

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1252 (Sub-No. 1X)

**Eastern Idaho Railroad, LLC—Abandonment Exemption—
In Bonneville County, Idaho**

BACKGROUND

In this proceeding, Eastern Idaho Railroad, LLC (EIRR) filed a notice with the Surface Transportation Board (the Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Bonneville County, Idaho. The rail line proposed for abandonment (the Line) extends approximately 0.76 miles from milepost 184.14 near Yellowstone Highway to milepost 184.90 near W. Broadway Street in the City of Idaho Falls, Idaho (Idaho Falls). From milepost 184.14, the Line heads generally north and then northwest toward the Snake River. A plate girder railroad bridge connects the southeastern bank of the Snake River to a small island in the middle of the river. A larger through truss bridge connects the small island to the northwest bank of the river. From the Snake River, the Line continues northwest toward milepost 184.90. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, EIRR would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

EIRR submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly as a result of the abandonment. EIRR served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at <https://prod.stb.gov/> by going to "Search STB Records," selecting "Filings," and then conducting a search for AB 1252 (Sub-No. 1X).

Diversion of Traffic

EIRR states that there has been no rail traffic on the Line for at least two years and that there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use, or transportation of energy resources or of recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could significantly impact air quality or the local transportation network.

Salvage Activities

When the Board grants abandonment authority, a railroad is able to conduct salvage on the rail line, which typically includes the removal of track and ties from the rail right-of-way. Salvage may also include the removal of ballast, regrading of the right-of-way, or the dismantling of rail-related structures, such as bridges or road crossings. In this case, EIRR does not plan to conduct any salvage as part of the abandonment proceeding. EIRR intends to enter into negotiations with Idaho Falls for interim trail use/railbanking under the National Trails System Act (16 U.S.C. 1247) (Trails Act). The Trails Act allows for the preservation of rail rights-of-way proposed for abandonment through a voluntary agreement between the railroad applicant and a trail sponsor. If an agreement is reached, the abandonment proceeding is held in abeyance and the trail sponsor takes control of the right-of-way for use as a trail until rail service is reinstated.

OEA notes that the Board's role under the Trails Act is ministerial. Interim trail use under the Trails Act is therefore not a federal action that is subject to environmental review under NEPA. OEA does not assess the potential environmental impacts related to the conversion of a rail line to a trail under the Trails Act and does not recommend environmental mitigation conditions related to those potential impacts. Any mitigation conditions recommended by OEA could be imposed in a future Board decision granting abandonment authority but would not be a requirement of entering into an interim trail use agreement or of repurposing the rail right-of-way for use as a trail under an interim trail use agreement.

Land Use

EIRR sent a copy of the Environmental Report to appropriate local governments, including the city government of Idaho Falls, and requested comments related to the consistency of the proposed abandonment with existing local land use plans. EIRR On March 6, 2020, Idaho Falls filed a request for a Public Use Condition and a statement of willingness to acquire the Line under an interim trail use agreement. Idaho Falls noted in its filing that the use of the Line as a

trail under the Trails Act would enhance connectivity in the city by improving access to local recreational areas.

The Line is located immediately adjacent to Sportsman Park, a local park located on the small island in the Snake River. The Line also crosses the Idaho Falls Greenbelt, a locally managed recreational trail. Based on OEA's review of available data, the Line does not cross and is not immediately adjacent to any state or federally managed forests, parks, wildlife sanctuaries or refuges, or other federally or state managed lands.² Because no salvage is planned as part of the proposed abandonment, OEA does not anticipate any adverse impacts to public lands. Due to the proximity of the Line to Sportsman Park and the Greenbelt, however, OEA is recommending a mitigation condition requiring EIRR to consult with Idaho Falls if project plans change to include abandonment-related salvage activities that could affect these local recreational areas.

EIRR requested comments from the U.S. Natural Resources Conservation Service (NRCS) related to the potential for the proposed abandonment to affect agricultural land but has received no response to date from NRCS. Because the Line is located within a developed urban area and because no salvage activities are planned, OEA believes that the proposed abandonment would not result in any impacts to prime or unique farmland. Accordingly, no mitigation related to agricultural land is recommended.

Water Resources

As noted above, the Line crosses the Snake River in downtown Idaho Falls using two railroad bridges. A plate girder bridge connects the southeast bank of the Snake River to the small island in the middle of the river and the through truss bridge connects the island to the northwest bank. EIRR does not propose to alter or remove either railroad bridge or to undertake other salvage activities that could affect the Snake River. In addition to the Snake River, the Line also crosses the Porter Canal, a small drainage canal located between the Snake River and S. Utah Avenue in Idaho Falls. Based on OEA's review of available satellite imagery and the U.S. Fish and Wildlife's (USFWS') National Wetlands Inventory, the Line does not cross other areas containing waterways or wetlands.³

² U.S. Geological Survey, Protected Areas Database of the United States, <https://maps.usgs.gov/padus/> (last accessed November 15, 2019).

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html> (last accessed November 15, 2019).

EIRR has requested comments from the Idaho Department of Environmental Quality (IDEQ), the U.S. Environmental Protection Agency (USEPA), and the U.S. Army Corps of Engineers (the Corps) regarding potential impacts to water resources. To date, IDEQ and USEPA have not provided comments. By letter dated January 7, 2020, the Corps submitted comments stating that the proposed abandonment would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) because it would not result in the discharge of dredged or fill material into waters of the United States. The Corps requests that EIRR contact the Corps if project plans change. OEA is recommending a condition requiring EIRR to consult with the Corps if EIRR's plans change to include abandonment-related salvage activities that could result in the discharge of dredged or fill material into waters of the United States, including the Snake River.

Hazardous Materials

EIRR states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. OEA's review of the area has confirmed that there are no federally-listed remediation sites within or immediately adjacent to the rail right-of-way.⁴ Because there are no known issues related to hazardous waste spills within the rail right-of-way and because no ground disturbance would occur during salvage, no mitigation related to hazardous waste sites or hazardous materials is necessary or recommended.

Biological Resources

The Line runs through an area of Idaho Falls that has been developed for commercial, transportation, and industrial uses. OEA's review of available imagery of the area indicated that little undisturbed natural habitat remains in the immediate project area that would be suitable for native wildlife. EIRR sent a copy of its Environmental Report to the USFWS and requested that USFWS provide comments related to the proposed abandonment's potential to affect wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify federally listed threatened and endangered species that could be present in the project area, therefore, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered and

⁴ Environmental Protection Agency, NEPAAssist, <https://www.epa.gov/nepa/nepassist> (last accessed March 6, 2020).

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <https://ecos.fws.gov/ipac/> (last accessed March 6, 2020).

threatened species known or thought to occur in the county in which the Line is located, as identified by OEA's search. OEA notes that the Line does not cross critical habitat for any of the species identified.

Federally Listed Species in the Bonneville County, Idaho	
Mammals	Status
Canada Lynx (<i>Lynx canadensis</i>)	Threatened
Grizzly Bear (<i>Ursus arctos horribilis</i>)	Threatened
North American Wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened
Birds	
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Threatened
Plants	
Ute Ladies' tresses (<i>Spiranthes diluvialis</i>)	Threatened
Whitebark Pine (<i>Pinus albicaulis</i>)	Candidate

Because the Line is located in the urban area of Idaho Falls, OEA does not believe that the rail right-of-way contains potentially suitable habitat for any of the species listed above. Because EIRR does not propose to conduct any salvage as part of the proposed abandonment, the proposed abandonment would not result in any changes to project area, disturbance to habitat, or temporary disturbances to wildlife during salvage activities. Therefore, based on the information provided by EIRR and OEA's independent review, OEA has concluded that the proposed abandonment would have **no effect** on federally listed threatened and endangered species, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1536). OEA also concludes that the proposed abandonment would have negligible impacts on other species of wildlife. Accordingly, no mitigation related to biological resources is necessary or recommended. OEA is sending a copy of this Draft EA to USFWS for review and comment.

Air Quality

Impacts to air quality from the abandonment-related salvage of an out-of-service rail line are typically temporary and minor. In this case, because no abandonment-related salvage activities are planned, OEA concludes that no impacts to air quality would occur as a result of the proposed abandonment. Therefore, no mitigation related to air quality is recommended.

Noise

Noise impacts from the abandonment-related salvage of an out-of-service rail line are typically temporary and minor. In this case, because no abandonment-related salvage activities

are planned, OEA concludes that the proposed abandonment would not result any noise impacts. Therefore, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA believes that the proposed abandonment, including abandonment-related salvage activities, would not result in any significant environmental impacts. OEA is sending a copy of this Draft EA to the following agencies for review and comment: Idaho Falls, USFWS, and the Corps.

HISTORIC REVIEW

Historical Background

The Line was originally constructed circa 1879 as part of the Utah & Northern Railway (U&NR). The U&NR was created in 1878 by interests of the Union Pacific Railroad Company (UP) to acquire and operate the bankrupt Utah Northern Railroad. At that time, the route was a three-foot narrow-gauge line that extended approximately 466 miles from Ogden, Utah to Garrison, Montana. The extension of the U&NR through Idaho Falls, then known as Eagle Rock, was a locally significant historical development for the town because it allowed for the increase in economic activity and facilitated the inflow of new residents.⁶

The portion of the U&NR between Pocatello, Idaho and Garrison, Montana, of which the Line was a part, was changed to standard gauge rail line in 1887. The remainder of the route, from Ogden to Idaho Falls, was changed to standard gauge circa 1890. In 1889, the U&NR became part of the Oregon Short Line & Utah Northern Railway (OSL&UN), which was organized by UP to consolidate a number of UP-controlled railroads operating in Utah and Idaho. The OSL&UN was briefly under control of the independent Oregon Short Line (OSL) in 1897 and 1888 but was brought back under the control of UP thereafter.⁷ The Line was fully incorporated into UP in 1987 and was acquired from UP by EIRR in 1993.

⁶ Keefer, Eladora Shoemaker. (1933). Eagle Rock History. Brigham Young University Idaho Collections. https://content.byui.edu/file/933f7022-d64f-4edf-a7f5e1a17120f850/1/FileMS017_EagleRockHistory.pdf. (Last Accessed March 16, 2020).

⁷ Rand, McNally & Company. (1897). Rand, McNally & Co's New Business Atlas Map of Idaho. David Rumsey Historical Map Collection.

The main structures of note within the rail right-of-way (the Area of Potential Effect or APE) are the two bridges that convey the Line over the Snake River. The original bridge over the Snake River, no longer extant, was a unique engineering feature described in a June 16, 1879 article in the *Deseret News* as “an iron suspension bridge, in two parts, the division being formed by a natural rock abutment in the middle of the river.” According to that source, the structure was 800 feet in length, including both spans, and was installed 50 feet above the low water mark. It was built and erected by Kellogg and Maurice of Athens, Pennsylvania for a cost of \$30,000.⁸ The iron suspension bridge was replaced at an unknown time by the two more modern bridges that are present today. The western span is a steel double-intersection Warren through truss bridge, a bridge type that was common among railroad bridges constructed in the 1930s. The eastern span is a deck plate girder bridge of unknown construction date. The only other known rail-related structure on the Line is a culvert located where the Line crosses Port Canal.

Section 106 Review

Pursuant to the Section 106 regulations of the National Historic Preservation Act (36 C.F.R. 800), EIRR initiated consultation with the Idaho State Historic Preservation Office (the SHPO) by providing the SHPO with a copy of its Historic Report prior to filing its notice of exemption with the Board.⁹ The SHPO provided comments in a letter dated December 17, 2019 and additional written comments to OEA on January 29, 2020.

In its December 17, 2019 letter, the SHPO identified the Line as an historic property that may be eligible for listing in the National Register of Historic Places (the National Register). The SHPO states that, to comply with Section 106, EIRR must complete a cultural resources survey to identify and evaluate historic properties that could be affected by the proposed abandonment. The SHPO adds that the Board’s environmental rules at 49 C.F.R. § 1105.8

⁸ Deseret News. (1879, July 16). The Utah and Northern. Brigham Young University Library Digital Collections.

⁹ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

require that the cultural resource survey be conducted by a qualified architectural historian and that the survey document all building and structures within the APE that are 45 years or older.¹⁰

Based on the information available to date, OEA believes that the Line could potentially be eligible for listing in the National Register under Evaluation Criterion A due to the importance of the rail line in the development of Idaho Falls. However, OEA currently does not have sufficient information regarding the Line to describe the character-defining features of the property. OEA also does not have sufficient information regarding the two bridges over the Snake River to determine whether those structures may be individually eligible for listing on the National Register or eligible for listing as contributing elements to another historic property, such as the Line. OEA therefore agrees with the SHPO that additional information regarding the properties within the APE is necessary. The necessary information could include a narrative history of the Line, archive quality photographs of the bridges and other rail-related structures, and/or engineering drawings of the bridges. After making its determinations regarding the eligibility of the Line and other rail-related properties within the APE for the National Register, OEA would then assess the potential for the proposed abandonment to adversely affect those historic properties. In this case, EIRR does not propose to conduct any salvage activities as part of the proposed abandonment. EIRR states that the sole purpose of seeking abandonment authority in this case is to allow EIRR to enter into interim trail use negotiations with Idaho Falls. As described by EIRR, therefore, the proposed abandonment would be unlikely to result in any adverse effects to any historic properties listed in or eligible for listing in the National Register.

To ensure that the Section 106 process is completed before abandonment is consummated, OEA is recommending a condition requiring EIRR to retain its interest in and take no steps to alter the historic integrity of all historic properties within the APE that are listed in or eligible for listing in the National Register until the Section 106 process is complete and the Board has removed the condition. If EIRR enters into an interim trail use agreement with Idaho Falls, the abandonment would be held in abeyance until such a time as the rail line is reactivated for rail service. When an abandonment proceeding is held in abeyance during interim trail use, there is no longer a federal undertaking before the Board and the Section 106 process can be

¹⁰ The Board's rules do not require a cultural resource survey of all buildings and structures that are 45 years or older. The Board's rules do require a written description of all buildings and structures that are 50 years or older to allow OEA to make determinations regarding the eligibility of those properties for listing in the National Register.

paused until such a time as the interim trail use agreement is terminated and the railroad seeks to fully abandon the rail line.

OEA notes that the Board's role under the Trails Act is ministerial. The Board cannot require that a railroad enter into an interim trail use agreement or specify the terms of that agreement. Due to the limited role of the Board under the Trails Act, OEA does not conduct a historic review of trail use plans under Section 106 and does not recommend mitigation measures related to the conversion of a rail line to a trail under an interim trail use agreement.

Tribal Consultation

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.¹¹ The search identified the following federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Confederated Tribes of the Warm Springs Reservation of Oregon;
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana;
- Shoshone Tribe of the Wind River Reservation, Wyoming; and
- Shoshone-Bannock Tribes of the Fort Hall Reservation.

OEA is sending a copy of this Draft EA to those tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:

- 1. If Eastern Idaho Railroad, LLC (EIRR) should change its plans and decide to conduct salvage activities as part of the proposed abandonment, EIRR shall consult with the City of Idaho Falls, Idaho regarding potential impacts to local recreation areas, including Sportsman Park and the Idaho Falls Greenbelt trail, prior to undertaking abandonment-related salvage activities. EIRR shall**

¹¹ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last accessed March 16, 2020).

implement the reasonable recommendations of Idaho Falls to minimize the impact of abandonment-related salvage activities to recreational areas.

- 2. If Eastern Idaho Railroad, LLC (EIRR) should change its plans and decide to conduct salvage activities as part of the proposed abandonment, EIRR shall consult with the U.S. Army Corps of Engineers (the Corps) prior to beginning any abandonment-related salvage activities that could result in the discharge of dredged or fill material into waters of the U.S., including wetlands. EIRR shall follow the Corps' reasonable requirements for obtaining a Corps permit under Section 404 of the Clean Water Act, if the Corps determines that such a permit would be necessary.**
- 3. Eastern Idaho Railroad, LLC (EIRR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. EIRR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Idaho State Historic Preservation Office and the public. EIRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, the proposed abandonment would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice. On March 6, 2020, Idaho Falls filed a request with the Board for a Public Use Condition, pursuant to 49 C.F.R. §1152.28(a)(2).

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). On March 6, 2020, Idaho Fall filed a request with the Board for the issuance of a NITU and provided a statement of willingness to acquire the Line pursuant to 16 U.S.C. § 1247(d). On March 13, 2020, EIRR filed a reply consenting to the issuance of a NITU and agreeing to enter into interim trail use negotiations with Idaho Falls.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, please file your Environmental Comments electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1252 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Josh Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

Docket No. AB 1252 (Sub-No. 1X)

Date made available to the public: March 20, 2020

Comment due date: April 6, 2020

By the Board, Victoria Rutson, Director, Office of Environmental Analysis