

40553
SEA

SERVICE DATE – FEBRUARY 12, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-1052X

**Almanor Railroad Company - Abandonment Exemption - in Plumas and Lassen
Counties, CA**

BACKGROUND

In this proceeding, Almanor Railroad Company (AL or railroad) filed a notice under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Plumas and Lassen counties, California (CA). The rail line proposed for abandonment extends approximately 12.3 miles from Milepost 0.0, in Chester, to Milepost 12.3, near Clear Creek (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in northeastern California. The railroad did not identify the right-of-way width in the notice. According to the railroad, no local traffic has moved over the Line for at least two years and any overhead traffic on the Line can be rerouted to other rail lines.

The Red River Lumber Company built the Line in the 1930s and AL acquired the Line in 1942. AL is owned by Collins Pine Company, which was the only shipper on the Line. Collins Pine Company previously used the Line to move products from its mill at Chester to Clear Creek Junction for interchange with the BNSF Railway Company. However, Collins Creek Company is now trucking its lumber products for transloading to BNSF Railway Company at Clear Creek Junction. The only structure on the Line that is 50 years of age or older is a steel beams-on-concrete pier bridge near Lake Almanor, and the railroad believes that the bridge was constructed in the 1930s when the Line was originally constructed.

AL is not aware of any known hazardous waste sites on the Line.

ENVIRONMENTAL REVIEW

AL submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. AL 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) reviewed and investigated the record in this proceeding.

Diversion of Traffic

There are no active shippers on the Line. 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

AL intends to remove and sell the rails, ties and other track materials from the Line. AL does not intend to remove or disturb the bridge near Lake Almanor.

The California Coastal Commission, Federal Consistency Division stated that the proposed abandonment would not affect the California coastal zone.

The Natural Resources Conservation Service (NRCS), District Conservationist stated that the proposed abandonment would not affect any programs administered by the NRCS. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The National Park Service, Pacific West Region concluded that the proposed abandonment would not affect any National Park Service units or programs.

The U.S. Fish and Wildlife Service (USFWS), Endangered Species Program, Sacramento, CA responded to the railroad's environmental report in correspondence dated December 8, 2009. In the response, the USFWS provided a threatened and endangered species list to the railroad and requested that the railroad identify any potential effects that the proposed abandonment could have on the Federally listed species. In its environmental report, the railroad concluded that the proposed abandonment would not harm any of the listed species. However, because the railroad's conclusion was not substantiated, SEA is unable to determine whether any

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-1052X.

Federally listed threatened or endangered species exist in the area of the proposed abandonment. However, due to the temporary nature of the proposed salvage activities, SEA believes that potential impacts to any such species could be appropriately mitigated through consultation with the USFWS pursuant to Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq*). Accordingly, SEA recommends that a condition be imposed, requiring the railroad to contact USFWS prior to beginning salvage activities to discuss potential impacts to any Federally listed endangered or threatened species. The railroad shall report the results of this consultation to SEA in writing. Should any potential impacts be identified, the railroad shall consult with SEA and USFWS to develop appropriate mitigation measures.

The U.S. Army Corps of Engineers (Corps) had not responded to the railroad's environmental report at the time this EA was prepared. Therefore, SEA has provided a copy of this EA to the Corps for review and comment.

The National Geodetic Survey (NGS) has advised SEA that two geodetic station markers have been identified that could be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires the railroad to consult with the NGS and notify the NGS at least 90 days prior to beginning salvage activities that would disturb or destroy the geodetic station marker.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the California Office of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO had not responded at the time this EA was prepared.

Accordingly, we are recommending a condition that requires the railroad to retain its interest in and take no steps to alter the historic integrity of any 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 of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

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 identified the following ten tribes as having connections to Plumas and Lassen counties:

- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon,
- Greenville Rancheria of Maidu Indians of California,
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada,
- Pit River Tribe, California,

- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Reno-Sparks Indian Colony, Nevada,
- Susanville Indian Rancheria, California,
- Walker River Paiute Tribe of the Walker River Reservation, Nevada,
- Washoe Tribe of Nevada and California, and
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada.

A copy of this EA has been provided to each tribe for review and comment.

CONDITIONS

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

1. Almanor Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.
2. Almanor Railroad Company shall contact the U.S. Fish and Wildlife Service (USFWS), Endangered Species Program, Sacramento, CA prior to beginning salvage activities to discuss potential impacts to Federally listed endangered or threatened species that may occur in the project area (as identified by the USFWS in December 8, 2009 correspondence with the railroad). The railroad shall report the results of this consultation to the Board's Section of Environmental Analysis (SEA) in writing. Should any potential impacts be identified, the railroad shall consult with SEA and USFWS to develop appropriate mitigation measures.
3. Almanor Railroad Company shall retain its interest in and take no steps to alter the historic integrity of any historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Almanor Railroad Company shall report to the Board's Section of Environmental Analysis (SEA) regarding any consultations with California Office of Historic Preservation (the State Historic Preservation Office or SHPO) and the public. Almanor Railroad Company 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 were imposed, abandonment of the Line would 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 and no salvage activities), 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 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 Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, 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 STB Docket No. AB-1052X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: February 12, 2010.

Comment due date: March 1, 2010.

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

Attachment