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SEA

SERVICE DATE – MAY 9, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-857 (Sub-No. 1X)

**Great Western Railway of Colorado, LLC – Abandonment Exemption –
in Weld County, CO**

BACKGROUND

In this proceeding, Great Western Railway of Colorado, LLC (GWRC) 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 line of railroad in Weld County, Colorado. The rail line proposed for abandonment extends approximately 6.2 miles from milepost 0.0 at Johnstown to milepost 6.2 near Welty (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to GWRC, the Line was constructed sometime between 1901 and 1906 by GWRC's predecessor, Great Western Railway Company, primarily to serve the sugar beet industry in the area. Subsequently, the Line was used to transport various agricultural products.

GWRC indicates that the Line branches off the GWRC mainline at the intersection of Route 17 and North 2nd Street in Johnstown, extends in a southwesterly direction through Johnstown until it reaches Route 15 and then extends westerly through a predominately rural area to the end of the Line just west of Interstate Hwy 25. The rail corridor right-of-way is approximately 80 feet wide.

ENVIRONMENTAL REVIEW

GWRC 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. GWRC 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to GWRC, no local traffic has moved over the Line for twenty years, and there is no overhead traffic to be rerouted. 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

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.

GWRC states that it intends to remove rail, track materials and cross ties from the Line. GWRC also indicates that it does not anticipate the use of any access roads, the need to conduct dredging or the use of rill during salvage. In addition, GWRC states that only existing public and private access roads and the GWRC right-of-way would be needed to facilitate the salvage operations. There are no plans to disturb the underlying road bed, and there are no bridges to be removed because there are no surrounding waterways.

The United States Department of Agriculture, Natural Conservation Resource Service stated that based on the information received, there would not be any impact on prime agricultural land associated with the proposed abandonment.

The U.S. Fish and Wildlife Service, Colorado Field Office (USFWS) commented that there is no designated critical habitat in Weld County. USFWS stated that it could not provide GWRC with any site-specific information and included a list of endangered species that may be present in the project area. However, USFWS later submitted additional comments stating that USFWS concurred with GWRC that the proposed abandonment would not likely have an adverse affect. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required.

The National Park Service stated that it had no comments regarding the proposed abandonment.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-857 (Sub-No. 1X).

The U.S. Army Corps of Engineers (Corps) reviewed the proposed project and stated that the Line is not located within a designated floodplain. Furthermore, the Corps indicated that a Department of Army Permit would likely not be required.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the area of the proposed abandonment. Therefore, no further consultation with NGS will be necessary.

The U.S. Environmental Protection Agency, Region 8 (USEPA) has not submitted comments regarding this proposed project. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA 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, SEA is providing a copy of this EA to USEPA for its review and comment.

HISTORIC REVIEW

GWRC served the historic report on the Colorado State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the Line is more than fifty years old and was determined eligible for inclusion in the National Register of Historic Places (National Register) in 1989. The SHPO also stated that there are numerous railroad related structures along the route, including signposts, signals, and trestles. Accordingly, we are recommending a condition requiring GWRC 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 until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated the following tribes may have an interest in the proposed abandonment: the Arapaho Tribe of the Wind River Reservation, Wyoming; the Cheyenne-Arapaho Tribes of Oklahoma; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

1. Great Western Railway of Colorado (GWRC) 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. GWRC shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. GWRC 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 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.

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 Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You

may contact OPS directly at (202) 245-0238, 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 Danielle Gosselin, 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-857 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: May 9, 2008.

Comment due date: May 23, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment