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SERVICE DATE – FEBRUARY 27, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-307 (Sub-No. 4X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.–ABANDONMENT
EXEMPTION–IN ALBANY COUNTY, WY

Decided: February 26, 2009

Wyoming and Colorado Railroad Company, Inc. (WYCO) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.12-mile line of railroad extending from milepost 0.19 to milepost 1.31 in the City of Laramie, Albany County, WY. Notice of the exemption was served and published in the Federal Register on October 10, 2003 (68 FR 58749). The exemption became effective on November 12, 2003.

By decision served November 10, 2003 (November 2003 decision), the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to the following four environmental conditions: (1) WYCO shall notify the National Geodetic Survey (NGS) 90 days prior to salvage activities in order to plan relocation of the one geodetic station marker identified by NGS that may be affected by the proposed abandonment; (2) if the proposed abandonment will involve the disturbance of more than one acre of land, WYCO shall, prior to any salvage activities, consult with the State of Wyoming, Department of Environmental Quality in Cheyenne, WY (WYDEQ-Cheyenne) to discuss stormwater permitting requirements; (3) if any raptor nests are located within 0.5-mile of the proposed abandonment (or within 1 mile for bald eagles and ferruginous hawks), WYCO shall, prior to any salvage activities, consult with the United States Department of the Interior, Fish and Wildlife Service in Cheyenne (USFWS-Cheyenne) to evaluate potential impacts to these species;¹ and (4) pending resolution of the issues raised by the Wyoming Department of State Parks and Cultural Resources, State Historic Preservation Office (SHPO), WYCO shall retain its interest in and take no steps to alter the historic integrity of the property until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

¹ Because conditions (1) – (3) require only notification or consultation with the appropriate authorities prior to the commencement of any salvage activities, these conditions do not constitute barriers to consummation.

In a post environmental assessment, SEA now states that a Memorandum of Agreement has been signed by SEA, SHPO, and WYCO.² Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition be removed. Accordingly, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision 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 section 106 historic preservation condition imposed in the November 2003 decision is removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

² A Memorandum of Agreement demonstrates that the Board has taken into account the effects of the abandonment on historic resources in satisfaction of the requirements under NHPA. Therefore, in accordance with 36 CFR 800.4(d), the Board's responsibilities under section 106 are fulfilled.