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SERVICE DATE – FEBRUARY 14, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 227X)

Union Pacific Railroad Company – Abandonment Exemption – in Caribou County, ID

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over the Dry Valley Subdivision in Caribou County, Idaho. The line extends 0.21 miles from milepost 23.90 to milepost 24.11. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

UP states that the reason for the proposed abandonment is to facilitate the reclassification and sale of the line to the sole shipper on the line, Agrium, to enable Agrium to assemble optimally sized phosphate rock trains with its own crews. Agrium would continue to operate the line after the proposed abandonment, reclassification and sale.

DESCRIPTION OF THE LINE

UP states that the line was constructed in 1965 by UP for El Paso Gas Products Company. The line was then purchased by UP through its subsidiary, the Oregon Short Line Railroad, in 1973. The line is laid with 131-pound jointed rail. According to UP, the line is 149 feet in width and located in a dale. The land in the area is hilly and rocky, with some gently rolling slopes.

Astaris, the sole shipper on the line in 2002 and 2003, has sold its operations that were served by the line to Agrium. According to UP, Astaris shipped 1736 cars over the line in 2002 (1722 cars of phosphate rock and 14 cars of covered hoppers moved on own wheels) and 1906¹ cars of phosphate rock in 2003. UP states that there was no traffic on the line from January to

¹ Page four of UP's Petition for Exemption states that 1609 cars of phosphate rock were shipped over the line in 2003, while page two of UP's Environmental and Historic Report states that 1906 cars of phosphate rock were shipped over the line in 2003. The Section of Environmental Analysis contacted Mr. Mack Shumate of UP who orally clarified that 1906 cars of phosphate rock were shipped over the line in 2003, as stated in the Environmental and Historic Report, and the number stated in the Petition for Exemption was a typographical error.

September of 2004, but UP contemplates that Agrium plans to commence shipping over the line in 2005.

UP states that it will continue to provide service to the Agrium facility after the proposed abandonment and discontinuance, and Agrium will not have to utilize any transportation alternatives. Thus, according to UP, there will be no diversion of rail traffic to other modes or transportation systems. UP also states that the line is at a track end, so there will be no effect on overhead traffic.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment and discontinuance of service or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that the Dry Valley Creek in the area of the proposed abandonment is a water regulated under Section 404 of the Clean Water Act. However, based on the information provided by UP, the Corps stated that the proposed abandonment and discontinuance of service would not involve work in areas subject to the Corps' jurisdiction and a Corps' permit would not be required.

The Natural Resources Conservation Service submitted comments stating that the proposed abandonment and discontinuance of service would not have any adverse environmental impact on any prime agricultural land.

The U.S. Fish and Wildlife Service submitted comments stating that the project is unlikely to adversely impact any species listed under the Endangered Species Act of 1973, as amended.

The Idaho Public Utilities Commission issued an order on January 10, 2005 finding that the proposed abandonment and sale of the line to Agrium would not adversely affect any other shippers and that the Public Utilities Commission does not oppose the abandonment.

HISTORIC REVIEW

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Idaho State Historical Society (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). In the report, UP states that there are no structures on the line that are 50 years old or older. 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 by

the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

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)(1) 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. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of and discontinuance of service over 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 and discontinuance of service 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. UP states that because Agrium plans to use the line for its sole industrial purposes following abandonment and because the area is adequately served by existing roads and utility lines, UP does not believe that the right-of-way is suitable for other public purposes.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services 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, you should 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-33 (Sub-No. 227X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should 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: **February 14, 2005.**

Comment due date: March 15, 2005.

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

Vernon A. Williams
Secretary

Attachment