



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

220639

November 2, 2007



**VIA UPS OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
395 E Street, S.W., Room 1149  
Washington, DC 200024

ENTERED  
Office of Proceedings

NOV 05 2007

Part of  
Public Record

Attention: Victoria Rutson

**Re: Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket are the original and ten (10) copies of a 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 an Application for Abandonment in this matter on or after November 26, 2007.

Sincerely yours,

Enclosures

O:\ABANDONMENTS\33-253X\EHRLetter.doc

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---



Docket No. AB-33 (Sub-No. 253X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COLORADO AND WHARTON COUNTIES, TEXAS  
(CHESTERVILLE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

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

Dated: November 2, 2007  
Filed: November 5, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 253X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COLORADO AND WHARTON COUNTIES, TEXAS  
(CHESTERVILLE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the Chesterville Industrial Lead from Milepost 61.2 near Eagle Lake Junction to the end of the Line at Milepost 52.9 near Chesterville, a distance of 8.3 miles in Colorado and Wharton Counties, Texas (the "Line"). The Line traverses U. S. Postal Service Zip Codes 77434 and 77435. The UP anticipates that a Notice of Exemption to abandon the Line will be filed at the STB on or after November 26, 2007.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made a part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof. Responses received thus far to UP's letter are attached hereto and sequentially referenced as attachments in the appropriate sections of this Combined Environmental and Historic Report.

**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 the exempt abandonment and discontinuance of service over the Chesterville Industrial Lead from Milepost 61.2 near Eagle Lake Junction to the end of the Line at Milepost 52.9 near Chesterville, a distance of 8.3 miles in Colorado and Wharton Counties, Texas. UP's interest consists of a retained railroad operating easement over the track and right-of-way owned by the Metropolitan Transit Authority of Harris County, Texas ("METRO"). METRO has no common carrier obligation.

The abandonment of the Line will have no adverse effect on shippers. The Line is in poor condition and freight shipping activity by railroad has been relocated off the Line. There is no industrial relocation proposed or foreseen on the Line that could produce rail traffic sufficient to justify the required rehabilitation of the Line. There is no overhead traffic on the Line. After abandonment, the sole station on the Line Chesterville, will be equidistant approximately eight (8) miles, from the BNSF Railway Company at Wallis, Texas and the UP at Eagle Lake, Texas. Chesterville lies on county roads 2764 and 1093. Road 2764 connects to Alternate U. S. 90 approximately four miles south; Road 1093 runs southwestward approximately five miles to Eagle Lake. Interstate 10, the major highway in

the area, lies approximately 15 to 20 road miles from Chesterville depending on the route chosen.

The Line was constructed by the San Antonio and Aransas Pass Railway in 1889 and 1890. The Line is currently comprised of a combination of 113, 115, and 119-pound jointed rail put down in 1984.

The Line is owned by METRO. UP is only abandoning its retained railroad operating easement to provide the common carrier service on this segment as retained in UP's previous sale to METRO. It is possible the Line could be suitable for interim trail use. Otherwise, UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines. 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 to those requesting it.

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

**(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:** Because no railroad freight traffic moves over the Line and no railroad freight traffic is expected to move in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

**(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 effects land or water uses within a designated coastal zone, include the coastal zone information required by § 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) The Colorado County and Wharton County Commissioners Offices have been contacted. To date UP has not received a response.**

**(ii) The United States Natural Resources Conservation Service ("NRCS") has been contacted. The NRCS has determined the proposed abandonment does not contain Important Farmland Soils and is exempt from the FPPA law because the area is considered as already converted to urban land. The NRCS response is attached as **Attachment No. 3**, and is hereby made part hereof.**

**(iii) Not Applicable.**

**(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time.**

**(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 will be no effects on the transportation of energy resources.

**(ii)** There are no recyclable commodities handled over the Line.

**(iii)** There will be no effect on energy efficiency.

**(iv)(A)(B)** There will be no 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 §§ (5)(i)(A) will apply.

**Response:** There are no such effects anticipated.

**(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 of these magnitudes as a result of the proposed action. The Texas Commission on Environmental Quality ("TCEQ") reviewed the proposed abandonment and determined that any demolition, construction, rehabilitation or repair actions should pose no significant impact upon air quality standards, and the TCEQ agrees with a finding of no significant impact and has no objections to the project. The TCEQ response is attached hereto as **Attachment No. 4**, and is hereby made part hereof.

**(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 material 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. The Texas Parks & Wildlife ("TPWD") reviewed the proposed abandonment project and offered recommendations in the areas of Vegetation Impacts, Migratory Bird Treaty Act, Revegetation, and Rare Resources. The TPWD response is attached hereto as **Attachment No. 5**, and is hereby made part hereof.

(ii) The National Park Service Regional Office has been contacted, reviewed the proposed abandonment project, and determined that no parks will be affected. The National Park Service response is attached hereto as **Attachment No. 6**, and is hereby made part hereof.

**(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 Texas Natural Resource Conservation Commission has been contacted. To date UP has received no response.**

**(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.**

**(iii) It is not anticipated 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 proposed for abandonment consists of a retained railroad operating easement over the track and right-of-way owned by METRO which is 25 feet in width. Topography is level. The area served by the Line is agricultural in nature.

**(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.**

**Response:** The Texas Historical Commission was provided with photos and a description of each structure on the property which is 50 years old or older. A copy of the letter sent to the Texas Historical Commission with bridge photographs is attached hereto as **Attachment No. 7**, and is hereby made part hereof. The Historical Commission reviewed the photos and determined the structures are not eligible for listing in the National Register of Historic Places and the Texas Historical Commission had no objections to the proposed abandonment. The Historical Commission's response is attached hereto as **Attachment No. 8**, and is hereby made part hereof.

**(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:** See **Attachment No. 1** and **Attachment No. 7**.

**(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 the preceding pages for a brief history and description of carrier operations.

**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:** Not applicable.

**(7) An opinion (based on readily available information in the railroad'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:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

**(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:**

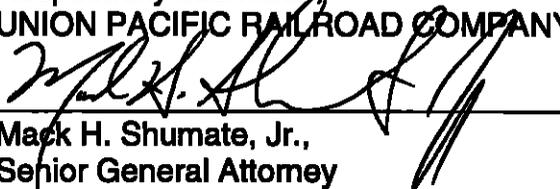
**Response:** UP does not have any such readily available information.

**(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group 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 2<sup>nd</sup> day of November, 2007.

Respectfully submitted,  
UNION PACIFIC RAILROAD COMPANY

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



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

November 2, 2007

SEE ATTACHED SERVICE LIST

**RE: Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)**

Dear Madam or Sir:

On or after November 26, 2007, Union Pacific Railroad Company ("Union Pacific") expects to be filing with the Surface Transportation Board ("STB") a Discontinuance of Service in accordance with 48 C.F.R. § 1152.50 to abandon and discontinue service over the Chesterville Industrial Lead from Milepost 61.2 near Eagle Lake Junction to the end of the Line at Milepost 52.9 near Chesterville, a distance of 8.3 miles in Colorado and Wharton Counties, Texas. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or 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), Surface Transportation Board, 395 E Street, S.W., Room 1149, Washington, DC 20423-0001, telephone: 202/245-0305 and refer to the above *Docket No. AB-33(Sub-No. 253X)*. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA with a copy to Union Pacific's representative, Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606 would be appreciated within three (3) weeks.

Very truly yours,

Mack H. Shumate, Jr.

Enclosure

Collaboration on UP Cluster Legal Practice Area\EconomicRegulations\Abandonments\AB-33(253X)\EHR\Applicant's Transmittal Letter for Report

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 253X) for the Chesterville Industrial Lead in Colorado and Wharton Counties, Texas was served by first class mail on the 2<sup>nd</sup> day of November, 2007 on the following:

**State Clearinghouse (or alternate):**

Tom Adams  
Governor's Office of Budget and Planning  
P.O. Box 12428  
Austin, TX 78711

**State Environmental Protection Agency:**

Texas Natural Resource Conservation  
Commission  
Ken Patterson, Deputy Director  
P.O. Box 13087, m145  
Austin, TX 78711-3087

**State Coastal Zone Management Agency**  
**(if applicable):**

Not applicable

**Head of County (Planning):**

Colorado County Commissioners  
P.O. Box 236  
County Courthouse  
Columbus, TX 78934-0236

Wharton County Commissioners  
P.O. Box 69  
County Courthouse  
Wharton, TX 77488-0069

**Environmental Protection Agency**

**(regional office):**

U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service  
Southwest Region 2  
U.S. Fish & Wildlife Service  
500 Gold Avenue SW - Room 4000  
Albuquerque, NM 87102

**U.S. Army Corps of Engineers:**

U S Army Engineer District Galveston  
P.O. Box 1229  
Galveston, TX 77553-1229

**National Park Service:**

National Park Service  
Intermountain Region  
12795 Alameda Pkwy  
Denver, CO 80228

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

USDA, Natural Resources Conservation Service  
Soil Survey Section  
W R Poage Federal Bldg.  
101 South Main Street  
Temple, TX 76501-7682

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

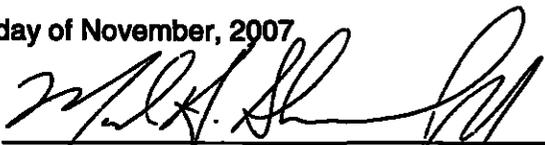
**State Historic Preservation Office:**

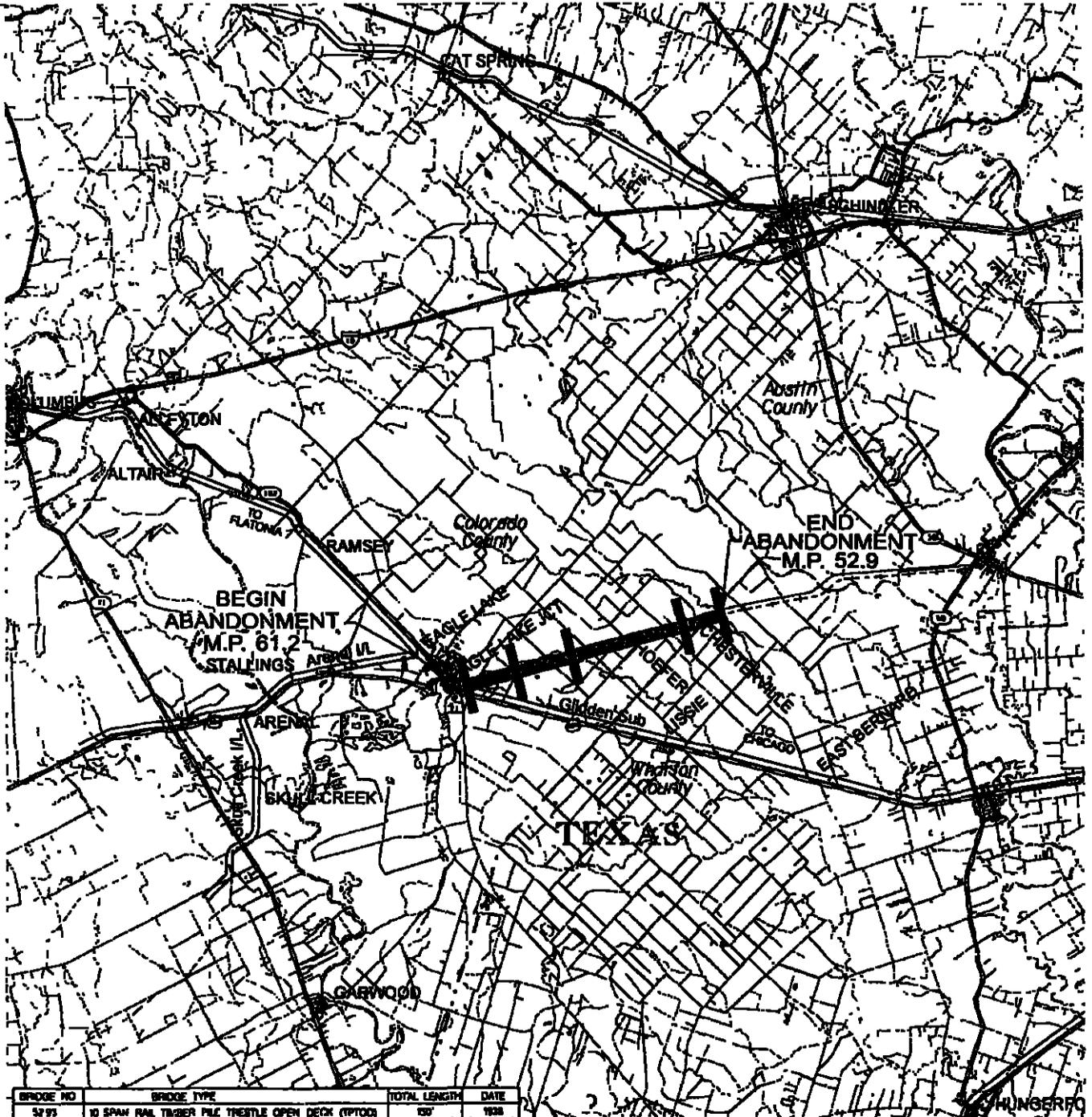
Texas Historical Commission  
James W. Steely  
History Program Division  
P. O. Box 12276  
Austin, TX 78711-2276

**Other Agencies Consulted:**

Texas Parks & Wildlife  
Andrew Swanson  
4200 Smith School Road  
Austin, TX 78744-3291

Dated this 2<sup>nd</sup> day of November, 2007

  
\_\_\_\_\_  
Mack H. Shumate, Jr.



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
5793	10 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPTOD)	130'	1928
5413	2 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPTOD)	30'	1946
5767	3 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPTOD)	67'	1938
6038	1 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPTOD)	16'	1939
6075	1 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPTOD)	15'	1945

**LEGEND**

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

**CHESTERVILLE INDUSTRIAL LEAD**

MP 52.9 TO MP 61.2  
 8.0 MILES IN COLORADO COUNTY  
 0.3 MILES IN WHARTON COUNTY  
 TOTAL OF 8.3 MILES

**UNION PACIFIC RAILROAD CO.  
 CHESTERVILLE INDUSTRIAL LEAD  
 TEXAS**

INCLUDING 50+ YEAR OLD STRUCTURES



FILE: Q:\abandonments\ab0253\_Chesterville\_v8.dgn MODEL: abandonment DATE: 05-Feb-07 08:04



(402) 501-0127 (FAX)

February 8, 2007

**State Clearinghouse (or alternate):**

Tom Adams  
 Governor's Office of Budget and Planning  
 P O Box 12428  
 Austin, TX 78711

**State Environmental Protection Agency:**

Texas Natural Resource Conservation  
 Commission  
 Ken Patterson, Deputy Director  
 P.O. Box 13087, m145  
 Austin, TX 78711-3087

**State Coastal Zone Management Agency**

**(if applicable):**  
 Not applicable.

**Head of County (Planning):**

Colorado County Commissioners  
 P.O. Box 236  
 County Courthouse  
 Columbus, TX 78934-0236

Wharton County Commissioners  
 P.O. Box 69  
 County Courthouse  
 Wharton, TX 77488-0069

**Environmental Protection Agency**

**(regional office):**  
 U S Environmental Protection Agency  
 Region 6  
 1445 Ross Avenue  
 Dallas, TX 75202-2733

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service  
 Southwest Region 2  
 U S Fish & Wildlife Service  
 500 Gold Avenue SW - Room 4000  
 Albuquerque, NM 87102

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District Galveston  
 P.O. Box 1229  
 Galveston, TX 77553-1229

**National Park Service:**

National Park Service  
 Intermountain Region  
 12795 Alameda Pkwy  
 Denver, CO 80228

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

USDA, Natural Resources Conservation Service  
 Soil Survey Section  
 W R Poage Federal Bldg  
 101 South Main Street  
 Temple, TX 76501-7682

**National Geodetic Survey:**

National Geodetic Survey  
 Edward J McKay, Chief  
 Spatial Reference System Division  
 NOAA N/NGS2  
 1315 E-W Highway  
 Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Texas Historical Commission  
 James W Steely  
 History Program Division  
 P. O. Box 12276  
 Austin, TX 78711-2276

**Other Agencies Consulted:**

Texas Parks & Wildlife  
 Andrew Swanson  
 4200 Smith School Road  
 Austin, TX 78744-3291

Re: Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)

Law Department

UNION PACIFIC RAILROAD  
 1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
 fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas. A map of the proposed track abandonment shown in black 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 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.

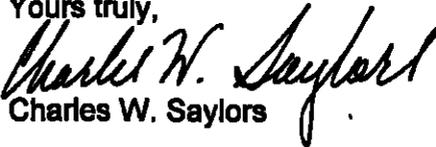
**STATE WATER QUALITY OFFICIALS.** State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

**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.

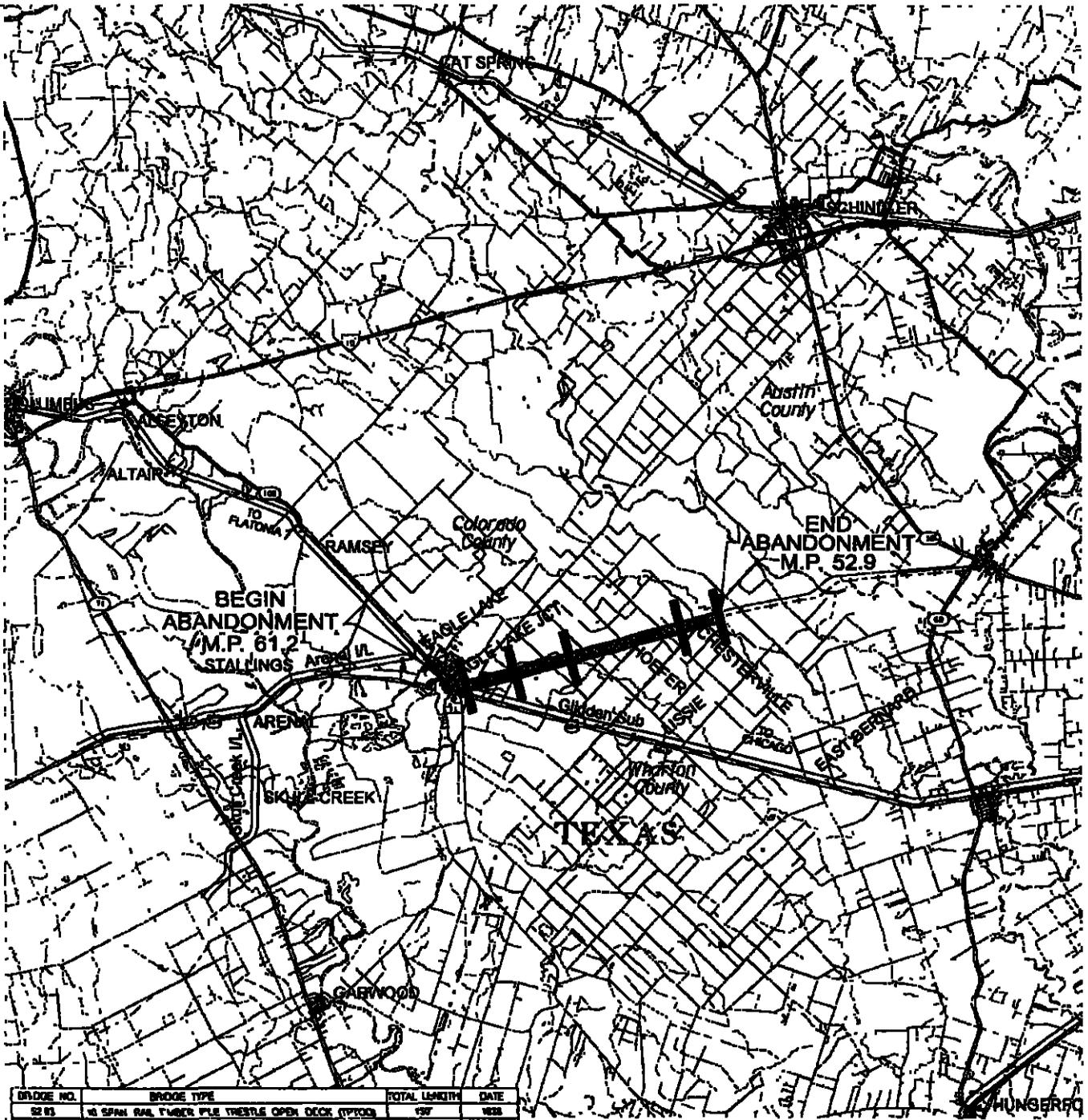
**U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY).** (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials 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 Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

  
Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
52 83	16 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TPTOD)	137	1938
54 13	2 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TPTOD)	207	1946
57 87	3 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TPTOD)	45	1938
60 20	1 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TPTOD)	15	1938
60 75	1 SPAN RAIL TIMBER PILE TREESTLE OPEN DECK (TPTOD)	15	1945

**LEGEND**

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

**CHESTERVILLE INDUSTRIAL LEAD**

MP 52.9 TO MP 61.2  
 8.0 MILES IN COLORADO COUNTY  
 0.3 MILES IN WHARTON COUNTY  
 TOTAL OF 8.3 MILES

**UNION PACIFIC RAILROAD CO  
 CHESTERVILLE INDUSTRIAL LEAD  
 TEXAS**

INCLUDING 50+ YEAR OLD STRUCTURES



## United States Department of Agriculture



Natural Resources Conservation Service  
101 South Main Street  
Temple, TX 76501-7602

---

February 16, 2006

Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE, 68179

**Attention: Charles W. Saylor, Environmental Specialist**

**Subject: LNU-Farmland Protection-  
Chesterville Industrial Lead Abandonment  
Colorado and Wharton Counties, Texas**

We have reviewed the information provided concerning the proposed Chesterville Industrial Lead Abandonment (MP 52.9 to MP 61.2) in Colorado and Wharton Counties, Texas as outlined in your letter of February 8, 2007. This is part of NEPA evaluation for the US Surface Transportation Board. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed projects do not contain Important Farmland Soils and are exempt from the FPPA law because the area is considered as already converted to urban land. The FPPA law excludes from the definition of "farmland" areas that contain more than 30 structures per 40 acres. These areas would be considered as previously converted to urban land and exempt from the FPPA law because there is no conversion of Important Farmlands. We have completed an AD-1006 form indicating the exemption.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

A handwritten signature in black ink that reads "James M. Greenwade".

James M. Greenwade  
Soil Scientist  
Soil Survey Section  
USDA-NRCS, Temple, Texas

U.S. Department of Agriculture

## FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request 2-8-2007			
Name of Project Chesterville RR Abandonment		Federal Agency Involved Surface Transportation Board			
Proposed Land Use Abandon RR		County and State Colorado and Wharton County, Texas			
<b>PART II (To be completed by NRCS)</b>		Date Request Received By NRCS 2-12-2007		Person Completing Form: James Greenwade	
Does the site contain Prime, Unique, Statewide or Local important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land in Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %		
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS		
<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Site Rating</b>			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)</b>					
<b>PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.6 b. For Corridor project use form NRCS-CPA-100)</b>		Maximum Points	Site A	Site B	Site C
1 Area In Non-urban Use		(15)			
2 Perimeter In Non-urban Use		(10)			
3 Percent Of Site Being Farmed		(20)			
4 Protection Provided By State and Local Government		(20)			
5 Distance From Urban Built-up Area		(15)			
6 Distance To Urban Support Services		(15)			
7 Size Of Present Farm Unit Compared To Average		(10)			
8 Creation Of Non-farmable Farmland		(10)			
9 Availability Of Farm Support Services		(5)			
10 On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
<b>TOTAL SITE ASSESSMENT POINTS</b>		<b>160</b>			
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		<b>260</b>			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 17, 2007

Mr. Chuck Saylor  
Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #7561, Union Pacific,  
Abandonment of Chesterville Industrial Lead

Dear

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed action is located in Colorado and Wharton Counties, which is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity does not apply.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

We do not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities are completed in accordance with applicable local, state, and federal statutes and regulations. We agree with a finding of no significant impact and have no objection to the release of funds for this project. We recommend that best management practices to control runoff from construction sites be utilized to prevent impact to surface and groundwater.

It has been determined from a review of the information provided that an Application for TCEQ Approval of Floodplain Development Project need not be filed with TCEQ. Our records show that the community is a participant in the National Flood Insurance Program and as such has a Flood Hazard Prevention Ordinance / Court Order. Accordingly, care should be taken to ensure that the proposed construction takes into account the possible Flood Hazard Areas within the community's floodplains. Please notify the community floodplain administrator to ensure all construction is in compliance with the community's Flood Hazard Prevention Ordinance / Court Order.

Mr. Chuck Saylor

Page 2

April 17, 2007

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #7561, Union Pacific,  
Abandonment of Chesterville Industrial Lead

Thank you for the opportunity to review this project. If you have any questions, please call Ms. Betty Thompson at (512) 239-1627.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Weber". The signature is written in a cursive style with a large, prominent "T" and "W".

Thomas W. Weber, Manager  
Water Programs, Chief Engineer's Office  
Texas Commission on Environmental Quality



April 9, 2007

Mr. Charles Saylor  
 Union Pacific Railroad  
 Law Department  
 1400 Douglas, St. Stop 1580  
 Omaha, NE 68179

COMMISSIONERS

JOSEPH B.C. FITZGERALD  
 CHAIRMAN  
 SAN ANTONIO

DONATO D. RAMOS  
 VICE-CHAIRMAN  
 LAREDO

MARK E. BIVINS  
 AMARILLO

J. ROBERT BROWN  
 EL PASO

T. DAN FRIEDKIN  
 HOUSTON

NED S. HOLMES  
 HOUSTON

PETER M. HOLT  
 SAN ANTONIO

PHILIP MONTGOMERY  
 DALLAS

JOHN D. PARKER  
 LIPPIN

LEE M. BASS  
 CHAIRMAN-EMERITUS  
 FORT WORTH

ROBERT L. COOK  
 EXECUTIVE DIRECTOR

RE: Proposed Abandonment of the Chesterville Industrial Lead from M.P. 52.9 near Chesterville to M.P. 61.2 near Eagle Lake, Colorado and Wharton Counties, Texas.

Dear Mr. Saylor:

Thank you for coordinating with Texas Parks and Wildlife Department (TPWD) regarding the proposed project referenced above. TPWD staff reviewed the proposed abandonment project and offers the following comments concerning the project.

The proposed project entails the abandonment of 8.3 miles of railway from milepost 52.9 near Chesterville to milepost 61.2 near Eagle Lake.

Vegetation Impacts

**Recommendation:**

TPWD recommends that clearing of mature, native trees along the route be avoided. Loss of vegetation should be minimized by using site planning and construction techniques designed to avoid and preserve existing trees, shrubs, grasses, and forbs. Vegetation assemblages occurring within railroad rights-of-way generally provide higher quality wildlife habitat than surrounding areas due to the control of livestock grazing and exclusion of intensive agricultural practices. Retention and use of existing fencing to control livestock grazing will continue to enhance the quality of wildlife habitat by allowing the growth of woody cover and providing additional vegetation diversity.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) provides for a year round closed season for non-game birds and prohibits the taking of migratory bird nests and eggs, except as permitted by the U.S. Fish and Wildlife Service.



Take a kid  
 hunting or fishing  
 • • •

Visit a state park  
 or historic site

**Ms. Charles Sayors**  
**April 9, 2007**  
**Page 2 of 3**

**Recommendations:**

1. Construction activities such as, but not limited to, tree felling as well as vegetation clearing, trampling, or maintenance should occur outside the April 1-July 15 migratory bird nesting season of each year the project is authorized and lasting for the life of the project.
2. To comply with the MTBA, the proposed site should be surveyed for migratory bird nest sites prior to construction or future maintenance activities.
3. Since raptors nest in late winter and early spring, all construction activities as identified above should be excluded from a minimum zone of 100 meters around any raptor nest during the period of February 1- July 15.

Please contact the U.S. Fish and Wildlife Service Southwest Regional Office (Region 2) at (505) 248-6879 for further information.

**Revegetation**

**Recommendations:**

1. TPWD recommends that TxDOT reseed disturbed soils with a mixture of grasses and forbs native to Walker County.
2. To enhance native grasses available to wildlife in the project area, TPWD recommends that Bermuda grass be avoided to the extent possible in reseeded efforts, though TPWD understands that slopes may require certain grasses to control erosion.

For assistance in determining the best native seed mix for the project area, please contact our staff. Runoff control measures should be maintained until native plants have been reestablished on disturbed areas.

**Rare Resources**

Occurrences of the species of concern Coastal gay-feather (*Liatris bracteata*) and a Rookery assemblage have been documented within 1.5 miles of the project site. Printouts for these occurrence records are included for your planning reference. **Please do not include species occurrence printouts in your draft or final documents.** Because some species are especially sensitive to collection or harassment, these records are for your reference only. Given the small proportion of public versus private land in Texas, the Natural Diversity Database (NDD) does

Ms. Charles Sayors  
April 9, 2007  
Page 3 of 3

not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the NDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data cannot substitute for an on-site evaluation by your qualified biologists. Determination of the actual presence of a species in a given area depends on a number of variables. These are daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency, and population density (both wildlife and human). Absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all of the variable factors contributing to the lack of observability.

The potential of converting the abandoned rail line to a recreational trail that could potentially preserve habitat for listed species or other wildlife should be investigated. Assistance in planning for land use conversion to recreational use can be obtained from Andrew Goldbloom (512-389-4737) with the State Parks Division.

Please contact me at 361-576-0022, if we may be of further assistance.

Sincerely,



Amy Hanna  
Wildlife Habitat Assessment Program  
Wildlife Division

/ajh

Attachments

## Element Occurrence Record

---

<b>Scientific Name:</b> <i>Liatris bracteata</i>	<b>Occurrence #:</b> 25	<b>Eo Id:</b> 2625
<b>Common Name:</b> Coastal Gay-feather	<b>TX Protection Status:</b>	
<b>Global Rank:</b> G2	<b>State Rank:</b> S2	

---

**Location Information:**                      **Latitude:**                      **Longitude:**

**Watershed Code:**                      **Watershed Description:**  
12090302                      Lower Colorado

<b><u>County Code:</u></b> IXCOLORADO	<b><u>County Name:</u></b> Colorado	<b><u>Mapsheet Code:</u></b> 29096-E3	<b><u>Mapsheet Name:</u></b> Eagle Lake	<b><u>State:</u></b> TX
---------------------------------------	-------------------------------------	---------------------------------------	---	-------------------------

**Directions:**

RAILROAD RIGHT-OF-WAY ON SOUTHWEST SIDE OF FM 102, 0.6 ROAD MILE NORTHWEST OF 90 DEGREE TURN AT NORTH EDGE OF EAGLE LAKE TOWN SQUARE, OPPOSITE (SOUTHWEST OF) INTERSECTION OF POST OFFICE STREET ( FM 102) AND AUSTIN ROAD AND IMMEDIATELY NORTHWEST OF RAILROAD BRIDGE OVER SMALL CREEK

---

**Survey Information:**

<b><u>First Observation:</u></b> 1981-10-18	<b><u>Survey Date:</u></b>	<b><u>Last Observation:</u></b> 2000-10-16
<b><u>Eo Type:</u></b>	<b><u>EO Rank:</u></b> BC - Good or fair estimated viability	<b><u>EO Rank Date:</u></b> 2000-10-16

**Observed Area (acres):**

---

**Comments:**

**General Description:** 1981 SPECIMEN RECORD NOTED CLAY SLOPE; IN 2000, SITE DESCRIBED AS WELL DRAINED, LIGHT-COLORED, SOMEWHAT SANDY CLAY SOIL ON LEVEL TO GENTLY SLOPING UNSHADED RAILROAD RIGHT-OF-WAY; COVER BY MIDGRASSES SUCH AS SCHIZACHYRIUM SCOPARIUM LESS SIGNIFICANT THAN COVER BY SHORTGRASSES SUCH AS ARISTIDA

**Comments:** PETERSON 1981 SPECIMEN MAY ALSO REPRESENT THIS OCCURRENCE; C D PETERSON 610 (SBS), 18 OCTOBER 1981, FM 102 ON NORTH SIDE OF EAGLE LAKE ON CLAY SLOPE

**Protection Comments:**

**Management Comments:**

---

**Data:**

**EO Data:** IN 2000, HUNDREDS OF PLANTS

---

**Site:**

COLORADO COUNTY EAST

---

**Managed Area:**

**Managed Area Name:**

**Managed Area Type:**

## Element Occurrence Record

---

### Reference:

#### Full Citation:

---

### Specimen:

UNIVERSITY OF TEXAS AT AUSTIN HERBARIUM 2000. W.R. CARR #19171, SPECIMEN # NONE TEX, 16 OCTOBER 2000.  
ROBERT A. VINES ENVIRONMENTAL SCIENCE CENTER HERBARIUM (SPRING BRANCH SCIENCE CENTER),  
HOUSTON. 1981. C.D. PETERSON #610, SPECIMEN # NONE SBSC. 18 OCTOBER 1981.

---



## **Element Occurrence Record**

### **Reference:**

#### **Full Citation:**

TEXAS COLONIAL WATERBIRD SOCIETY AND TEXAS PARKS & WILDLIFE DEPARTMENT. 1990 TEXAS COLONIAL WATERBIRD CENSUS SUMMARY. SPECIAL ADMINISTRATIVE REPORT

MULLINS, L. M. ET AL. 1982 ET SEQ. ATLAS & CENSUS OF TEXAS WATERBIRD COLONIES, 1973-1980. TX COLONIAL WATERBIRD SOCIETY.

---

### **Specimen:**

---

**Code Key for Printouts from  
Texas Parks and Wildlife Department  
Natural Diversity Database (NDD)**

This information is for your assistance only; due to continuing data updates, vulnerability of private land to trespass and of species to disturbance or collection, please do not publish in public documents or otherwise reprint or redistribute the information, instead refer all requesters to our office to obtain the most current information available. Also, please note, identification of a species in a given area does not necessarily mean the species currently exists at the point or area indicated.

**LEGAL STATUS AND CONSERVATION RANKS**

**FEDERAL STATUS** (as determined by the US Fish and Wildlife Service)

<b>LE</b>	Listed Endangered
<b>LT</b>	Listed Threatened
<b>PE</b>	Proposed to be listed Endangered
<b>PT</b>	Proposed to be listed Threatened
<b>PDL</b>	Proposed to be Delisted (Note: Listing status retained while proposed)
<b>E/SA, T/SA</b>	Listed Endangered on basis of Similarity of Appearance, Listed Threatened on basis of Similarity of Appearance
<b>DL</b>	Delisted Endangered/Threatened
<b>C1</b>	Candidate, Category 1. USFWS has substantial information on biological vulnerability and threats to support proposing to list as threatened or endangered. Data are being gathered on habitat needs and/or critical habitat designations.
<b>C1*</b>	C1, but lacking known occurrences
<b>C1**</b>	C1, but lacking known occurrences, except in captivity/cultivation
<b>XE</b>	Essential Experimental Population
<b>XN</b>	Non-essential Experimental Population
<b>Blank</b>	Species is not federally listed

**TX PROTECTION** (as determined by the Texas Parks and Wildlife Department)

<b>E</b>	Listed Endangered
<b>T</b>	Listed Threatened
<b>Blank</b>	Species not state-listed

**GLOBAL RANK** (as determined by NatureServe)

<b>G1</b>	Critically imperiled globally, extremely rare, typically 5 or fewer viable occurrences
<b>G2</b>	Imperiled globally, very rare, typically 6 to 20 viable occurrences
<b>G3</b>	Very rare and local throughout range or found locally in restricted range, typically 21 to 100 viable occurrences
<b>G4</b>	Apparently secure globally
<b>G5</b>	Demonstrably secure globally
<b>GH</b>	Of historical occurrence through its range
<b>GU</b>	Possibly in peril range-wide, but status uncertain
<b>G#G#</b>	Ranked within a range as status uncertain
<b>GX</b>	Apparently extinct throughout range
<b>Q</b>	Rank qualifier denoting taxonomic assignment is questionable
<b>#?</b>	Rank qualifier denoting uncertain rank
<b>C</b>	In captivity or cultivation only
<b>G#T#</b>	"G" refers to species rank; "T" refers to variety or subspecies rank

**STATE (SUBNATIONAL) RANK** (as determined by the Texas Parks and Wildlife Department)

<b>S1</b>	Critically imperiled in state, extremely rare, vulnerable to extirpation, typically 5 or fewer viable occurrences
<b>S2</b>	Imperiled in state, very rare, vulnerable to extirpation, typically 6 to 20 viable occurrences
<b>S3</b>	Rare or uncommon in state, typically 21 to 100 viable occurrences
<b>S4</b>	Apparently secure in State
<b>S5</b>	Demonstrably secure in State
<b>S#S#</b>	Ranked within a range as status uncertain
<b>SH</b>	Of historical occurrence in state and may be rediscovered
<b>SU</b>	Unrankable – due to lack of information or substantially conflicting information
<b>SX</b>	Apparently extirpated from State
<b>SNR</b>	Unranked – State status not yet assessed
<b>SNA</b>	Not applicable – species id not a suitable target for conservation activities
<b>?</b>	Rank qualifier denoting uncertain rank in State

### ELEMENT OCCURRENCE RECORD

**Element Occurrence Record (EOR)** Spatial and tabular record of an area of land and/or water in which a species, natural community, or other significant feature of natural diversity is, or was, present and associated information; may be a single contiguous area or may be comprised of discrete patches or subpopulations

**Occurrence #** Unique number assigned to each occurrence of each element when added to the NDD

### LOCATION INFORMATION

**Watershed Code** Eight digit numerical code determined by US Geological Survey (USGS)

**Watershed** Name of watershed as determined by USGS

**Quadrangle** Name of USGS topographical map

**Directions** Directions to geographic location where occurrence was observed, as described by observer or in source

### SURVEY INFORMATION

**First/Last Observation** Date a particular occurrence was first/last observed, refers only to species occurrence as noted in source and does not imply the first/last date the species was present

**Survey Date** If conducted, date of survey

**EO Type** State rank qualifiers:

**M** Migrant – species occurring regularly on migration at staging areas, or concentration along particular corridors; status refers to the transient population in the State

**B** Qualifier indicating basic rank refers to the breeding population in State

**N** Qualifier indicating basic rank refers to the non-breeding population in State

**EO Rank**

**A** Excellent

**AI** Excellent, Introduced

**B** Good

**BI** Good, Introduced

**C** Marginal

**CI** Marginal, Introduced

**D** Poor

**DI** Poor, Introduced

**E** Extant/Present

**EI** Extant, Introduced

**H** Historical/No Field Information

**HI** Historical, Introduced

**X** Destroyed/Extirpated

**XI** Destroyed, Introduced

**O** Obscure

**OI** Obscure, Introduced

**EO Rank Date** Latest date EO rank was determined or revised

**Observed Area** Acres, unless indicated otherwise

### COMMENTS

**Description** General physical description of area and habitat where occurrence is located, including associated species, soils, geology, and surrounding land use

**Comments** Comments concerning the quality or condition of the element occurrence at time of survey

**Protection Comments** Observer comments concerning legal protection of the occurrence

**Management Comments** Observer comments concerning management recommendations appropriate for occurrence conservation

### DATA

**EO Data** Biological data; may include number of individuals, vigor, flowering/fruited data, nest success, behaviors observed, or unusual characteristic, etc.

### SITE

**Site Name** Title given to site by surveyor

### MANAGED AREA INFORMATION

**Managed Area Name** Place name or (on EOR printout) name of area when the EO is located within or partially within an area identified for conservation, such as State or Federal lands, nature preserves, parks, etc.

**Alias** Additional names the property is known by

**Acres** Total acreage of property, including non-contiguous tracts

**Manager** Contact name, address, and telephone number for area or nearest area land steward

Please use the following citation to credit the source for the printout information:

Texas Parks and Wildlife Department, Wildlife Division Diversity Program, Natural Diversity Database [date(s) posted on printouts]



(402) 501-0127 (FAX)

February 8, 2007

**State Clearinghouse (or alternate):**

Tom Adams  
Governor's Office of Budget and Planning  
P O Box 12428  
Austin, TX 78711

**State Environmental Protection Agency:**

Texas Natural Resource Conservation  
Commission  
Ken Patterson, Deputy Director  
P.O Box 13087, m145  
Austin, TX 78711-3087

**State Coastal Zone Management Agency  
(if applicable):**

Not applicable

**Head of County (Planning):**

Colorado County Commissioners  
P O. Box 236  
County Courthouse  
Columbus, TX 78934-0236

Wharton County Commissioners  
P O. Box 69  
County Courthouse  
Wharton, TX 77488-0069

**Environmental Protection Agency****(regional office):**

U S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service  
Southwest Region 2  
U.S. Fish & Wildlife Service  
500 Gold Avenue-SW - Room 4000  
Albuquerque, NM 87102

**U.S. Army Corps of Engineers:**

U S Army Engineer District Galveston  
P O. Box 1229  
Galveston, TX 77553-1229

**National Park Service:**

National Park Service  
Intermountain Region  
12795 Alameda Pkwy  
Denver, CO 80228

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

USDA, Natural Resources Conservation Service  
Soil Survey Section  
W R Poage Federal Bldg.  
101 South Main Street  
Temple, TX 76501-7682

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Texas Historical Commission  
James W. Stealy  
History Program Division  
P. O Box 12276  
Austin, TX 78711-2276

**Other Agencies Consulted:**

Texas Parks & Wildlife  
Andrew Swanson  
4200 Smith School Road  
Austin, TX 78744-3291

Re: Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas. A map of the proposed track abandonment shown in black 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 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 Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

*Charles W. Saylor*  
Charles W. Saylor

Attachment



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: *Cheryl Edhardt* Date: *2/14/07*



February 8, 2007

Texas Historical Commission  
 James W. Steely  
 History Program Division  
 P. O. Box 12276  
 Austin, TX 78711-2276

Re. Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)

Dear Sir:

Enclosed for your review are ten photographs of the bridges located on the Chesterville Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
53.93	10 Span Rail Timber Pile Trestle Open Deck (TPTOD)	150'	1938
54.13	2 Span Rail Timber Pile Trestle Open Deck (TPTOD)	30'	1946
57.67	3 Span Rail Timber Pile Trestle Open Deck (TPTOD)	45'	1938
59.39	1 Span Rail Timber Pile Trestle Open Deck (TPTOD)	15'	1939
60.75	1 Span Rail Timber Pile Trestle Open Deck (TPTOD)	15'	1945

Please advise if you believe there is historical significance to any of the bridges.  
 Thank you for your assistance.

Sincerely,

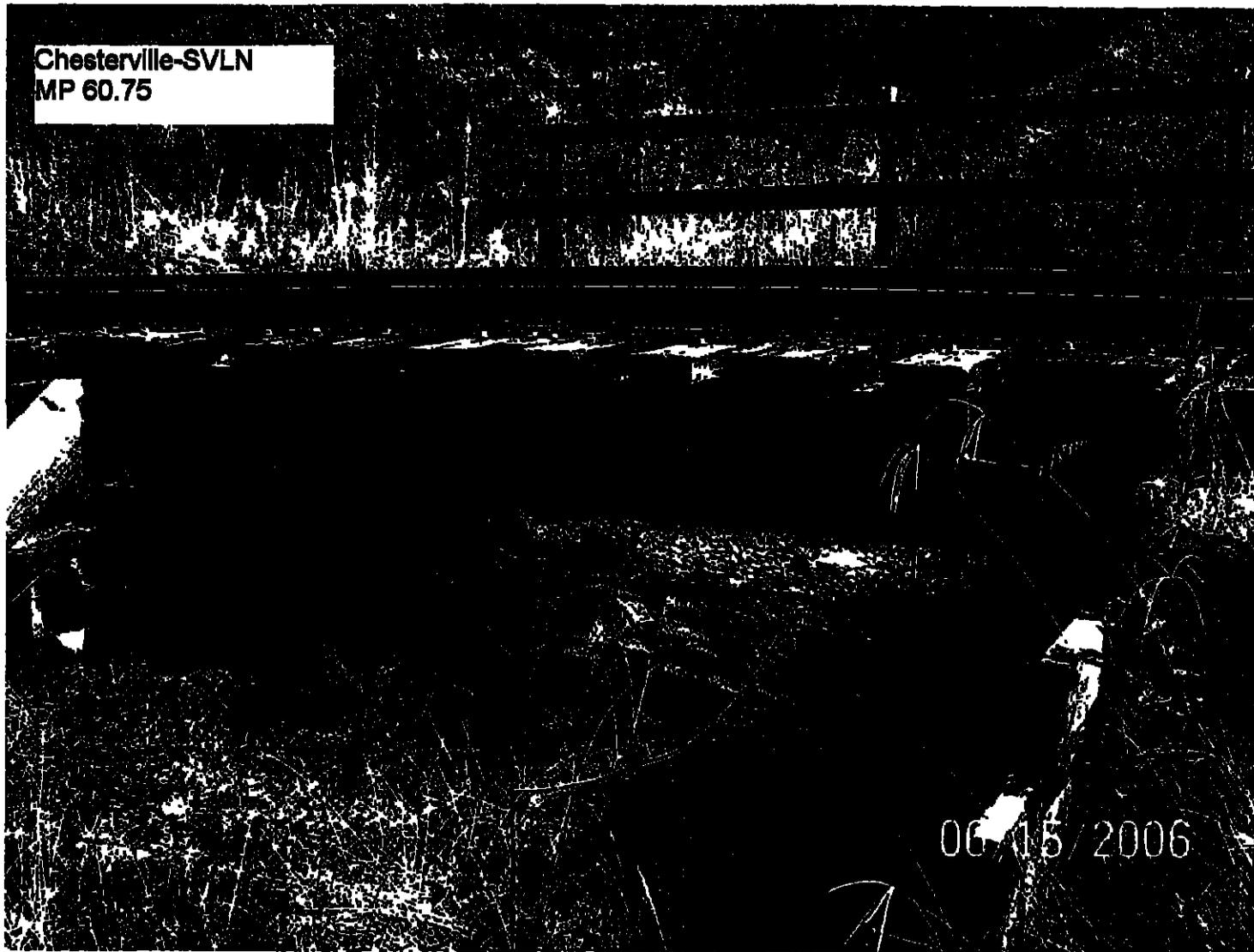
*Charles W. Saylor*  
 Charles W. Saylor  
 (402) 544-4861

Attachments

Law Department

UNION PACIFIC RAILROAD  
 1400 Douglas St, Stop 1580, Omaha, NE 68179-1580  
 fx (402) 501-0177

Chesterville-SVLN  
MP 60.75



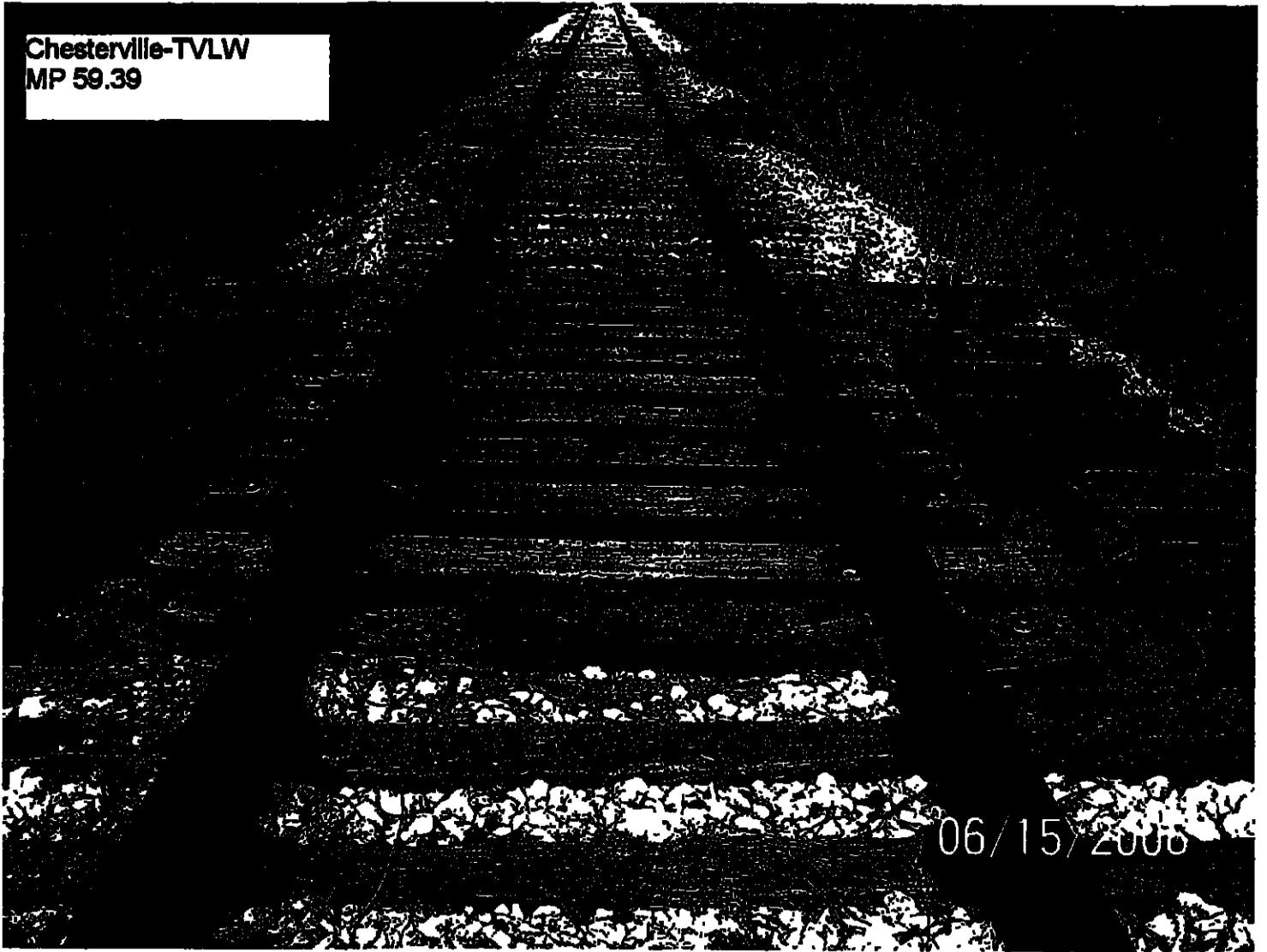
06/15/2006

Chesterville-TVLW  
MP 60.75

06/15/2006



Chesterville-TVLW  
MP 59.39

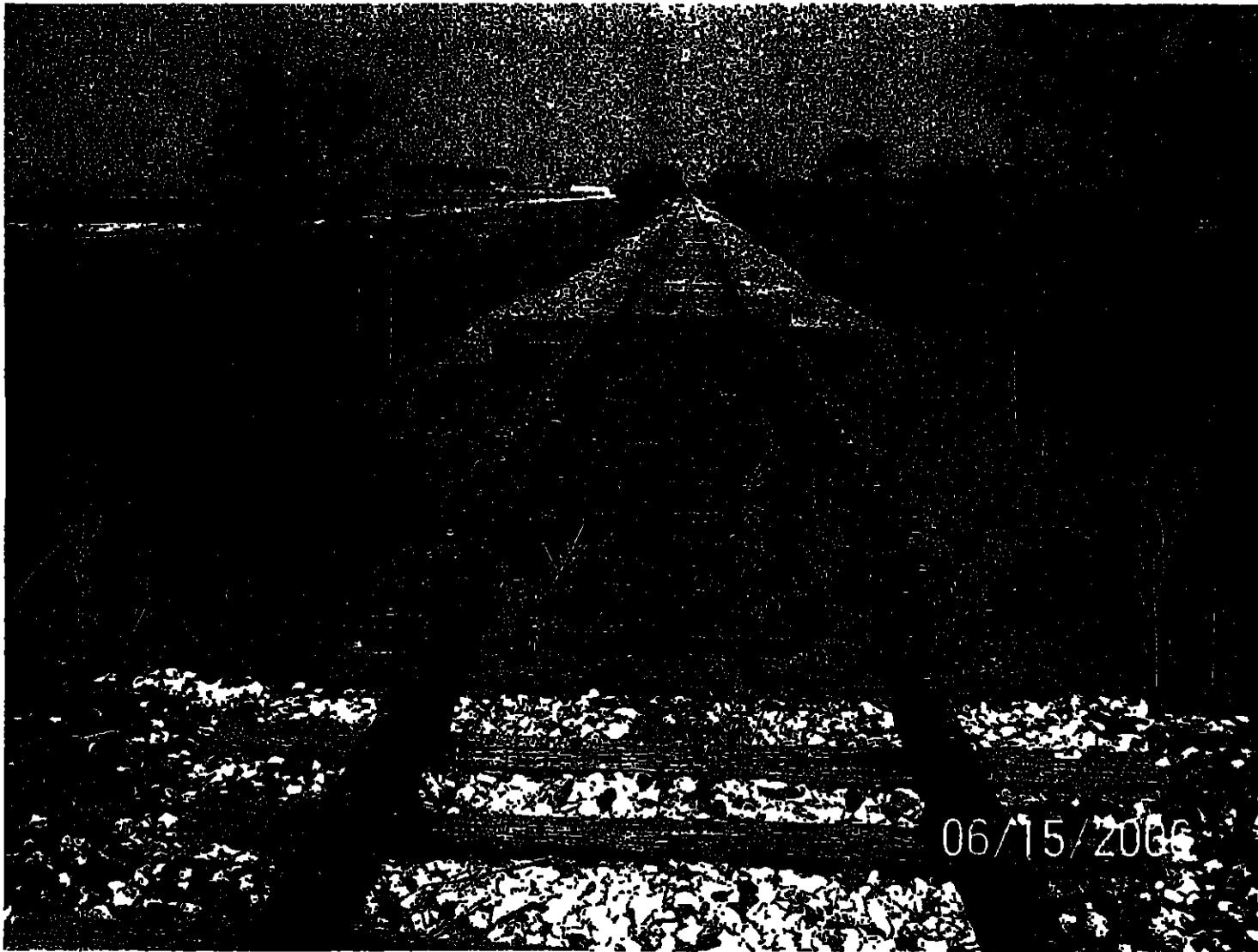


06/15/2006

Chesterville-SVLs  
MP 59.39



06/15/06



Chesterville-SVLS  
MP 57.67

06/15/2006

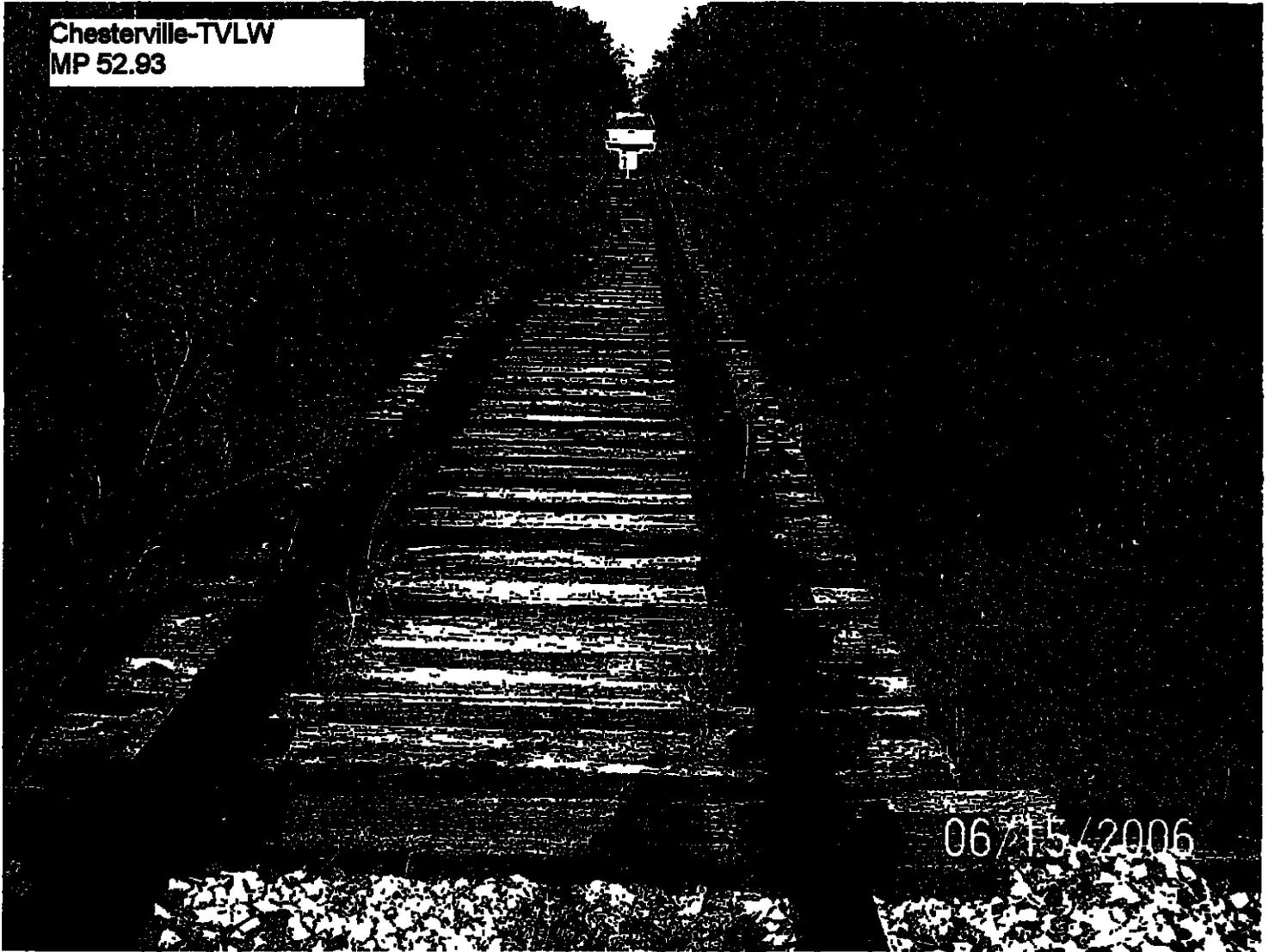


Chesterville-TVLW  
MP 54.13



06/15/2006

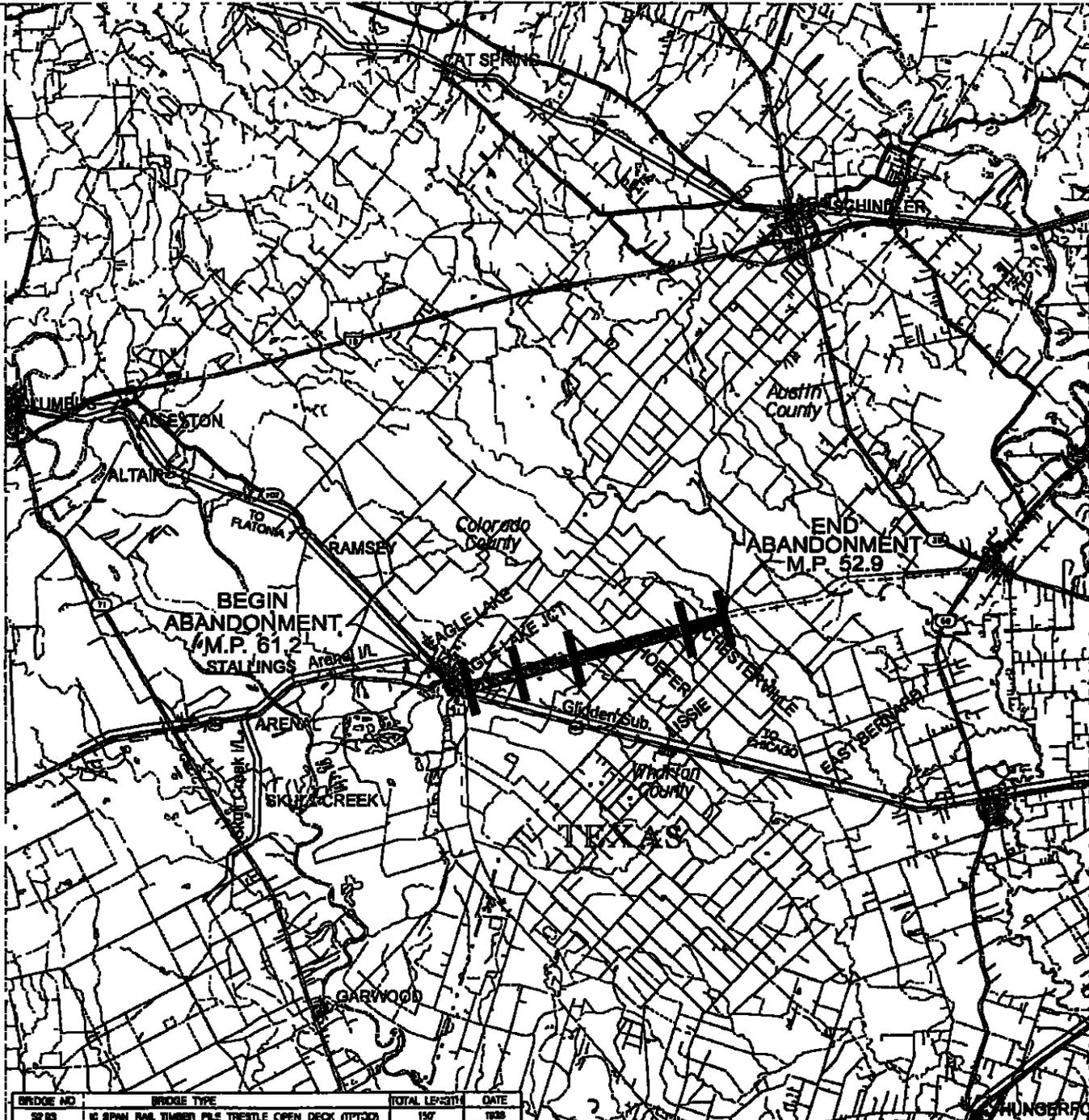
Chesterville-TVLW  
MP 52.93



06/15/2006

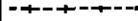
Chesterville-SVLS  
MP 52.93

06/15/2006



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
52.85	10 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPOD)	150'	1928
54.52	2 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPOD)	53'	1946
57.87	3 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPOD)	45'	1928
60.20	1 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPOD)	18'	1928
60.75	1 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPOD)	18'	1945

**LEGEND**

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

**CHESTERVILLE INDUSTRIAL LEAD**  
 MP 52.9 TO MP 61.2  
 8.0 MILES IN COLORADO COUNTY  
 0.3 MILES IN WHARTON COUNTY  
 TOTAL OF 8.3 MILES

**UNION PACIFIC RAILROAD CO.**  
**CHESTERVILLE INDUSTRIAL LEAD**  
**TEXAS**  
 INCLUDING 50+ YEAR OLD STRUCTURES

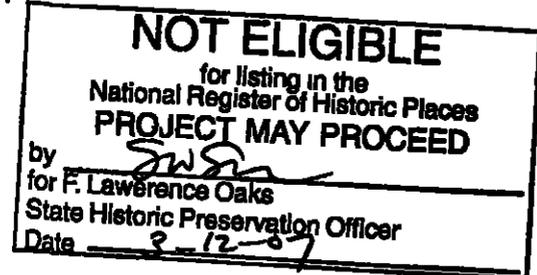




FEB 12 ENTU

February 8, 2007

Texas Historical Commission  
 James W. Steely  
 History Program Division  
 P. O. Box 12276  
 Austin, TX 78711-2276



Re: Proposed Abandonment of the Chesterville Industrial Lead from M. P. 52.9 near Chesterville to M P 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)  
 Dear Sir:

Enclosed for your review are ten photographs of the bridges located on the Chesterville Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
53.93	10 Span Rail Timber Pile Trestle Open Deck (TPTOD)	150'	1938
54.13	2 Span Rail Timber Pile Trestle Open Deck (TPTOD)	30'	1946
57.67	3 Span Rail Timber Pile Trestle Open Deck (TPTOD)	45'	1938
59.39	1 Span Rail Timber Pile Trestle Open Deck (TPTOD)	15'	1939
60.75	1 Span Rail Timber Pile Trestle Open Deck (TPTOD)	15'	1945

Please advise if you believe there is historical significance to any of the bridges.  
 Thank you for your assistance.

Sincerely,

*Charles W. Saylor*  
 Charles W. Saylor  
 (402) 544-4861

Attachments

Law Department

UNION PACIFIC RAILROAD  
 1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
 or (402) 501-9127