003  
DO

SERVICE DATE - SEPTEMBER 6, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.–ABANDONMENT–IN LEWIS, NEZ PERCE, AND IDAHO  
COUNTIES, ID  
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: September 5, 2002

By decision and certificate of interim trail use or abandonment served on September 13, 2000 (September decision), Camas Prairie RailNet, Inc. (CSPR or applicant) was granted authority under 49 U.S.C. 10903 to abandon a line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding, ID, to milepost 66.8 (end of track) near Grangeville, ID, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. The abandonment was made subject to employee protective, public use,<sup>1</sup> historic, and environmental conditions.

The environmental conditions were as follows: CSPR (1) shall not salvage or dispose of the right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531; (2) shall notify the National Geodetic Survey (NGS) not less than 90 days prior to commencement of salvage operations, if such operations are expected to destroy or disturb any of the 23 geodetic station markers listed in CSPR's Environmental Report; (3) shall retain its interest in and take no steps to alter the historic integrity of the rail line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; (4) shall consult with the City of Cottonwood's Highway Engineer prior to conducting salvage activities at or near grade crossings; (5) shall consult with the Environmental Protection Agency (EPA) and secure all necessary permits prior to initiation of salvage or disposal activities ; (6)(a) shall consult with the Idaho Department of Environmental Quality (ID-DEQ) and the Nez Perce Tribe regarding development of a Track Salvage and Stream Restoration Work Plan (Work Plan), submit the Work Plan to ID-DEQ and the Nez Perce for their review, design the Work Plan to protect stream habitats during any salvage activities to restore in-stream habitats, including the use of best management practices, and address in the Work Plan disposal of cross ties and timbers which may

---

<sup>1</sup> The public use condition expired on April 11, 2001.

have been treated with creosote or pentachlorophenol, both of which are considered toxic,<sup>2</sup> and (b) shall obtain from ID-DEQ all required discharge permits and plans to prevent hill/slope mass wasting prior to initiation of salvage or disposal activities; (7)(a) shall consult with the Bureau of Land Management (BLM) to eradicate all noxious or non-native weeds prior to abandonment, consult with BLM regarding the application of approved herbicides to all non-native weed infestations and the seeding and mulching of all disturbed areas with native vegetation, and maintain responsibility for weed control and successful revegetation program as long as the right-of-way remains under CSPR's ownership, (b) shall provide adequate certification to BLM that the right-of-way contains no hazardous substances that are subject to provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act, and the Resource Conservation and Recovery Act of 1976, as amended, and (c) shall take reasonable measures to dismantle or seal all trestles, bridges, and tunnels in a manner that will make them inaccessible to the public, if the right-of-way is not converted to any other public use.

On August 22, 2002, the Board's Section of Environmental Analysis (SEA) sent the Board a Supplemental Post Environmental Assessment. Therein, SEA states that, based on subsequent consultations and work by CSPR, all or portions of all seven imposed environmental conditions have been satisfied. SEA further states that CSPR has also negotiated a separate agreement with the Nez Perce Tribe regarding implementation of potential stream restoration activities on Lapwai Creek.

SEA therefore recommends that we delete conditions 1, 3, 6(a), and 7(a), (b) and (c). Moreover, in light of the recent CSPR-Nez Perce agreement, SEA also recommends that we add the following condition: CSPR shall abide by the terms of its negotiated agreement with the Nez Perce Tribe governing stream restoration activities affecting Lapwai Creek and its tributaries.

Finally, SEA states that conditions 2, 4, 5, and 6(b) should remain in effect because they have yet to be satisfied. It notes, however, that those conditions are self-executing consultation conditions and that, once CSPR has completed them, it may proceed with salvage.

Accordingly, the proceeding will be reopened to implement SEA's recommendations as set forth in the ordering paragraphs below.

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

---

<sup>2</sup> Condition 6(a) was modified in a decision served on July 24, 2002, by removing reference to ID-DEQ.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, environmental conditions 1, 3, 6(a), and 7(a), (b), and (c) are removed, and the following new condition is added: (8) CSPR shall abide by the terms of its negotiated agreement with the Nez Perce Tribe governing stream restoration activities affecting Lapwai Creek and its tributaries.
3. All other provisions and environmental conditions imposed in the September 13, 2000 decision in this proceeding will remain in effect.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary