



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

August 12, 2008

VIA E-FILING

Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

**Re: Abandonment Exemption of the Lawton Industrial Lead from  
M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton, a  
distance of 3.85 miles in Comanche County, Oklahoma;  
STB Docket No. AB-33 (Sub-No. 267X)**

Dear Ms. Quinlan:

Attached for filing in the above-referenced docket is the 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 in this matter on or after September 1, 2008.

Sincerely,

*Mack H. Shumate*

*(Sm)*

Attachment

cc: All Concerned Parties

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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 267X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COMANCHE COUNTY, OKLAHOMA  
(LAWTON INDUSTRIAL LEAD)

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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: August 12, 2008  
Filed: August 12, 2008

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 267X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COMANCHE COUNTY, OKLAHOMA  
(LAWTON INDUSTRIAL LEAD)

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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 discontinuance of lease operation over the Lawton Industrial Lead from Milepost 50.75 near Fort Sill to Milepost 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma (the "Line"). The Line, including the real estate, track improvements and structures thereon, is owned by the State of Oklahoma. The Line traverses U. S. Postal Service Zip Code 73503. The UP anticipates that a Notice of Exemption to discontinue lease operation over the Line will be filed at the STB on or after September 1, 2008.

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 discontinuance of UP's lease operation over the Lawton Industrial Lead from Milepost 50.75 near Fort Sill to Milepost 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma. The Line is currently leased by UP for railroad operations from the State of Oklahoma, which has no underlying common carrier obligation resulting from its purchase of the property which makes up the Line from Charles A. Gibbons, Trustee of the Property of the Chicago, Rock Island and Pacific Railroad, debtor. A significant benefit of the proposed discontinuance of UP's lease operation of the Line is that it will permit the owner, the State of Oklahoma, through the Oklahoma Department of Transportation to eliminate the Interstate 44 grade separation at Milepost 52.35 when that highway is rebuilt and improved.

The discontinuance of UP's lease operation on the Line will have no adverse effect on shippers. No local traffic has moved on the Line in at least two years, and there is no overhead traffic on the Line. No complaint regarding cessation of service has been submitted, is pending, or has been ruled upon in favor of complainant in the last two years. After discontinuance of UP's lease operation on the Line, the closest UP rail station will be Ft. Sill on the north end of the Line, and service to the base will not be affected by the proposed action. Lawton will continue to receive rail service from the Stillwater Central Railroad, which also serves Ft. Sill. Major highways in the area

include Interstate 44, a north-south route, which though it crosses the Line, essentially parallels it; and U. S. Route 62, which runs westward from Ft. Sill.

The Line was constructed by the Enid and Anadarko Railway in 1901. It is currently constructed of 85-pound jointed rail put down no later than 1940.

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:** No railroad freight traffic moves over the Line and no railroad freight traffic is expected to move in the future; therefore, 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 Comanche County Commissioners' Office has been contacted. To date UP has not received a response.

(ii) The United States Natural Resources Conservation Service ("NRCS") has been contacted. To date UP has not received a response.

(iii) Not Applicable.

(iv) The proposed discontinuance of UP's lease operation on the Line is being undertaken in cooperation with the owner of the Line, the State of Oklahoma, through its Oklahoma Department of Transportation, which will be able to forego reconstruction of the I-44 overpass near Lawton as that highway is rebuilt.

**(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 reinstitution 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.

(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. Upon review it was determined that there are no designated Refuges or Parks within the proposed project area, but there are four federally-listed species that currently occur within Comanche County. The U. S. Fish and Wildlife response is attached as **Attachment No. 3**, and is hereby made part hereof.

(ii) The National Park Service Regional Office has been contacted. Upon review it was determined that no parks will be affected by the proposed action. The National Park Service response is attached as **Attachment No. 4**, 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 Oklahoma Department of Environmental Quality 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:** UP is proposing to discontinue its lease operation over the Line, which is owned by the State of Oklahoma. The discontinuance of UP's lease operation on the Line will enable the Oklahoma Department of Transportation to forego reconstruction of the I-44 overpass near Lawton as the highway is rebuilt.

(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 two (2) structures on the Line that are 50 years old or older are not owned by UP and will not be affected by the proposed discontinuance of UP's Lease Operation on the Line. The State of Oklahoma owns the real property and the improvements on the Line, including but not limited to the two (2) bridges on the Line that are 50 years old or older. The Oklahoma State Historical Preservation Office

examined available documentation concerning the proposed abandonment of UP's lease operation on the Line and concluded that there will be no historic properties affected by the project. The Historic Preservation Office's response is attached hereto as **Attachment No. 5**, 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:** Not Applicable.

(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 repeatedly 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.

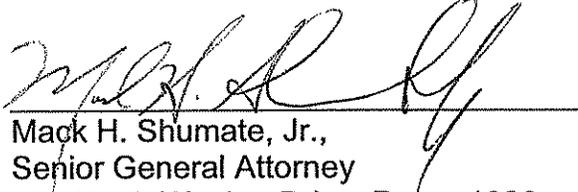
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties 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 12<sup>th</sup> day of August, 2008.

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

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. 267X) for the Lawton Industrial Lead in Comanche County, Oklahoma was served by first class mail on the 12<sup>th</sup> day of August, 2008 on the following:

**State Clearinghouse (or alternate):**

Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**State Environmental Protection Agency:**

Oklahoma Department of Environmental Quality  
PO Box 1677  
Oklahoma City, OK 73101-1677

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

Not applicable.

**Head of County (Planning):**

Comanche County Commissioners  
315 SW 5th Street, Room 303  
County Courthouse  
Lawton, OK 73501-4326

**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 and Wildlife Service  
Region 2  
P. O. Box 1306  
Albuquerque, NM 87103-1306

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

U.S. Army Corps of Engineers  
Tulsa District  
1645 S. 101 E. Avenue  
Tulsa, OK 74128-4609

**National Park Service:**

Intermountain Regional Office  
National Park Service  
12795 Alameda Pkwy  
Denver, CO 80228

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

Oklahoma Conservation Commission  
2800 N. Lincoln Blvd., Suite 160  
Oklahoma City, Oklahoma 73105

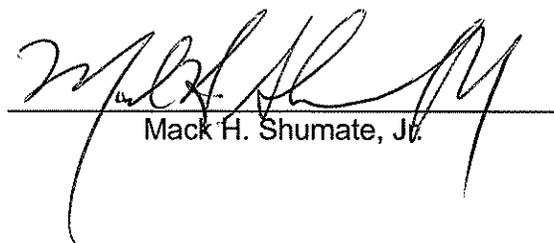
**National Geodetic Survey:**

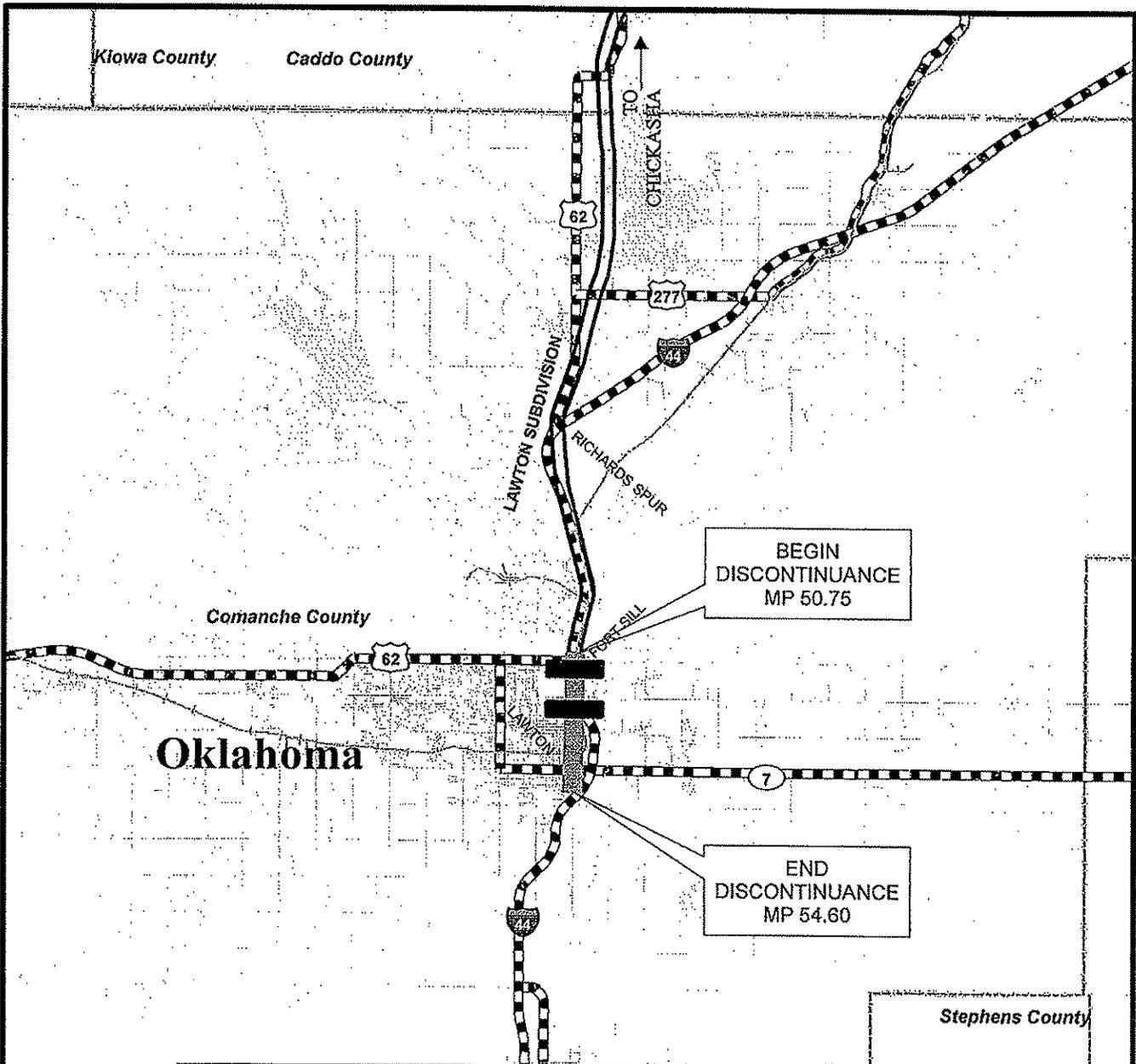
National Geodetic Survey  
Frank Maida, Chief  
Spatial Reference System Division  
NOAA N/NGS23  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

State Historic Preservation Officer  
Oklahoma Historical Society  
2401 North Laird Avenue  
Oklahoma City, OK 73105

Dated this 12<sup>th</sup> day of August, 2008

  
Mack H. Shumate, Jr.

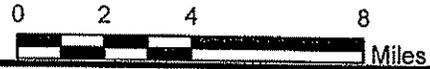


RIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
51.21	8-SPAN TIMBER PILE TRESTLE - OPEN DECK	110'	1946
52.3	6-SPAN TIMBER PILE TRESTLE - OPEN DECK	84'	1916

**Legend**

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

**LAWTON INDUSTRIAL LEAD**  
 MP 50.75 TO MP 54.60  
 TOTAL OF 3.85 MILES  
 IN COMANCHE COUNTY, OKLAHOMA  
**UNION PACIFIC RAILROAD CO.**  
**LAWTON INDUSTRIAL LEAD**  
**OKLAHOMA**  
 INCLUDING 50+ YEAR OLD STRUCTURES





May 14, 2008

**State Clearinghouse (or alternate):**

Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**State Environmental Protection Agency:**

Oklahoma Department of Environmental Quality  
PO Box 1677  
Oklahoma City, OK 73101-1677

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

Not applicable.

**Head of County (Planning):**

Comanche County Commissioners  
315 SW 5th Street, Room 303  
County Courthouse  
Lawton, OK 73501-4326

**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 and Wildlife Service  
Region 2  
P. O. Box 1306  
Albuquerque, NM 87103-1306

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

U.S. Army Corps of Engineers  
Tulsa District  
1645 S. 101 E. Avenue  
Tulsa, OK 74128-4609

**National Park Service:**

Intermountain Regional Office  
National Park Service  
12795 Alameda Pkwy  
Denver, CO 80228

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

Oklahoma Conservation Commission  
2800 N. Lincoln Blvd., Suite 160  
Oklahoma City, Oklahoma 73105

**National Geodetic Survey:**

National Geodetic Survey  
Frank Maida, Chief  
Spatial Reference System Division  
NOAA N/NGS23  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

State Historic Preservation Officer  
Oklahoma Historical Society  
2401 North Laird Avenue  
Oklahoma City, OK 73105

Re: Proposed Discontinuance of Lease of the Lawton Industrial Lead from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma; STB Docket No. AB-33 (Sub-No. 267X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to discontinue its lease operation of the Lawton Industrial Lead, owned by the State of Oklahoma, from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma. A map of the proposed track abandonment shown in red is attached.

Law Department

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

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.

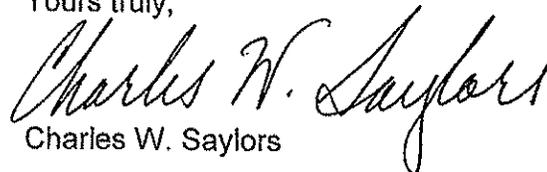
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

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



In Reply Refer To:  
FWS/R2/OKES/  
2008-TA-0215

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Division of Ecological Services  
9014 East 21<sup>st</sup> Street  
Tulsa, Oklahoma 74129  
918/581-7458 / (FAX) 918/581-7467



June 26, 2008

Chuck Saylor  
Union Pacific Railroad  
1400 Douglas Street, #1580  
Omaha, Nebraska 68179

Dear Mr. Saylor,

Thank you for your May 14, 2008, letter requesting technical assistance and comments regarding impacts that may occur to federally-listed or proposed threatened and endangered species and federally-designated critical habitat, from the proposed discontinued use and abandonment of 3.85 miles of the industrial lead railway near Fort Sill to M.P. 54.60 south of Lawton, in Comanche County, Oklahoma. Our comments are submitted in accordance with section 7 of the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA) the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA).

The U. S. Fish and Wildlife Service (Service) has reviewed your request for technical assistance and comments for the above stated proposed project. There are four federally-listed species that currently occur within Comanche County, and one candidate species that historically occurred within Comanche County. A full description and habitat requirements for each species can be found on our website at <<http://www.fws.gov/southwest/es/oklahoma/>>, as well as other pertinent information pertaining to consultations with the Service pursuant to section 7 of the ESA and NEPA.

The Service requires more information about the project area and a more comprehensive project description for us to be able to provide more relevant input. For example, does the proposed project plan to remove the steel tracks and/or ties? Does the proposed project plan to do any earth moving? If so, does the proposed project include plans to revegetate the area with native vegetation? Are there natural resources within your action area, and if so, how will your proposed project impact these resources? Have you considered the Rails to Trails program pursuant to 49 C. F. R. Part 1152?

The answers to these questions would give us a better idea of what your proposed project entails and how it would impact federally-listed species and their habitats. Also found on our website is a page dedicated to Consultations and how to make a determination of the impacts from your project on trust species and natural resources. Information needed for the Service to properly evaluate your proposed project for impacts to federally-listed species and federally-listed critical

habitats, and guidance documents explaining the manner in which a request for concurrence should be submitted, also can be found on our website.

Because information enclosed with your request does not adequately depict your proposed project, its action area, and a more detailed description of your proposed project, we are unable to offer more specific comments. However, we have checked National Wetlands Inventory maps and have identified wetland/riparian/riverine areas in or around your action area. We encourage the use of 'Best Management Practices for Rivers, Streams and Tributaries' (BMP) and/or 'Best Management Practices for Streamside Management Zones' during any construction or demolition activities within or around any of these types of land and water features. These guidance documents can be found on our website listed above. The Service recommends that the least environmentally damaging alternative be employed regarding our nation's federally-listed species, federally-listed critical habitats, and other natural resources for the continuing benefit of the American people. If alteration of a riparian area is unavoidable, the Service strongly recommends revegetation with native, non-invasive species.

The Service has no designated Refuges or Parks within your proposed project area. Wichita Mountains National Wildlife Refuge is located about 10-15 miles to the west-northwest of your proposed project site. There is also a small lake located about 3 miles to the northeast within the boundaries of Fort Sill Military Reservation. Most importantly, there is a small tributary named Squaw Creek which flows through and parallel to your proposed project site. About five miles downstream of your proposed project site Squaw Creek enters East Cache Creek which eventually flows into the Red River. East Cache Creek is within the Federally-listed Aquatic Dependent Species Watersheds of Oklahoma. Even those water bodies that are outside of the federally-protected watersheds could impact sensitive water bodies. Although we do not know what types of activities are planned for your proposed project, we strongly recommend the use of all BMPs to avoid any impacts to this watershed.

We appreciate the opportunity to review your proposed project and provide comments. Please include the project number at the top left of the front page for further correspondence related to this project. This correspondence is valid for one year from the above date. If you have any questions, please contact Anita Barstow at 918-581-7458 ext. 238

Sincerely,



Jerry J. Brabander  
Field Supervisor



May 14, 2008

**State Clearinghouse (or alternate):**

Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**State Environmental Protection Agency:**

Oklahoma Department of Environmental Quality  
PO Box 1677  
Oklahoma City, OK 73101-1677

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

Not applicable.

**Head of County (Planning):**

Comanche County Commissioners  
315 SW 5th Street, Room 303  
County Courthouse  
Lawton, OK 73501-4326

**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 and Wildlife Service  
Region 2  
P. O. Box 1306  
Albuquerque, NM 87103-1306

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

U.S. Army Corps of Engineers  
Tulsa District  
1645 S. 101 E. Avenue  
Tulsa, OK 74128-4609

**National Park Service:**

Intermountain Regional Office  
National Park Service  
12795 Alameda Pkwy  
Denver, CO 80228

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

Oklahoma Conservation Commission  
2800 N. Lincoln Blvd., Suite 160  
Oklahoma City, Oklahoma 73105

**National Geodetic Survey:**

National Geodetic Survey  
Frank Maida, Chief  
Spatial Reference System Division  
NOAA N/NGS23  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

State Historic Preservation Officer  
Oklahoma Historical Society  
2401 North Laird Avenue  
Oklahoma City, OK 73105

Re: Proposed Discontinuance of Lease of the Lawton Industrial Lead from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma; STB Docket No. AB-33 (Sub-No. 267X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to discontinue its lease operation of the Lawton Industrial Lead, owned by the State of Oklahoma, from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma. A map of the proposed track abandonment shown in red is attached.

Law Department

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

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.



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

Signed: [Signature] Date: 5/22/07

Yours truly,

[Signature]  
Charles W. Saylor

Attachment



## Oklahoma Historical Society

Founded May 27, 1893

### State Historic Preservation Office

Oklahoma History Center • 2401 North Laird Ave. • Oklahoma City, OK 73105-7914  
(405) 521-6249 • Fax (405) 522-0816 • [www.okhistory.org/shpo/shpom.htm](http://www.okhistory.org/shpo/shpom.htm)

June 10, 2008

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

RE: File #1753-08; Union Pacific Railroad Proposed Discontinuance of  
Lawton Industrial Lead Lease, #STB-AB-33 (Sub #267X)

Dear Mr. Saylor:

We have received and reviewed the documentation concerning the referenced project in Comanche County. Additionally, we have examined the information contained in the Oklahoma Landmarks Inventory (OLI) files and other materials on historic resources available in our office. We find that there are no historic properties affected by the referenced project.

Thank you for the opportunity to comment on this project. We look forward to working with you in the future.

If you have any questions, please contact Charles Wallis, RPA, Historical Archaeologist, at 405/521-6381.

Should further correspondence pertaining to this project be necessary, the above underlined file number must be referenced. Thank you.

Sincerely,

Melvena Heisch  
Deputy State Historic  
Preservation Officer

MH:pm