

UNION PACIFIC RAILROAD
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Chicago, Illinois 60606-1718

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

233712

January 23, 2013

ENTERED
Office of Proceeding
January 23, 2013
Part of Public
Record

VIA 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 of the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho; STB Docket No. AB-33 (Sub-No. 311X)

Dear Ms. Brown:

Attached for filing in the above-referenced docket is Union Pacific Railroad Company's ("Union Pacific") Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to Abandon the Line on or after February 13, 2013.

Sincerely,



Attachment

2013_01_23 STB Ltr re EHR Filing.doc

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 311X)
UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WASHINGTON COUNTY, ID
(NEW MEADOWS INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 877-213-4433
mackshumate@up.com

Dated: January 23, 2013
Filed: January 23, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 311X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WASHINGTON COUNTY, ID
(NEW MEADOWS INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the New Meadows Industrial Lead, from Milepost 0.22 to milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho (the "Line"). The Line traverses U.S. Postal Service Zip Code 83672. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after February 13, 2013.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

ENVIRONMENTAL REPORT
49 C.F.R. §1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves an exempt abandonment of a portion of UP's New Meadows Industrial Lead. The Line proposed for abandonment extends from milepost 0.22 to milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1899 by the Pacific & Idaho Northern Railway Company. It is currently constructed primarily with 100 pound jointed rail laid in 1940. There is one structure on the Line, an open deck timber bridge over Monroe Creek. See **Attachment No. 1**.

The Line proposed for abandonment contains 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 from the remaining portion of the New Meadows Industrial Lead at Weiser and from its adjacent Huntington Subdivision main line. Weiser is well served by local roads that connect to U.S. 95, which in turn connects to Interstate 84 approximately 20 miles to the south.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in at least two years.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

(3) Land Use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

Response:

(i) UP is unaware of any adverse effects on local and existing land use plans. The Washington County Board of Commissioners has been contacted. To date, UP has not received a response.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has not received a response. The Line is not adjacent to cultivated land.

(iii) Not Applicable.

(iv) It is UP's opinion that the right of way proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, or energy production or transmission, as the 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 of the trail now in place east of the Line that is covered by trail conditions granted in AB-33 (Sub-No. 100X) and AB-433 (Sub-No.2X).

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.
- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year, or
 - (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

- Response:**
- (i) There are no effects on the transportation of energy resources.
 - (ii) There are no recyclable commodities moved over the Line.
 - (iii) There will be no change in energy consumption from the proposed action.
 - (iv) (A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

- (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
- (B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U.S. Fish and Wildlife Service has been contacted. To date there has been no response. The Line runs through a developed commercial and industrial area.

(ii) The National Park Service has been contacted. To date, UP has not received a response. Mapping information indicates that the Line neither runs through nor is immediately adjacent to such sanctuaries, refuges, parks, or forests.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. §1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. §1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The U. S. Environmental Protection Agency Regional Office and the Idaho Department of Environmental Quality have been contacted. To date no response has been received.

(ii) The U.S, Army Corps of Engineers District Office at Walla Walla was contacted. Its response is attached as **Attachment No. 3**. Given UP's plan to transfer the sole bridge for trail use rather than to salvage it, the Corps stated that Section 404 permits are not required. The Corps points out that authorization might be required if UP changes its plans.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. §1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right of way considered in this abandonment traverses a mix of commercial and industrial areas in the city of Weiser, Idaho. The Line consists primarily of a right of way easement 25 feet in width. The topography is generally flat.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response to (3) and (4): The sole structure on the line is a 75 foot open deck timber stringer bridge built in 1938. Attached as **Attachment No. 4** are the photos (with cover letter) sent to the Idaho State Historical Society.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: Attached as **Attachment No. 5** is the October 10, 2012 response of the Idaho State Historical Society expressing its position that no historic properties will be affected by the proposed action.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

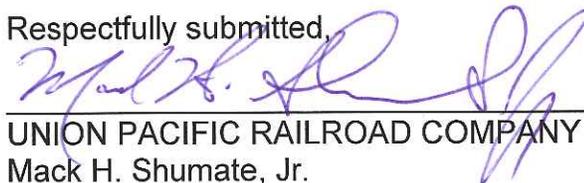
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 23rd day of January, 2013.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, #1920

Chicago, Illinois 60606

Tel: 312-777-2055

Fax: 877-213-4433

mackshumate@up.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 311X), the New Meadows Industrial Lead in Washington County, Idaho was served by First Class U.S. Mail, postage prepaid, on the January 23, 2013, on the following parties:

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 St.
Boise, ID 83706

Head of Each County:

Washington County Board of Commissioners
District 1
256 East Court
Weiser, ID 83672

Environment Protection Agency:

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:

U.S. Fish & Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, ID 83709

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers,
Walla Walla District
201 North 3rd Avenue
Walla Walla, WA 99362

National Park Service:

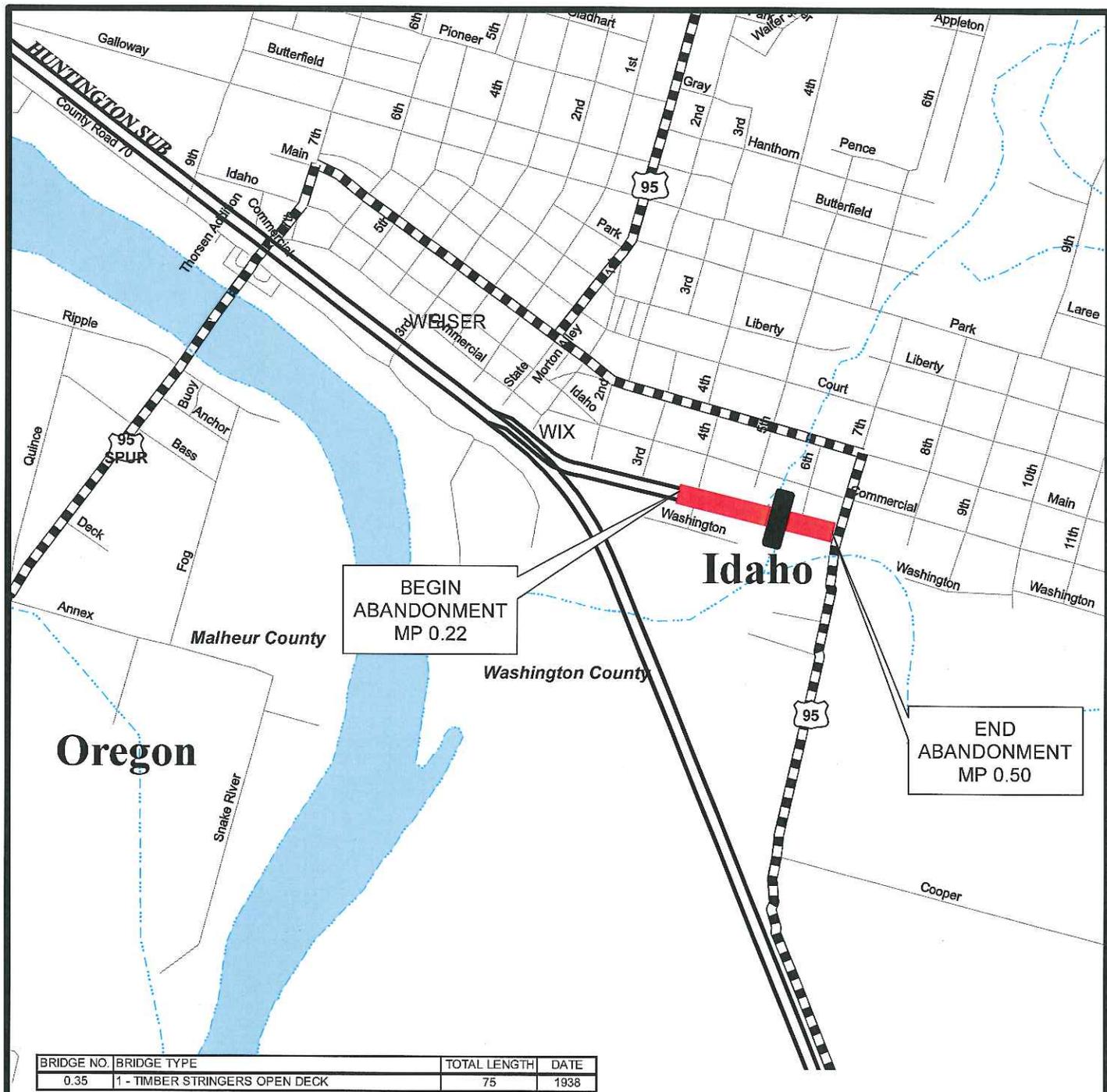
National Park Service
221 North State Street
Hagerman, ID 83332

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
9173 W. Barnes Drive, Suite C
Boise, ID 83709-1574

National Geodetic Survey:

National Geodetic Survey
Geodetic Services Division
Information Services
NOAAINGS12
1315 East-West Highway
Silver Spring, MD 20910-3282



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
0.35	1 - TIMBER STRINGERS OPEN DECK	75	1938

Legend

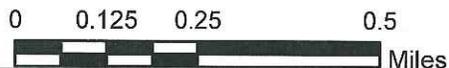
- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- 50 + YEAR OLD STRUCTURES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

NEW MEADOWS INDUSTRIAL LEAD

MP 0.22 TO MP 0.50
TOTAL OF 0.28 MILES IN WASHINGTON COUNTY
IN IDAHO

UNION PACIFIC RAILROAD CO. NEW MEADOWS INDUSTRIAL LEAD IDAHO

INCLUDING 50+ YEAR OLD STRUCTURES



Path: Q:\abandonments\ab33_311x New Meadows Indl.mxd

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

September 17, 2012

State Clearinghouse (or alternate):

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

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, ID 83709

State Environmental Protection Agency:

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

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers,
Walla Walla District
201 North 3rd Avenue
Walla Walla, WA 99362

Head of Each County:

Washington County Board of Commissioners
District 1
256 East Court
Weiser, ID 83672

National Park Service:

National Park Service
221 North State Street
Hagerman, ID 83332

Environment Protection Agency:

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

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
9173 W. Barnes Drive, Suite C
Boise, ID 83709-1574

State Historic Preservation Office:

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

National Geodetic Survey:

National Geodetic Survey
Geodetic Services Division
Information Services
NOAAINGS12
1315 East-West Highway
Silver Spring, MD 20910-3282

Re: Proposed Abandonment of the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho; STB Docket No. AB-33 (Sub-No. 311X).

To Whom It May Concern:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho. A map of the proposed track abandonment shown in black and red is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental

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ATTACHMENT 2

impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

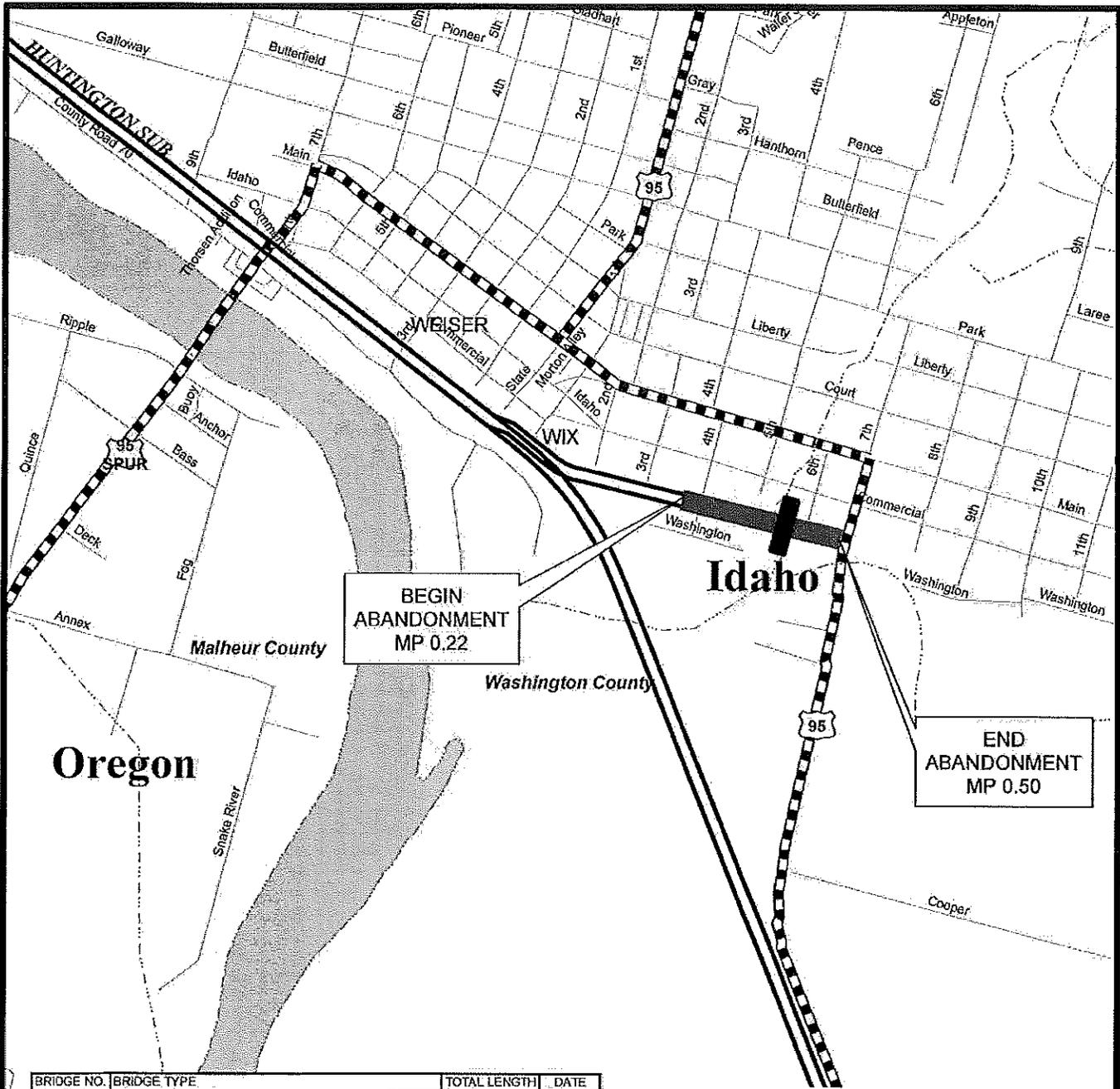
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,

Colleen K. Graham (JLG)

Colleen K. Graham, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

Enclosures (s): Map



BEGIN
ABANDONMENT
MP 0.22

END
ABANDONMENT
MP 0.50

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
0.35	1 - TIMBER STRINGERS OPEN DECK	75	1938

Legend

- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- 50 + YEAR OLD STRUCTURES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

NEW MEADOWS INDUSTRIAL LEAD

MP 0.22 TO MP 0.50
TOTAL OF 0.28 MILES IN WASHINGTON COUNTY
IN IDAHO

**UNION PACIFIC RAILROAD CO.
NEW MEADOWS INDUSTRIAL LEAD
IDAHO**

INCLUDING 50+ YEAR OLD STRUCTURES





DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA REGULATORY OFFICE
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

November 29, 2012

Regulatory Division

SUBJECT: NWW-2012-661-W04, STB Docket No. AB-33 (Sub No. 311X)

Mr. Raymond Allamong, Senior Manager Rail Line Planning
Union Pacific Railroad
1400 Douglas Street, Stop 1350
Omaha, Nebraska 68179

Dear Mr. Allamong:

We have reviewed your September 17, 2012 letter. We have determined that the subject property/project area contains waters of the United States (U.S.), including wetlands; however, your proposed project would not involve an activity we regulate. The proposed abandonment of the New Meadows Industrial Lead between Milepost 0.22 and Milepost 0.50, involving the removal of rail and ties, would not involve a discharge of dredged or fill material below the ordinary high water mark, including wetlands of Monroe Creek or the Weiser River, both waters of the U.S., which are regulated under Section 404 of the Clean Water Act (U.S.C. 1344). Therefore, a Department of Army (DA) authorization is not required. An authorization may be required if you alter the method, scope, or location of your proposed work. Please contact us if you make changes to your project.

The project would be located between 3rd Street and U.S. 95, within Section 32 of Township 11 North, Range 5 West, near latitude 44.24336° N and longitude -116.96113° W, in the City of Weiser, Washington County, Idaho. Your request has been assigned File Number NWW-2012-661-W04.

AUTHORITY

The DA exerts regulatory jurisdiction over waters of the U.S. including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). 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. Section 10 requires that a DA permit be obtained prior to building structures or conducting work in or affecting navigable waters of the U.S.

Please be advised that discharges considered placement of dredged or fill material under our jurisdiction may include those associated with mechanized land-clearing involving vegetation removal with equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs, windrowing of vegetation, land leveling, or other soil disturbances in wetlands are

ATTACHMENT 3

activities which result in a discharge of dredged material that destroys or degrades a waters of the U.S.

PRELIMINARY JURISDICTIONAL DETERMINATION

Attached to this verification are two copies of the Preliminary Jurisdictional Determination (PJD) form. This PJD is for waters of the U.S., including wetlands and/or navigable waters of the U.S., which may be located within your project area. **Please sign both copies and return one to the Corps at the address in the letterhead above.** The other copy is for your records.

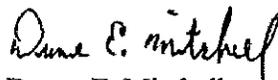
The Preliminary Jurisdictional Determination is a non-binding action and shall remain in effect, unless a request for an Approved Jurisdictional Determination or new information supporting a revision is provided to this office. Please note that since this jurisdictional determination is preliminary, 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 (RAF)* form for further clarification.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, state, or local statutes, ordinances or regulations which may affect this work.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access, please visit our web site at <http://per2.nwp.usace.army.mil/survey.html> and complete an electronic version of our Customer Service Survey form, which will be automatically submitted to us. Your responses are appreciated and will allow us to improve our services. For additional information about the Walla Walla District Regulatory program, please visit us on-line at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>.

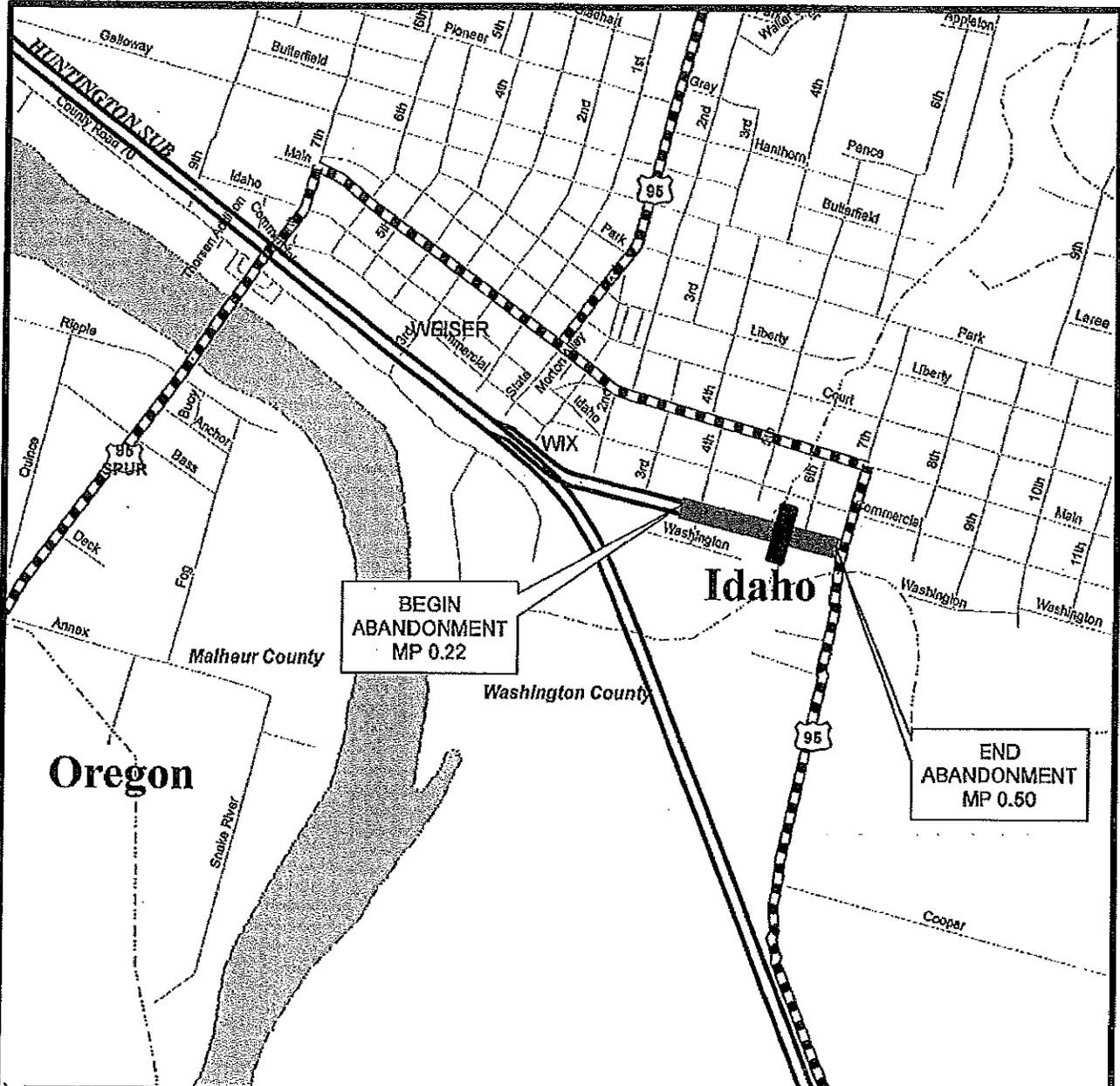
We appreciate your cooperation with the Corps of Engineers' Regulatory Program. If you have any questions about this determination, please contact me by telephone at 509-527-7156, by mail at the address in the above letterhead, or via e-mail at duane.e.mitchell@usace.army.mil.

Sincerely,



Duane E. Mitchell
Project Manager, Regulatory

Enclosures



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
0.35	1 - TIMBER STRINGERS OPEN DECK	76	1939

Legend

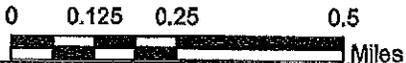
- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- 50 + YEAR OLD STRUCTURES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

NEW MEADOWS INDUSTRIAL LEAD

MP 0.22 TO MP 0.60
TOTAL OF 0.28 MILES IN WASHINGTON COUNTY
IDAHO

**UNION PACIFIC RAILROAD CO.
NEW MEADOWS INDUSTRIAL LEAD
IDAHO**

INCLUDING 50+ YEAR OLD STRUCTURES



PRELIMINARY JURISDICTIONAL DETERMINATION FORM

I. BACKGROUND INFORMATION

A. Report Completion Date of Preliminary Jurisdictional Determination (p-JD): 11/28/2012

B. Name & Address of Person Requesting p-JD:

Mr. Raymond Allamong
Union Pacific Railroad
1400 Douglas Street, Stop 1350
Omaha, Nebraska 68179

Agent

C. District Office: Walla Walla District

File Name: Union Pacific Railroad - New Meadows Ind. Lead

File Number: NWW-2012-661-W04

D. Project Location(s) and Background Information:

State: Idaho County/Parish/Borough: Washington City: Weiser

Center Coordinates of Site (Lat/Long in Degree Decimal Format):

Latitude: 44 ° 14 ' 36.09 " North Longitude: -116 ° 57 ' 40.06 " West

Universal Transverse Mercator: 11

Name of Nearest Waterbody(s): Monroe Creek and Weiser River

Identify Amount of Waters in Review Area (estimated):

Non-Wetland Waters: 601.00 Linear feet 50.00 Width (ft) and/or Acres

Cowardin Class: Riverine

Stream Flow: perennial

Wetlands: acres

Cowardin Class:

Section 10: Name of All Water Bodies on Site, identified as Section 10 Water:

Tidal: N/A

Non-Tidal: N/A

E. Review Performed for Site Evaluation: Check all that Apply

Office Determination Date (Desk): 11/28/2012

Field Determination Date(s):

1. *The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site. The permit applicant or other affected person/party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD)*

for the site, as described above. Nevertheless, the permit applicant or other affected person/party who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "Pre-Construction Notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following:
 - (a) The permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters;
 - (b) That the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions;
 - (c) That the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization;
 - (d) That the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary;
 - (e) That undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable;
 - (f) Accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and
 - (g) Whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable.
3. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein) or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

II. SUPPORTING DATA: Data Reviewed for Preliminary JD

This preliminary JD finds that there *may be* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Check all boxes below that apply: The checked information should be included in the administrative file. Provide detailed reference sources for each checked box.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

Map provided by the applicant.

Data sheets prepared/submitted by or on behalf of the applicant/consultant

Office concurs with Data Sheets/Delineation Report.

Office does not concur with Data Sheets/Delineation Report.

Data Sheets prepared by the Corps:

Corps Navigable Waters' Study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data

USGS 8 and 12 digit HUC maps

U.S. Geological Survey map(s): Cite scale & Quad Name: Weiser South, 24k

USDA Natural Resources Conservation Service Soil Survey, Citation:

National Wetlands Inventory Map(s): Cite name:

State/Local Wetland Inventory Map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is:

National Geodetic Vertical Datum of 1929

Photographs:

Aerial, Name & Date:

Other, Name & Date: Google

Previous determination(s):

Include File No. and Date of Response Letter:

Other Information, Please Specify:

Monroe Creek drains into the Weiser River, which enters the Snake River, an interstate, navigable waterway.

This constitutes a preliminary jurisdictional determination (p-JD) and is useful for the planning of your project. An approved JD is not necessary in order for the Corps to process a 404 permit application.

Admin File No: NWW-2012-661-W04

IMPORTANT NOTE: *The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.*

MITCHELL.DUANE.
E.1231392374

Digitally signed by MITCHELL.DUANE.E.1231392374
DN: cn=US, o=U.S. Government, ou=DoD, ou=PIO,
ou=USA, ou=MITCHELL.DUANE.E.1231392374
Date: 2012.11.28 10:35:51 -08'00'

Signature of Regulatory Project Manager
REQUIRED

11/28/2012

Date

Raymond E. Allamory, Jr., USACE
Signature of person requesting Preliminary JD
REQUIRED (unless obtaining signature is impracticable)

1/4/2013
Date

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

October 1, 2012

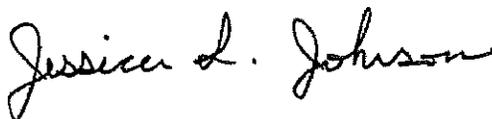
State Historic Preservation Office
State Historical Society Library and Archives
2205 Old Penitentiary Road
Boise, ID 83712

RE: Re: Proposed Abandonment of the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho; STB Docket No. AB-33 (Sub-No. 311X).

In a letter dated September 17, 2012, UP notified your office of its plan to abandon the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho. In the same letter, UP attached a map which outlined the only structure involved. In addition, we are enclosing color photographs.

The Surface Transportation Board ("STB") desires verification that your office sees no outstanding issues under Section 106 of National Historic Preservation Act. Accordingly, if you concur that there are no outstanding Section 106 issues regarding the Line, please verify by signing and dating the second page of this letter and return same to me in the enclosed self-addressed envelope, or if you prefer, you may respond via email to jjohnson@up.com with a signed version of the letter in PDF format.

Sincerely,



Jessica L. Johnson, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-3868
jjohnson@up.com

Enclosures (s): Color Photographs

ATTACHMENT 4

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

No Outstanding Section 106 Issues

By: _____

Title: _____

Dated: _____







C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

Administration
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2682
Fax: (208) 334-2774

Membership and Fund
Development
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 514-2310
Fax: (208) 334-2774

Historical Museum and
Education Programs
610 North Julia Davis Drive
Boise, Idaho 83702-7695
Office: (208) 334-2120
Fax: (208) 334-4059

State Historic Preservation
Office and Historic Sites
Archeological Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
• Stricker Homesite

Old Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Idaho State Archives
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
Fax: (208) 334-2626

North Idaho Office
112 West 4th Street, Suite #7
Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763

October 10, 2012

Jessica L. Johnson, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha NE 68179

RE: Proposed abandonment of the New Meadows Industrial Lead from
MP 0.22 to MP 0.50 at Weiser, Washington Co., Idaho; STB Docket
No. AB-33 (Sub-No 311X).

Dear Ms. Johnson,

Thank you for your letters of September 17 and October 1 regarding
the above proposed abandonment. It is our opinion that neither the
lead line, nor the one small bridge, are eligible for the National
Register of Historic Places. Therefore, for Section 106 review
purposes, this proposed abandonment will have a finding of "no
properties/no effect."

If you have any questions, please contact us.

Sincerely,

Susan Pengilly
Deputy State Historic Preservation Officer

