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SEA

SERVICE DATE – SEPTEMBER 29, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-871X

**State of New Hampshire Department of Transportation –
Abandonment Exemption – in Belknap County, NH**

BACKGROUND

In this proceeding, the State of New Hampshire Department of Transportation (NHDOT) 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 portion of a line of railroad known as the Lakeport Spur in Belknap County, New Hampshire. The portion of the rail line proposed for abandonment extends from railroad engineering station 1 + 70 to railroad engineering station 11 + 28.11 (the Line) in the City of Laconia. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, NHDOT will be able to salvage track, ties and other railroad appurtenances.

ENVIRONMENTAL REVIEW

NHDOT 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. NHDOT 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 NHDOT, no traffic has moved over the Line for over twenty years. 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

According to NHDOT, the Line is currently owned by James R. Irwin and Sons, Inc. NHDOT acquired the right to operate and maintain a railroad on the Line from the Boston and Maine Corporation through condemnation proceedings and currently retains an easement over the Line to conduct rail services. NHDOT does not plan to conduct any salvage activities on the Line as part of the proposed abandonment. However, in the event that salvage activities are conducted, SEA has considered the potential environmental impacts that could arise.

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.

According to NHDOT, the land in the area of the proposed abandonment has been developed for a commercial boat storage facility and marina. NHDOT states that portions of the right-of-way have been paved over, though the tracks remain in place and have been kept clear of permanent obstructions.

NHDOT has provided information indicating that twelve hazardous materials remediation sites near the Line have been identified by the New Hampshire Department of Environmental Services (NHDES). Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring NHDOT to consult with NHDES prior to beginning any salvage activities regarding the remediation sites and to comply with the recommendations of NHDES during salvage activities.

The U.S. Fish and Wildlife Service (USFWS) has submitted information stating that no Federally listed threatened or endangered species or critical habitat under the jurisdiction of USFWS are known to occur in the area.

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.

HISTORIC REVIEW

NHDOT served the historic report on the New Hampshire Division of Historical Resources (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). NHDOT included notes of a February 22, 2005, conference with the SHPO, stating that the SHPO had concluded that it had no objections to the proposed abandonment.

SEA contacted Ms. Edna Feighner, Review and Compliance Officer at the SHPO by telephone on September 19, 2006, and Ms. Feighner indicated that no further consultation was necessary.

Thus, pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of NHDOT's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

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 no tribes that may have an interest in the proposed abandonment.

CONDITION

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

The State of New Hampshire Department of Transportation shall consult with the New Hampshire Department of Environmental Services (NHDES) prior to beginning any salvage activities regarding the remediation sites and shall comply with the recommendations of NHDES during salvage activities.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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. NHDOT states that the Line is not suitable for public, non-rail purposes, because the underlying property is used as a commercial business and owned by a private entity.

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-871X 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 29, 2006.

Comment due date: October 16, 2006.

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

Vernon A. Williams
Secretary

Attachment