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SEA

SERVICE DATE – OCTOBER 5, 2007

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-6 (SUB-NO. 458X)**

**BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN LOGAN  
COUNTY, CO**

**BACKGROUND**

On September 11, 2007, the BNSF Railway Company (BNSF) filed a verified notice of exemption pursuant to the Surface Transportation Board's (Board) regulations at 49 CFR 1152.50. BNSF proposes to abandon 0.44 miles of railroad line between milepost 229.66 and milepost 230.10, in the City of Sterling, Logan County, Colorado. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, BNSF will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

BNSF submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of abandonment, 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 Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

The line proposed for abandonment is located in the City of Sterling (Sterling), which is the largest city in northeastern Colorado. Sterling is also the county seat of Logan County. Early settlers in northeastern Colorado developed huge cattle ranching empires in and around Sterling, creating the area's first economic base. After the arrival of the railroads in 1881, businesses, stores, and other operations followed contributing to the region's economic growth. Sterling is served by two freight railroads, BNSF and Union Pacific Railroad.

The line proposed for abandonment would have no effect on existing transportation systems or patterns as there has been no local traffic on the line for over two years. According to Sterling, the proposed abandonment would be consistent with exiting city land use plans. Moreover, Sterling advises that no alternate uses of the right-of-way are currently under consideration beyond using the right-of-way for municipal street purposes. If abandonment authority is granted, five at-grade crossings would be removed from local roadways. BNSF bids its salvage packages out to independent contractors. According to BNSF, the salvage contractors would remove the rails, wooden ties, bridges and crossings as well as any other railroad-related

structures on the right-of-way. Culverts and the rail line embankment would stay intact so as not to alter the prevailing water flows along the right-of-way. No fill or other material would be placed in water bodies.

The Natural Resources Conservation Service states that the proposed abandonment should have no effect on prime agricultural lands. Likewise, as a result of abandonment activities, no impacts on air quality, noise levels, or energy resources are expected to occur. In a letter of March 5, 2007, the United States Fish and Wildlife Service (USFWS) indicated that they do not have any comments to BNSF's request for consultation on the presence of Federally-listed endangered or threatened species, wildlife sanctuaries or critical habit that may be located near the line proposed for abandonment. The proposed abandonment is located in a developed urban environment, and a large amount of ground disturbance has already occurred on and around the right-of-way. Based on available information, it is unlikely, given the prior ground disturbances and location of the right-of-way that any Federally-listed threatened or endangered species would be present. Nevertheless, SEA has added USFWS to the service list in this proceeding to ensure that they receive a copy of the EA for review and comment. The National Park Service reviewed the proposed project, and determined that no parks would be affected. BNSF states that the proposed abandonment would be handled in a manner that is consistent with the applicable Federal, state, and local water quality standards. BNSF states that no known hazardous waste sites or spills have occurred on the right-of-way. The Army Corps of Engineers (Corps) reviewed the proposed abandonment and determined, based on available information, that a Corps permit would not be required.

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Colorado State Historic Preservation Office (COSHPPO) pursuant to 49 CFR 1105.8(c). Based on available information, the COSHPPO has submitted comments requesting that the line be surveyed in order to determine whether there are any railroad-related structures and objects along the right-of-way that may be affected by the proposed abandonment of the line. Accordingly, we are recommending that BNSF 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. BNSF shall report back to SEA regarding any consultations with the COSHPPO, Tribal Historic Preservation Office (if on tribal lands), any other Section 106 consulting parties that have been identified and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following three federally recognized tribes that may have an interest in the proposed abandonment.

- Arapaho Tribe of the Wind River Reservation, Wyoming
- Cheyenne-Arapaho Tribes of Oklahoma
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana

Accordingly, SEA is sending a copy of this EA to the three tribes identified above for their review and comment.

### **CONDITION**

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

- BNSF Railway Company (BNSF) 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. BNSF shall report back to the Section of Environmental Analysis regarding any consultations with the Colorado State Historic Preservation Office, Tribal Historic Preservation Office (if on tribal lands), any other Section 106 consulting parties that have been identified and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment 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, abandonment would 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, discontinuance of service and salvage of the rail line, a portion of the rights-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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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) 245-0230, 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 Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (SUB-NO. 458X)**. If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 245-0304, fax at (202) 245-0454, or e-mail [johnson-ballp@stb.dot.gov](mailto:johnson-ballp@stb.dot.gov).

Date made available to the public: October 5, 2007.

**Comment due date: October 22, 2007.**

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

Vernon A. Williams  
Secretary

Attachment