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OEA

SERVICE DATE – SEPTEMBER 6, 2013

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 33 (Sub-No. 294X)**

**Union Pacific Railroad Company– Abandonment Exemption –  
In Canyon County, Idaho**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of rail line in Canyon County, Idaho. The rail line proposed for abandonment is located on the Stoddard Industrial Lead in Nampa and extends approximately 0.85 miles from milepost 0.90 to milepost 1.75. According to UP, the line was originally constructed in 1897 by the Boise, Nampa & Owyhee Railway Company and primarily contains 133-pound second hand jointed rail that was installed in 1969. If abandonment authority is granted, UP notes that the area would continue to be rail-served via UP’s Nampa and Huntington Subdivisions and the Boise Valley Railroad.

The rail line travels through an urban area consisting of mixed land uses. The right-of-way varies from 66 feet to 99 feet in width and the surrounding topography is generally level. Based on a recent title search, UP indicates that there is no reversionary right-of-way and the abandonment line does not contain any federally granted right-of-way. The proposed abandonment traverses Zip Code 83686. If the notice becomes effective, UP would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**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) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 33 (Sub-No. 294X).

in this proceeding.

### ***Diversion of Traffic***

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would 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 construction of new access points to the right-of-way. Although UP has not provided a detail of its salvage procedure, the railroad has indicated that there are no structures in the area of the proposed abandonment. OEA believes that UP's salvage process would therefore be limited to the tracks, ties, and ballast, but not include any bridges or culverts.

The U.S. Army Corps of Engineers (Corps) has determined that the South Nampa Lateral, a regulated waterbody under Corps jurisdiction, is situated within close proximity to the right-of-way of the proposed abandonment. The Corps notes that the proposed abandonment may impact this waterbody and contiguous wetlands, and requests that a Corps permit be obtained if project activities are expected to result in the discharge of fill material below the ordinary high water mark. Since UP has not provided details of its salvage procedure, OEA is not certain if the proposed abandonment would result in any discharge of fill material, and is therefore recommending a condition that, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), UP shall consult with the Corps prior to initiating salvage operations to determine if a permit is needed.

The Utah Department of Environmental Quality (DEQ) commented that it has determined that the proposed abandonment would have no recognizable impact on environmental resources. OEA has therefore determined that no further consultation with DEQ is necessary.

The Natural Resources Conservation Service (NRCS) submitted comments stating that there are no areas of prime farmland along the right-of-way of the proposed abandonment because it is located in a developed urban area. OEA has therefore determined that no further consultation with NRCS is necessary.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

OEA 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.

In 2010, the City of Nampa filed a request for Public Use and Interim Trail Use to develop the line as a recreational trail. This action initiates a process that may lead to the establishment of a trail on the right-of-way, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d).

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency, the National Park Service, the U.S. Fish and Wildlife Service, the Idaho Transportation Department, the Canyon County Board of Commissioners, and the City of Nampa.

## **HISTORIC REVIEW**

UP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Idaho State Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. The SHPO requested to be immediately contacted if any archaeological remains are discovered during the railroad's salvage activities. OEA has therefore included a condition in this EA in response to the SHPO's request.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that there are no federally-recognized tribes with ancestral connections in the area of the proposed abandonment.

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<sup>2</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 23, 2013).

## **CONDITIONS**

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

1. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad shall immediately cease all work and notify OEA and the Idaho State Historical Society (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 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 Diana Wood, 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 33 (Sub-No. 294X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: September 6, 2013.

**Comment due date: September 23, 2013.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment