

32883  
DO

SERVICE DATE - JULY 24, 2002

SURFACE TRANSPORTATION BOARD

DECISION AND CERTIFICATE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.–ABANDONMENT–IN LEWIS, NEZ PERCE, AND IDAHO  
COUNTIES, ID  
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: July 19, 2002

By decision and certificate of interim trail use or abandonment served on September 13, 2000 (September Decision), Camas Prairie RailNet, Inc. (CSPR or applicant) was granted authority under 49 U.S.C. 10903 to abandon a line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding, ID, to milepost 66.8 (end of track) near Grangeville, ID, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. The abandonment was made subject to employee protective, public use,<sup>1</sup> historic, and environmental conditions.

Of the conditions imposed in the September Decision, Condition No. 6(a) required CSPR to consult with The Idaho Department of Environmental Quality (ID-DEQ) and the Nez Perce Tribal Executive Committee (the Nez Perce) regarding development of a Track Salvage and Stream Restoration Work Plan (Work Plan), submit the Work Plan to ID-DEQ and the Nez Perce for their review, design the Work Plan to protect stream habitats during any salvage activities to restore in-stream habitats, including the use of best management practices, and address in the Work Plan disposal of cross ties and timbers which may have been treated with creosote or pentachlorophenol, both of which are considered toxic.

In a June 12, 2002 letter to SEA, ID-DEQ's Department of Fish and Game informed the Board that it has been unable to reach complete agreement with CSPR on the indemnification language in the Draft Stream Restoration Agreement. Accordingly, the agency further indicated that it does not plan to be a signatory to the agreement.

Based upon SEA's review of the information provided by ID-DEQ, SEA recommends that Condition No. 6(a) be modified by removing reference to ID-DEQ. Accordingly, the proceeding will be reopened and the condition will be modified as set forth in the ordering paragraph below.

---

<sup>1</sup> The public use condition expired on April 11, 2001.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the environmental condition (Condition No. 6(a)) previously imposed in the decision served September 13, 2000, is modified as follows: CSPR shall consult with the Nez Perce regarding development of a Track Salvage and Stream Restoration Work Plan (Work Plan), submit the Work Plan to the Nez Perce for their review, design the Work Plan to protect stream habitats during any salvage activities to restore in-stream habitats, including the use of best management practices, and address in the Work Plan disposal of cross ties and timbers which may have been treated with creosote or pentachlorophenol, both of which are considered toxic.
3. All other provisions and environmental conditions imposed in the September 13, 2000 decision in this proceeding will remain in effect.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary