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SEA

SERVICE DATE – DECEMBER 8, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 230X)

**Union Pacific Railroad Company – Abandonment Exemption – in Lassen County, CA and
Washoe County, NV**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a petition for exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon and discontinue service over the Flanigan Industrial Lead from milepost 338.33 near Flanigan, Nevada, to milepost 360.10 near Wendel, California, a distance of 21.77 miles in Washoe County, Nevada, and Lassen County, California; and over the Susanville Industrial Lead from milepost 358.68 to milepost 359.25 near Wendel, a distance of .57 miles in Lassen County. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, UP will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

UP indicates that the majority of the Flanigan Industrial Lead from Flanigan to Wendel and the Susanville Industrial Lead were constructed by the Fernley and Lassen Railway in 1913 and 1914. A portion of the Flanigan Industrial Lead on the north side of Wendel was constructed by the Nevada-California-Oregon Railway in the years 1899 and 1900. The line has a right-of-way width of 150 feet with some intermittent portions of 300 feet. Based on information in UP's possession, the line contains Federally granted right-of-way. The line is located in a rural, high desert area adjacent to the Amedee Mountains. The topography of the land is generally flat. UP states that there are five timber trestle bridges along the proposed abandonment which were constructed between 1931 and 1941.

According to UP, new rail oriented customers are not likely to locate along the line. There is no overhead traffic on the line. UP plans to reclassify the line after abandonment and to sell it for operation as an industrial lead track to a railroad tie disposal contractor located at the southern end of the line at Flanigan. The line will be used by the tie disposal contractor to access a steam generating plant at Wendel that burns various salvaged wood items for generation of electricity.

UP states that the only revenue generating traffic on the line since July of 2004 has been UP salvage contractor movements of scrap railroad track materials from abandoned UP railroad lines in the area. Activity in 2004, 2005, and through early March, 2006 stemmed from salvage of

a UP abandonment of a rail line between Wendel and McArthur. Activity in July and August, 2006 stemmed from salvage of the abandoned UP line running from Wendel to Susanville. UP states that there would be no effect on regional or local transportation systems or patterns, and no rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Board's thresholds for conducting more detailed air quality and noise analysis (an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment) would not be exceeded.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control (BWPC) has indicated that, based on the information provided, Rolling Stock, Stormwater, and 401 permits may be required by UP prior to beginning salvage. Accordingly, we will recommend a condition requiring that UP contact BWPC prior to beginning salvage to address BWPC's concerns.

The National Geodetic Survey (NGS) has advised SEA that 14 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that UP contact NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of the geodetic station markers.

The United States Department of the Interior, Fish and Wildlife Service (USFWS) offices in Sacramento, California and Reno, Nevada, have indicated that the endangered Carson wandering skipper (*Pseudocopaeodes eunus obscurus*) (skipper) may be present in the project area. USFWS is aware of at least one existing population of skippers in the Wendel area and there has been a sighting of the skipper near Flanigan. Given the close proximity of the proposed abandonment to known occurrences of the skipper and the potential presence of suitable habitat, the skipper may be present and be affected, directly or indirectly, by the proposed project. USFWS recommends that their most current habitat suitability guidance and survey guidelines be used to determine whether the skipper is present or absent in the area. If the proposed abandonment and interrelated actions can not be designed to avoid adverse effects to the skipper, exemption from the take prohibitions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) should be obtained. Accordingly, we will recommend a condition requiring that UP contact USFWS prior to beginning salvage to address their concerns about the skipper.

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Nevada State Historic Preservation Office (NV SHPO) and the California Office of Historic Preservation (California State Historic Preservation Office or CA SHPO) pursuant to 49 CFR 1105.8(c). The NV SHPO has requested additional information from UP and the CA SHPO has not yet completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Reno-Sparks Indian Colony, Walker River Paiute Tribe of the Walker River Reservation, Washoe Tribe, Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Pit River Tribe, and the Susanville Indian Rancheria may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

1. Union Pacific Railroad Corporation (UP) shall consult with the United States Department of the Interior, Fish and Wildlife Service (USFWS) prior to commencement of any salvage activities to assess potential impacts to the endangered Carson wandering skipper (*Pseudocopa eunus obscurus*), and identify any appropriate mitigation measures that may be warranted. UP shall report the results of this consultation in writing to the Board's Section of Environmental Analysis prior to beginning salvage activities.
2. Union Pacific Railroad Corporation (UP) shall consult with the Nevada Division of Environmental Protection, Bureau of Water Pollution Control (BWPC) prior to commencement of any salvage activities to address BWPC's water permitting requirements.
3. Union Pacific Railroad Corporation (UP) shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.
4. Union Pacific Railroad Corporation (UP) shall retain its interest in and take no steps to

alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis regarding any consultations with the Nevada State Historic Preservation Office (NV SHPO) and the California Office of Historic Preservation (California State Historic Preservation Office or CA SHPO) and any other Section 106 consulting parties. UP 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.

CONCLUSIONS

Based on the information provided from all sources to date, SEA 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 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 (NITU) 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 right-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 Kenneth Blodgett, the environmental contact for this case. 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-33 (Sub-No. 230X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Kenneth Blodgett by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: December 8, 2006.

Comment due date: January 8, 2007.

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

Vernon A. Williams
Secretary

Attachment