

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

234666
ENTERED
Office of Proceedings
August 12, 2013
Part of
Public Record

August 12, 2013

E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

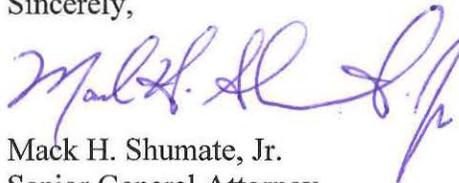
RE: Proposed Abandonment and Discontinuance of Service over a portion of the Stoddard Industrial Lead from Milepost 0.90 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket No. AB-33 (Sub-No. 294X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 294X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev

FEE RECEIVED
August 12, 2013
SURFACE
TRANSPORTATION BOARD

FILED
August 12, 2013
SURFACE
TRANSPORTATION BOARD

2013_08_12 STB Ltr to CBrown-Notice of Exemption



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 294X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION—
IN CANYON COUNTY, ID
(STODDARD INDUSTRIAL LEAD)

Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

Dated and filed: August 12, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 294X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION—
IN CANYON COUNTY, ID
(STODDARD INDUSTRIAL LEAD)**

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service on the Stoddard Industrial Lead in Nampa from Milepost 0.90 to Milepost 1.75, for a total distance of 0.85 miles in Canyon County, Idaho (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment and discontinuance are proposed to be consummated on or after October 1, 2013 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Stoddard Industrial Lead in Nampa from Milepost 0.90 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Code 83686.

(e)(4) Rural and Community Impact.

The right-of-way of the Line proposed for abandonment is not suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission as this area is adequately served by existing roads and utility lines at the present time.

UP believes the property is suitable for conservation and use as a public hiking and bike trail. This would be an extension into Central Nampa of the trail now in place

from the previous Stoddard Line abandonment in AB33 (Sub No. 79).

The Line proposed for abandonment contains no reversionary property. Based on UP's records, the Line does not contain federally granted right-of-way. Any documentation in the UP's possession related to the Line will be made available promptly to those requesting it.

After the proposed abandonment, UP will continue to provide rail service at Nampa via UP's Nampa and Huntington Subdivisions. The Nampa area is also rail served by UP's lessee Boise Valley Railroad. Nampa is well served by local roads that connect to Interstate 84 in the northern portion of Nampa, Idaho.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

A map of the Line is attached hereto as **Exhibit No. 1**.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached as **Exhibit No. 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R §§ 1152.50(d)(1), 1105.11 and 1105.12

Environmental and Historic Report

A copy of the cover letter which accompanied UP's Combined Environmental and

Historic Report dated June 3, 2013 and the amendment thereto dated June 18, 2013 (collectively, the "EHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The EHR as finally amended was electronically filed with the Office of Environmental Analysis (OEA), on June 18, 2013. The EHR indicated that there are no structures on the Line which are fifty years old or older. By letter dated January 4, 2011, the Idaho State Historical Society determined that no historic properties will be affected by the proposed Abandonment. A copy of the Idaho State Historical Society letter is attached to the EHR.

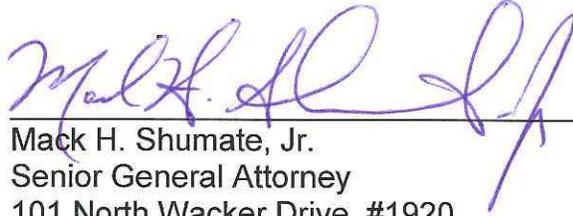
The Army of Corps of Engineers by letter dated July 9, 2013, a copy of which being attached hereto as Exhibit No. 4 has determined that the proposed abandonment may impact the South Nampa Lateral if salvage activities would discharge fill material below the ordinary high water mark of the South Nampa Lateral. If salvage activities will not discharge any fill material below said ordinary high water mark then no permit shall be required. UP's salvage contractor shall contact and obtain all permits required under Section 404 of the Clean Water Act from the Army Corps of Engineers prior to commencing any salvage operations on the Line.

The Department of Environmental Quality for the State of Idaho by letter dated July 5, 2013, a copy of which being attached hereto as **Exhibit No. 5** has determined that there are no recognizable environmental concerns with the proposed abandonment.

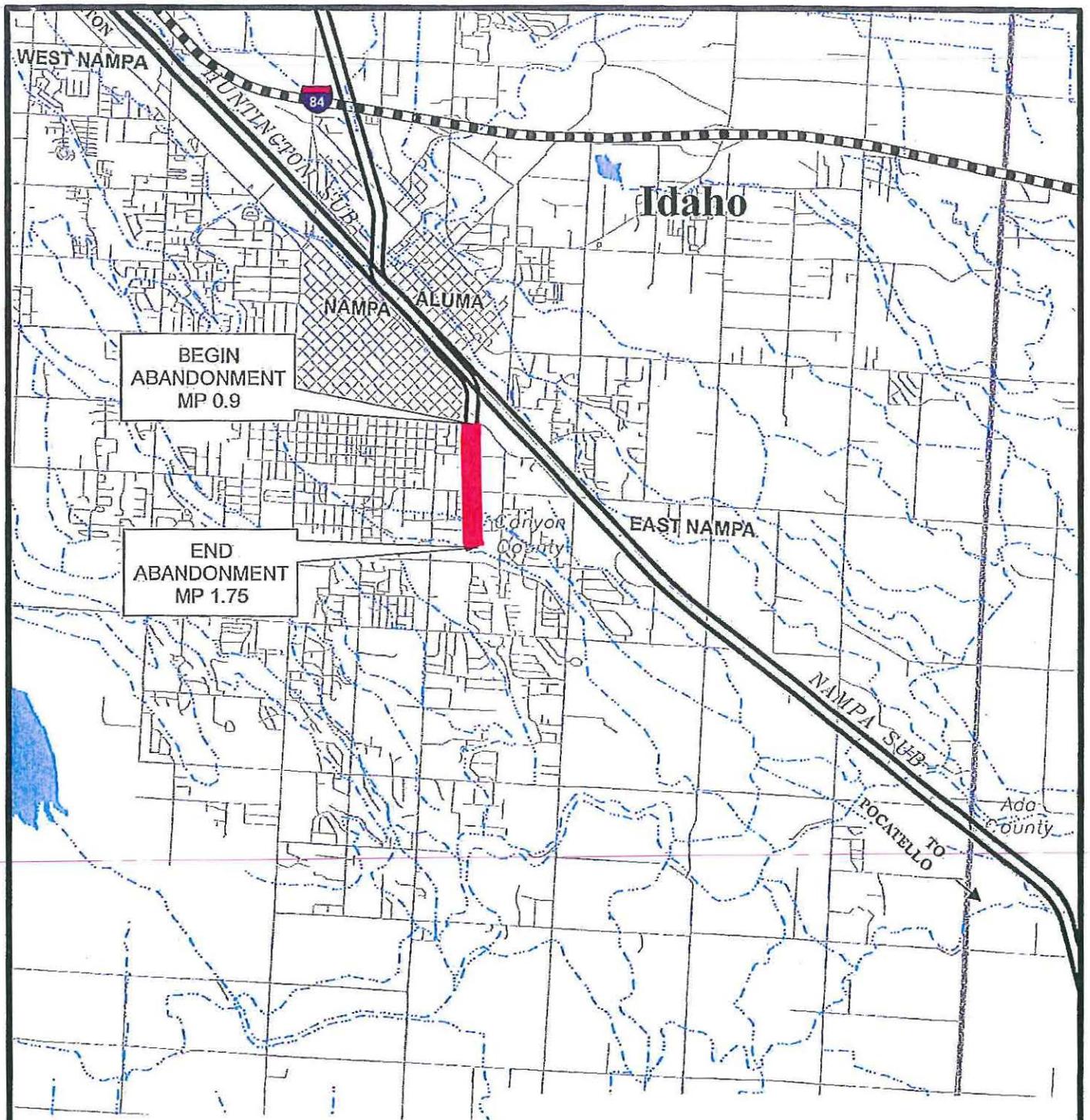
Dated this 12th day of August 2013.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)



Legend

- abandonment.csv Events
- OTHER UPRR LINES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

STODDARD INDUSTRIAL LEAD

MP 0.9 TO MP 1.75
TOTAL OF 0.85 MILES IN CANYON COUNTY
IN IDAHO

**UNION PACIFIC RAILROAD CO.
STODDARD INDUSTRIAL LEAD
IDAHO**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



Q:\abandonments\lab33_294x_Stoddard_Incl.mxd

DOCKET NO. AB – 33 (SUB-NO. 294X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN CANYON COUNTY, IDAHO
(STODDARD INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on June 27, 2013 (at least 10 days before a Notice of Exemption is filed, written notice was given of Union Pacific's intent to use the Notice of Exemption procedure to abandon the Stoddard Industrial Lead in Canyon County, Idaho in Docket No. AB-33 (Sub-No. 294X). Written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

Idaho Transportation Department
311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture Chief of the
Forest Service
4th Floor, N.W. Auditors Bldg
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment &
Distribution Command
Transportation Engineering Agency
Attn: ADTE-SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11 – Transmittal Letter for Applicant's Report

The undersigned certifies that on June 18, 2013 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49

C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 294X) for abandonment of the Stoddard Industrial Lead in Canyon County, Idaho on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

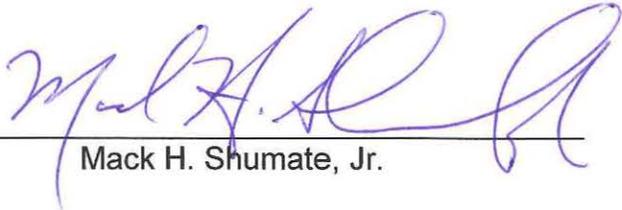
(This Certificate of Service attached to Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a “Notice of Intent to Abandon and Discontinue Service” was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment No. 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Canyon	Idaho Press-Tribune	June 28, 2013

Dated this 12th day of August, 2013



Mack H. Shumate, Jr.

June 27, 2013

State Clearinghouse (or alternate)
Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707-1129

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

RE: Proposed Abandonment and Discontinuance of Service of Stoddard Industrial Lead from M.P. 0.9 to M.P. 1.75 at Nampa, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket No. AB-33 (Sub-No. 294X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after July 8, 2013, a notice of an exempt abandonment on a line of railroad known as the Stoddard Industrial Lead, located in Canyon County, Idaho, extending from Milepost 0.9 to milepost 1.75 at Nampa, a total distance of 0.85 miles (the "Line"). The Line traverses U.S. Postal Service zip code 83686.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after July 8, 2013.

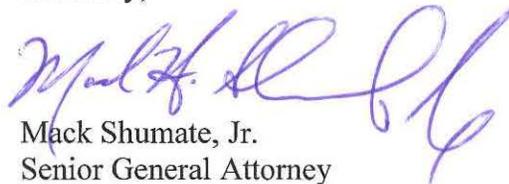
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

ATTACHMENT 1

June 27, 2013
Page 2

A map showing the segment of Line to be abandoned is attached for your information.

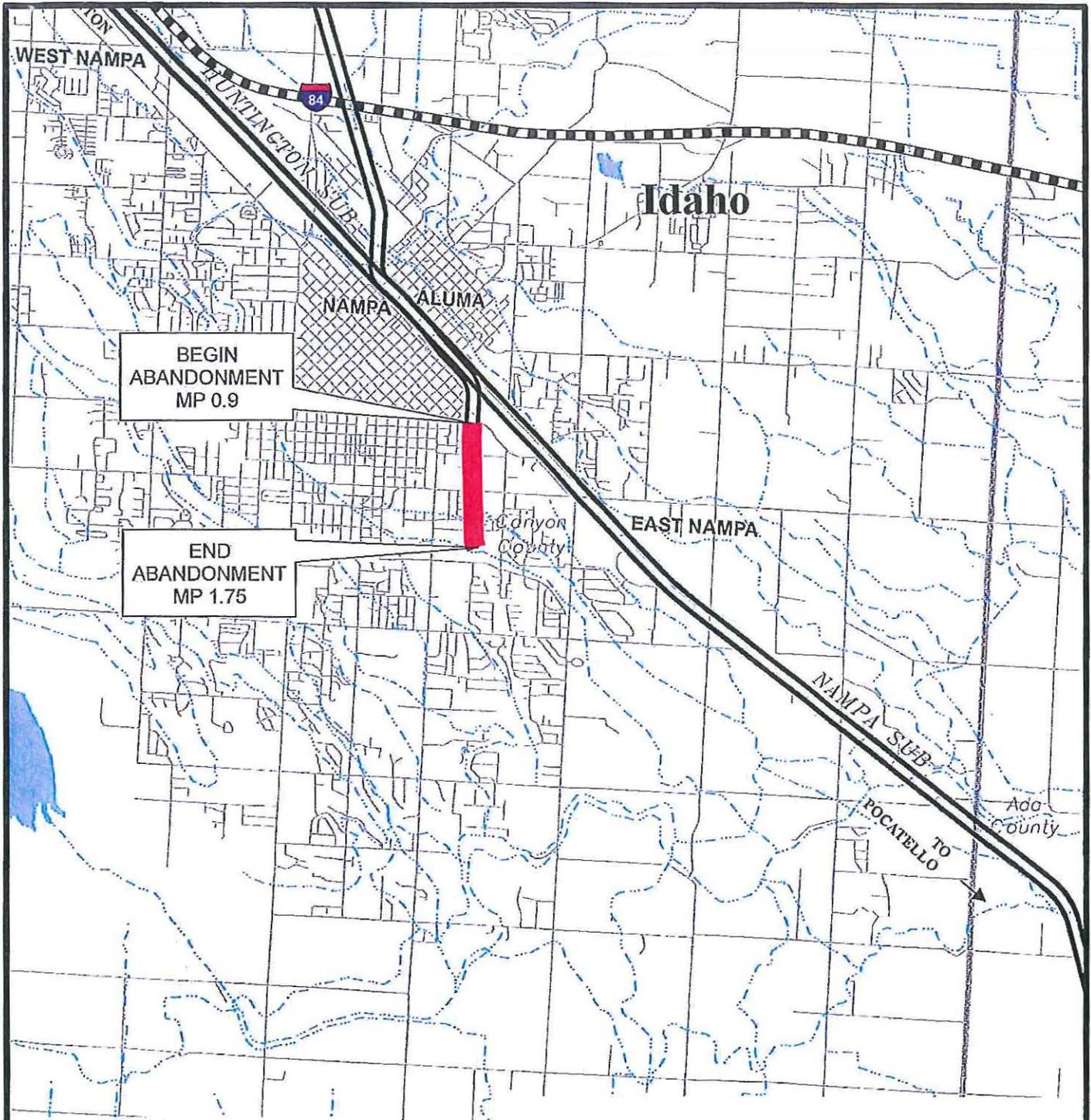
Sincerely,

A handwritten signature in blue ink, appearing to read "Mack Shumate, Jr.", is written over the typed name.

Mack Shumate, Jr.
Senior General Attorney

Attachment

2013_06_27 Stoddard Ten Day Notice.doc



Legend

- abandonment.csv Events
- OTHER UPRR LINES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

STODDARD INDUSTRIAL LEAD

MP 0.9 TO MP 1.75
TOTAL OF 0.85 MILES IN CANYON COUNTY
IN IDAHO

**UNION PACIFIC RAILROAD CO.
STODDARD INDUSTRIAL LEAD
IDAHO**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



313421 916690

1 UNION PACIFIC RAILROAD COMPANY

1400 DOUGLAS STREET MS 1580
OMAHA NE 68179

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

)SS.

Leann Nobella
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 1 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:

06/28/2013

Leann Nobella

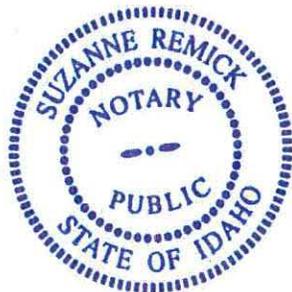
STATE OF IDAHO)

County of Canyon)

On this 28th day of June in the year of 2013 before me a Notary Public, personally appeared. Leann Nobella, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Suzanne Remick

Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018



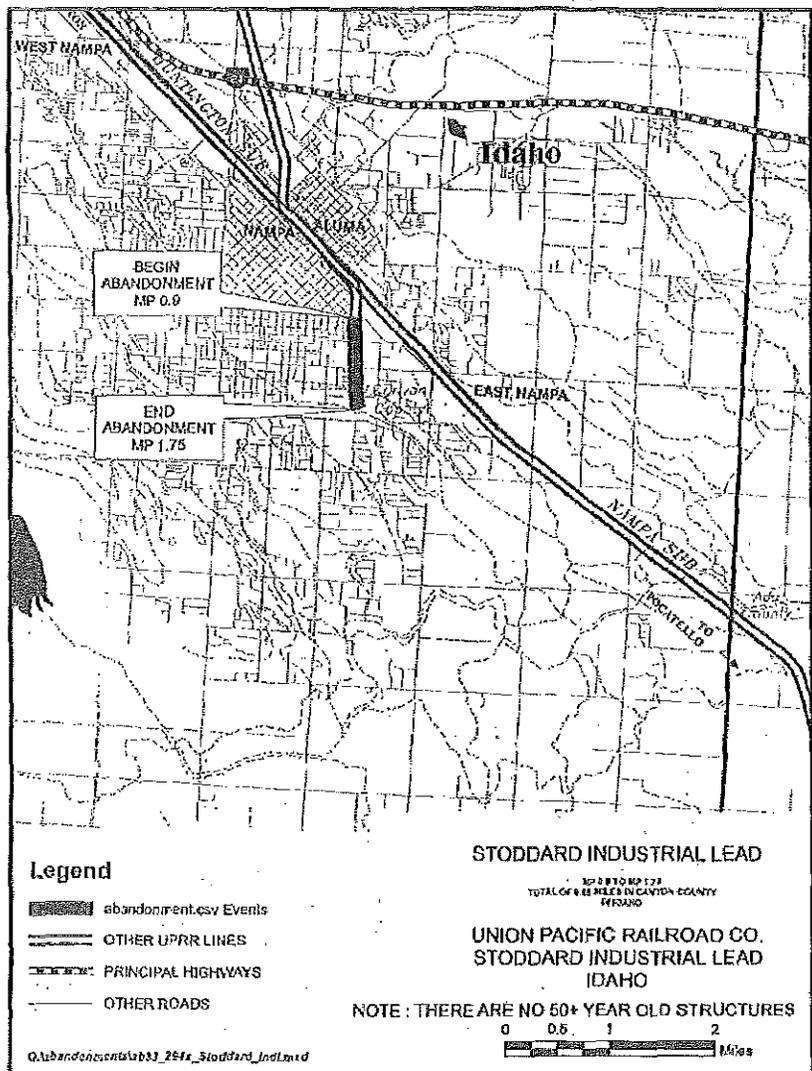
NOTICE OF INTENT TO ABANDON AND DISCONTINUE SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) gives notice that on or after July 8, 2013, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F Exempt Abandonments permitting the abandonment of a 0.85 mile line of railroad, known as the Stoddard Industrial Lead, located in Canyon County, Idaho, extending from Milepost 0.9 to Milepost 1.75 at Nampa. The Line traverses U.S. Postal Service Zip Code 83686. The proceeding has been docketed as No. AB-33 (Sub-No. 294X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606, (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY



P 312.777.2055
F 877.213.4433
mackshumate@up.com

June 18, 2013

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

AMENDMENT

RE: Proposed Abandonment and Discontinuance of Service over a portion of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket AB-33 (Sub-No. 294x)

To whom it may concern:

On or after July 8, 2013, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon the Line from Milepost 0.9 to Milepost 1.75, a distance of 0.85 miles, located in Canyon County, Idaho (collectively the "Line"). Attached is an Amended Combined Environmental and Historic Report ("CEHR") which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

While the CEHR filed with the Board had a correct Certificate of Service, the cover letter to the CEHR had an incorrect Certificate of Service. The Amended CEHR has a correct Certificate of Service and a revised proposed filing dated for the Notice of Exemption of July 8, 2013 rather than June 23, 2013.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Telephone No.: (202) 927-6211

EXHIBIT 3



Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by telephone at (312) 777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." with a stylized, cursive script.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

Docket No. AB-33 (Sub-No. 294X)

SERVICE LIST

State Clearinghouse (or alternate):

Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

State Environmental Protection Agency:

Idaho Department of Environmental
Quality
1410 N. Hilton
Boise, ID 83706

Head of each County:

Canyon County Board of Commissioners
1115 Albany Street
Caldwell, ID 83605

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency,
Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

State Historic Preservation Office:

State Historical Society Library and
Archives
2205 Old Penitentiary Road
Boise, ID 83712

U.S. Fish and Wildlife:

National Park Services
221 North State Street
Hagerman, ID 83332

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Walla Walla District
201 North 3rd Avenue
Walla Walla, WA 99632 – 1876

National Park Service:

Canyon County Board of Commissioners
1115 Albany Street
Caldwell, ID 83605

**U.S. Natural Resources Conservation
Service:**

National Resource Conservation Service
9173 W. Barnes Drive, Suite C
Boise, ID 83709 – 1574

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
Information Services
NOAA/NGS12
1315 E-W Highway
Silver Spring, MD 20910-3282

AB-33 (Sub-No. 294X)\Service List.doc



June 3, 2013

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Exempt Discontinuance of Service over a portion of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket AB-33 (Sub-No. 294x)

To whom it may concern:

On or after June 23, 2013, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon the Line from Milepost 0.9 to Milepost 1.75, a distance of 0.85 miles, located in Canyon County, Idaho (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Telephone No.: (202) 927-6211

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning

this proposal, please contact our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by telephone at (312) 777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." The signature is written in a cursive style with a large, stylized initial 'M'.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

SERVICE LIST

State Clearinghouse (or alternate):

Iowa Department of Management
State Capitol Building Room G12
1007 E Grand Avenue
Des Moines, IA 50319

Division for Community Progress
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection

Agency:

State Environmental Protection Agency
210 Walnut St # 827
Des Moines, IA 50309-2105

Head of each County:

Polk County Board of Supervisors
111 Court Ave., #300
Des Moines, IA 50309-2214

Environmental Protection Agency
(Regional Office):

U.S. Environmental Protection Agency
Region 7
901 N. 5th St.
Kansas City, KS 66101

State Historic Preservation Office:

State Historic Society of Iowa
Community Programs Bureau
600 East Locust
Des Moines, IA 50319-0290

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Rock Island District
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

Planning and Compliance Office
National Park Service
Midwest Region
601 Riverfront Dr.
Omaha, NE 68102-4226

U.S. Natural Resources Conservation
Service:

Natural Resource Conservation Service
State Conservationist National
Resources Service
1918 Greene St., #2
Adel, IA 50003-1609

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
SSMC-3 #9209
NOAA/NGS 2
1315 E-W Highway
Silver Spring, MD 20910-3282





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
10095 WEST EMERALD STREET
COEUR D'ALENE, IDAHO 83814-5699

July 9, 2013

Regulatory Division

SUBJECT: NWW-2013-00385, U.P.R.R. Stoddard Industrial Lead, MP 0.9 to MP 1.75

Mr. Mack Shumate, Jr.
Union Pacific Railroad
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606

Dear Mr. Shumate:

This is in response to your June 18, 2013, letter requesting scoping comments on the Union Pacific Railroad, Stoddard Industrial Lead Line. Thank you for providing the Corps of Engineers (Corps) the opportunity to provide comments. According to information provided, the proposed project is to abandon and discontinue service of the Stoddard Industrial Lead line, from Milepost 0.9 to Milepost 1.75.

The site is located within Section 35 of Township 3 North, Range 2 West, near latitude 43.5584° N and longitude -116.5470° W, in Canyon County, in Nampa, Idaho. Your project has been assigned Department of Army (DA) File # NWW-2013-00385, which should be referred to in all future correspondence.

AUTHORITY

The DA exerts regulatory jurisdiction over waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into waters of the U.S., which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands.

We realize that a project at the scoping level is less detailed than a project that is being reviewed for a DA permit. Our comments at this time are limited and are prepared to assist you in response to your June 18, 2013, request for your Environmental and Historical Report.

EXHIBIT 4

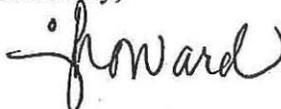
Based on our review of the information you furnished and available to our office, we have preliminarily determined that your proposed project area may impact the South Nampa Lateral, a water of the United States (per *Headwaters v. Talent Irrigation District*, 243 F.3d 526 (9th Cir., 2001)). Our July 8, 2013, site visit did not find emergent wetlands within your proposed project area; however, please note that there are emergent wetlands adjacent to the South Nampa Lateral within approximately 50 feet of your proposed project area. Work activities that would discharge fill material below the ordinary high water mark of the South Nampa Lateral, including wetlands, would require you obtain a permit from our office prior to commencing these activities. If work activities would not discharge any fill material below the ordinary high water mark of the South Nampa Lateral or adjacent wetlands, then a permit from our office is not required. If needed, please contact our Boise Regulatory Field Office at (208) 345-2155 to discuss specific work activities.

PRELIMINARY JURISDICTIONAL DETERMINATION

Attached to this verification is our Preliminary Jurisdictional Determination (PJD) Form showing that waters of the United States, including wetlands, may be located within your proposed project area. The Preliminary Jurisdictional Determination is a non-binding action and shall remain in effect, unless a request for an Approved Jurisdictional Determination or new information supporting a revision is provided to this office. Please note that since this jurisdictional determination is preliminary, it is subject to change and therefore is not an appealable action under the Corps of Engineers Administrative Appeal Procedures (33 CFR 331). Enclosed you will find a *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA) Form* for further clarification.

If you have any further questions or need additional clarification, please contact me by telephone at (208) 345-2155, by mail at the address in the letterhead, or via email at jamie.n.howard@usace.army.mil. For informational purposes, a copy of this letter is being sent to Ms. Jessica L. Johnson, UPRR at email jljohnson@up.com.

Sincerely,



Jamie Howard
Project Manager
Regulatory Division

Enclosure:

Prelim Jurisdictional Determination/Map
Request for Appeals Form



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706 • (208) 373-0550
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

July 5, 2013

RECEIVED

JUL 12 2013

LAW DEPARTMENT
UNION PACIFIC RR CO.

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

RE: Proposed Abandonment and Discontinuance of Service of a Portion of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75 in Canyon County, Idaho; STB Docket AB-33 (Sub-No. 294x)

Dear Ms. Brown:

The Idaho Department of Environmental Quality (DEQ) received notice of the Union Pacific Railroad's (UPRR) intent to abandon a 0.85 mile stretch of the Stoddard Industrial Lead in Nampa, Idaho from Milepost 0.9 to Milepost 1.75. DEQ reviewed the UPRR proposal and determined there were no recognizable environmental concerns with the proposed abandonment.

If you have any questions or concerns, please contact me at (208) 373-0420 or via email: aaron.scheff@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Scheff", is written over a faint circular stamp.

Aaron Scheff
Ground Water and Remediation Manager
Boise Regional Office

c: Mack H. Shumate, Jr. – UPRR
TRIM

EXHIBIT 5

VERIFICATION

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 18th day of March, 2013.

Raymond E. Allamong, Jr.
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 18th day of
March, 2013.

Donna M. Coltrane
Notary Public

My Commission expires:

