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SERVICE DATE – DECEMBER 21, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB- 33 (Sub No. 218X)

**UNION PACIFIC RAILROAD COMPANY - ABANDONMENT EXEMPTION - IN
KOOTENAI COUNTY, ID**

BACKGROUND

The Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 to abandon its entire line of railroad (Coeur D'Alene Industrial Lead) between M.P. 2.25 near Feeley Spur to M.P. 7.50 near Gibbs, distance of 5.25 miles in Kootenai county, Idaho. The line traverses U.S. Postal Service Zip Code 83840. 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

UP states that there has been no overhead traffic and no local traffic on the rail line for over two years. The proposed abandonment should have no effect on regional or local transportation systems and patterns. 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.

UP believes that the proposed abandonment would not be inconsistent with local or regional land use plans. The proposed action would not result in an increase in local or regional truck traffic, air emissions, or noise levels because the line is out of service. UP will take precautions to ensure public safety during salvage operations on the line, if required, and UP's contractors will be required to satisfy all applicable health and safety laws and regulations.

The Idaho Department of Environmental Quality (DEQ) is not aware of any large releases of hazardous materials along the rail line. Historically, the line primarily carried forest products to and from lumber mills. Petroleum products were transported to heating oil distributors and an asphalt plant. The DEQ has expressed concern that the rail corridor's soils contain creosote from treated ties, spilled petroleum products, and herbicides, used in vegetation control. DEQ requested a reconnaissance assessment of the entire rail bed and right-of-way, including soil testing. DEQ maintains that the rail corridor is known to have creosote contamination on its bed, is easily assessable to the public, and potentially poses a public health risk. DEQ also states that a short section of the rail grade is situated along the Spokane River and any salvage activities should apply best management practices designed to protect the river from nonpoint source pollution. In addition, DEQ states:

- Areas used to temporarily store and/or treat salvaged rail and ties should be situated well away from the river and adequately fenced to restrict public access.
- Temporary storage and/or treatment facility situated any place along the rail line would be over the Rathdrum Prairie-Spokane Valley Aquifer, a sole drinking water source for 450,000 residents of the region. Local critical materials regulations (IDAPA 41.01.01.400) designed for aquifer protection will apply to any associated chemical storage at a storage and/or treatment site.
- Groundwater protection is required by the Idaho Groundwater Rule (IDAPA 58.01.11). Adequate measures to collect, isolate and treat any accumulating liquids should be in place. Should tie washing be contemplated on such a site, liquid waste minimization measures would be required in addition to a liquids removal or treatment plan.
- Resource Conservation and Recovery Act regulations may apply, dependent on any wastes generated.

In response to DEQ's request, Applicant undertook a literature search on field evaluations on the migration behavior of creosote from railroad ties. According to the Applicant research any concentrations of creosote that could be found within the rail bed of the UP line would be minimal and would not present a risk to the general public. Applicant also states that a prior study in its Wallace-Mullan Branch¹ tested the solid residuals and wash water for creosote compounds. No detectable

¹See AB 33 (Sub. No. 70) Union Pacific Railroad Company—Abandonment—Wallace Branch, ID.

concentrations of creosote was discovered in the wash water. In short, Applicant argues that even under the aggressive conditions presented by the pressure washing, migration of creosote from railroad ties did not occur.

UP states that any salvage operations that may result from abandonment would be in accordance with UP's general practice of requiring its private contractors to comply with all federal, state, and local laws and regulations pertaining to the environment, including, but not limited to noise, air, quality, water quality, and items of archaeological significance.

Cultural and Historic Resources

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 State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO is currently reviewing the proposed abandonment. In order to allow the SHPO sufficient opportunity to review the proposed abandonment, UP 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.

CONDITIONS

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

1. UP 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. UP shall consult with the Idaho Department of Environmental Quality prior to any salvage activities to ensure that the proposed abandonment and salvage of the Coeur d'Alene Industrial Lead line would not pose any adverse impacts to human health and safety.

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 33 (Sub No. 218X) in all correspondence 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: 12/21/04.

Comment due date: 1/10/05

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

Vernon A. Williams
Secretary

