

34705

SERVICE DATE - MAY 28, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB-6 (Sub-No. 414X)

**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION—IN MODOC AND SISKIYOU
COUNTIES, CA**

BACKGROUND

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon and discontinue service over a 33.77-mile line of railroad between milepost 0.00 near Lookout, and milepost 33.77 near Hambone, in Modoc and Siskiyou Counties, CA. The line traverses United States Postal Service Zip Codes 96054 and 96056. 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.

CONTACTS AND PROCEDURES

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 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 the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

BNSF has certified that no local traffic has moved over the line for a least two years and there is no overhead traffic to be rerouted. The proposed abandonment should have no effect on regional or local transportation systems and patterns. No land use conflicts are anticipated. All

activities associated with the proposed abandonment would be confined to the rail line right-of-way (ROW) and would not affect adjacent land use or any important farmland along the line. The ROW is not within a designated coastal zone. The Forest Service believes that the ROW is potentially suitable for alternative use as a recreational trail, perhaps in conjunction with trail systems that may be located on the adjacent Shasta National Forest.

The Forest Service stated in a letter of January 22, 2004, that the proposed project impact area that crosses the Modoc National Forest does not include any established wildlife sanctuaries or refuges. The Forest Service advises that surveys for threatened, endangered and sensitive species (TES) have not been conducted in the project area. There is a possibility of bald eagles nesting in the area that would necessitate either a limited salvage period precluding salvage activities during nesting months, or a survey to determine if indeed the species utilizes the impact area. The Forest Service also notes that a survey for TES plant species would also be required should the project surface impact extend beyond the extent of the BNSF right-of-way.

The California Regional Water Quality Control Board advised BNSF that a Construction Storm Water Permit may be required for salvage activities. The U.S. Army Corps of Engineers advised BNSF that salvage activities may be within their jurisdiction and a permit may be required.

Cultural and Historic Resources

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The applicant/railroad served the report on the State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8 c). The SHPO has submitted comments stating that additional information is required before a determination of effect in accordance with 36 CFR 800 can be completed. Pending completion of the SHPO's review, we recommend that the Board impose a condition on any certificate granting abandonment authority to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

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

1. BNSF shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The Forest Service advises that additional information is needed, preferably a survey, to determine if bald eagles are nesting in the area near the rail line. SEA recommends that BNSF consult with the Forest Service to determine if additional documentation is needed to determine if the Bald Eagle inhabits the project area and, if so, would the Bald Eagle be impacted by salvage activities.

3. The Forest Service advises that a survey for threatened, endangered and sensitive species (TES) plant species would be required should salvage activities extend beyond the BNSF right-of-way. SEA recommends that BNSF consult with the Forest Service, if salvage activities extend beyond the right-of-way, to determine if any TES plant species would be impacted by salvage activities.
4. SEA recommends that BNSF consult with the California Regional Water Quality Control Board to determine if a Construction Storm Water Permit is required for salvage activities.
5. SEA recommends that BNSF consult with the U.S. Army Corps of Engineers to determine if a permit is required prior to salvaging the right-of-way.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 any 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 petition for 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 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, Room 848, 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 Phillis Johnson-Ball, 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-6 (Sub No. 414X) in all correspondence, including e-filings, addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 5/28/04

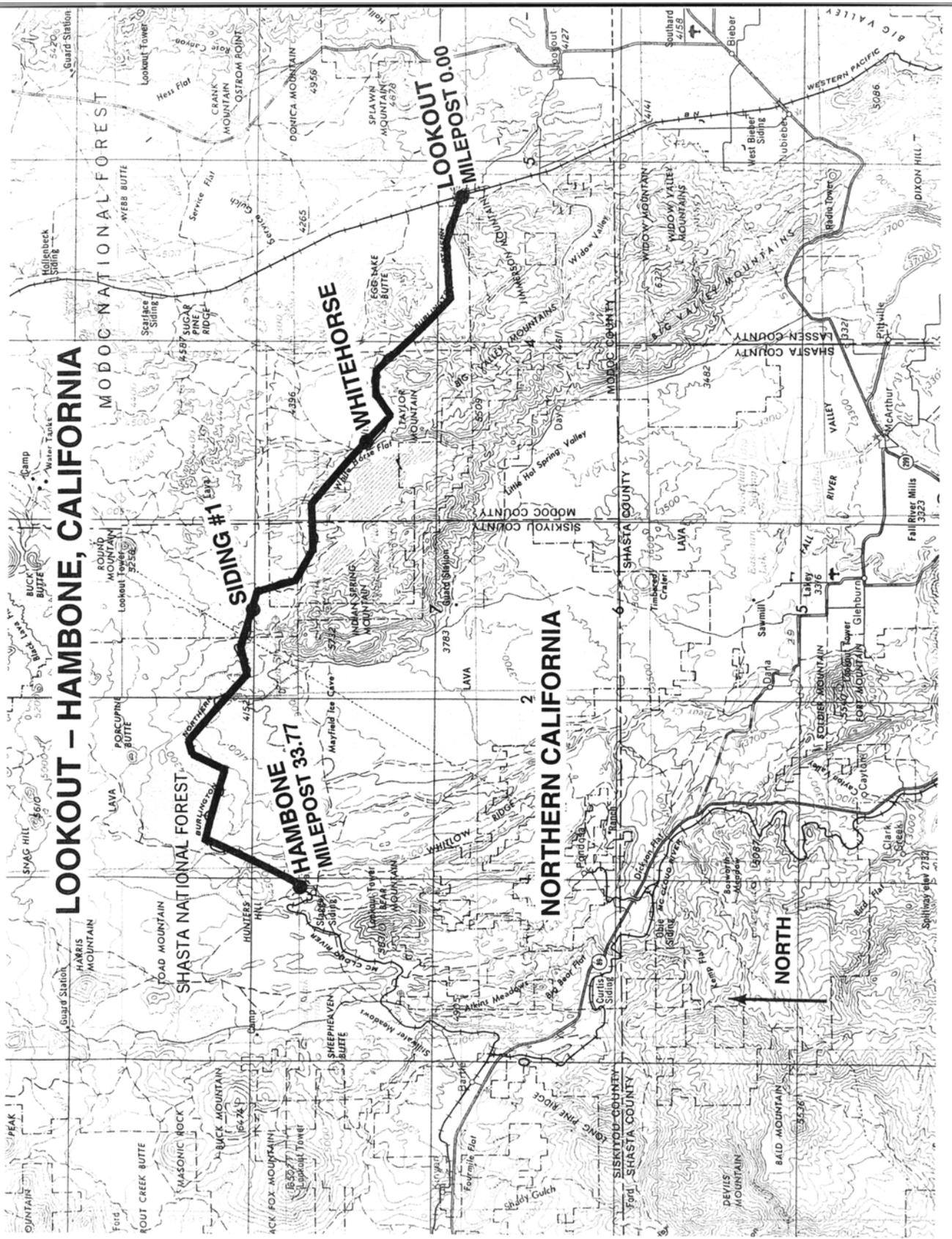
Comment due date: 6/14/04

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

Vernon A. Williams
Secretary

Attachment

LOOKOUT - HAMBONE, CALIFORNIA



SHASTA NATIONAL FOREST

MODOC NATIONAL FOREST

WHITEHORSE

NORTHERN CALIFORNIA

HAMBONE MILEPOST 33.7

LOOKOUT MILEPOST 0.0

NORTH