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April 23, 2020

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April 23, 2020
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VIA US Mail

TO: Attached Service List

**RE: Union Pacific Railroad Company--Abandonment Exemption--In Harris County, TX, STB
Docket No. AB-33 (Sub-No. 343X)**

To whom it may concern:

On or after May 13, 2020, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon a portion of the Houston Navigation Lead in Houston, Texas, from Milepost 0.98 to Milepost 1.31 and from Milepost 1.71 to Milepost 2.62, a distance of 1.24 miles in Harris County, Texas (the "Line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 343X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,

s/ Jeremy M. Berman

Jeremy M. Berman

Attachment

Service List:**State Clearinghouse (or Alternate):**

Texas Department of Transportation
Rail Division
125 E. 11th St.
Austin, Texas 78701-2483

State Environmental Protection Agency:

Richard A. Hyde, MC 109
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

State Coastal Management Program:

Texas General Land Office
Coastal Management Program
PO Box 12873
Austin, TX 78711-2873

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Southwest Region (2) Office
P.O. Box 1306, Room 4012
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

National Park Service (Regional Office):

Sue Masica, Regional Director
National Park Service – Intermountain Region
12795 W. Alameda Parkway
Lakewood, CO 80228

Head of Harris County, Texas:

Harris County Judge Lina Hidalgo
1001 Preston, Suite 911
Houston, Texas 77002

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
101 S. Main Street
Temple, TX 76501

National Geodetic Survey:

Geodetic Services Division
SSMCC-3 #9340
NOAA N/NGS12
Room 9452
1315 E-W Highway
Silver Spring, Maryland 20910-3282

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 343X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman
General Attorney
1400 Douglas Street STOP 1580
Omaha, NE 68179
(402) 544-4735
jmberman@up.com

Dated: April 23, 2020

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 343X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of a portion of the Houston Navigation Lead in Houston TX, from Milepost 0.98 to Milepost 1.31 and from Milepost 1.71 to Milepost 2.62, a distance of 1.24 miles in Harris County, Texas (the "Line"). The Line is contained within U.S. Postal Service Zip Codes 77002 and 77003. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after May XX, 2020.

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

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

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

Response: The proposed action involves an exempt abandonment of a portion of the Houston Navigation Lead. The Line proposed for abandonment extends from Milepost 0.98 to Milepost 1.31 and from Milepost 1.71 to Milepost 2.62 in Houston, Harris County, Texas, a total distance of 1.24 miles. A map of the Line is attached as Attachment No. 1.

Portions of the Line were constructed by the International Great Northern Railroad (IGN), and the San Antonio and Aransas Pass Railroad (SAAP). The portion of the line from MP .98 to MP 1.31 formed part of the IGN 'Magnolia Branch' which was later leased to the Houston Belt and Terminal Railway (HBT). The portion of the line from MP 1.71 to 2.62 formed part of the SAAP 'Eastern Extension'. Both portions of the track were used by prior railroads as a route through Houston and to serve local industry. Neither route has been needed as a through route since 1997 due to the UP/SP merger and UP obtaining trackage rights over HBT lines. The property surrounding the lines has been redeveloping for many years and the last rail customer stopped shipping in 2016. There are no bridge structures on the Line.

The Line proposed for abandonment consists primarily of fee property. Based upon 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.

It is UP's intention to salvage the track material still and sell the right of way to the Houston Greater East End Management District. The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality - thus suitable for resale - or to make the right of way more suitable for a planned future use. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also be dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP maintenance official to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

After the proposed abandonment, the Houston area would continue to receive rail service from UP via several routes. Houston is also well served by major highways and by numerous local roads.

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

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

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

(3) Land Use.

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

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

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

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

Response:

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

- (ii) The Natural Resources Conservation Service (“NRCS”) has been contacted. The response from the NRCS, indicating the proposed site does not involve area of Prime Farmland is attached as Attachment No. 3.
- (iii) The Texas General Land Office Coastal Management Program (“CMP”) has been contacted. The correspondence with CMP, is attached as Attachment No. 4.
- (iv) The property proposed for abandonment may be suitable for a public purpose in the form of a corridor for utilities such as sanitary sewer lines, but not for roads or highways, other forms of mass transportation, energy production or transmission, as this area is adequately served by existing roads and power 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 are no effects on the transportation of energy resources.

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

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

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

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

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

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

Response: UP does not anticipate any such effects.

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

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

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

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the 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 as a result of the proposed action.

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of

service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

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

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

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

Response: Not applicable.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).
- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.
- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

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

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

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

(8) Biological resources.

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

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

Response: (i) and (ii). The U.S. Fish and Wildlife Service and the National Park Service were contacted. To date, UP has not received a response.

(9) Water.

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

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

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

Response: (i) The U. S. Environmental Protection Agency Region 6 office has been contacted. To date there has been no response. The Texas Commission on Environmental Quality has been contacted. To date there has been no response.

(ii) The U. S. Army Corps of Engineers (USACE) has been contacted. The response from USACE is attached as Attachment No. 5. Based on this

response, UP does not anticipate that there will be any requirement for a Section 404 permit because no work will be conducted over a waterway and no dredged or fill material will be discharged into a waterway.

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

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

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

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

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

Response: The right of way runs generally northwest-southeast within the Commerce Street right of way from near Bastrop Street to near Velasco Street. The right of way runs generally southwest-northeast from near Sherman Street to near the Buffalo Bayou Hike and Bike Trail. The topography is flat.

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

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

Response to (3) and (4): There are no structures on the Line.

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

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

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

Response: UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and

the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: There are no sites or structures that appear to meet the criteria for listing on the National Register. The Texas Historical Commission has been contacted. To date, no response has been received.

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

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

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

Response: Not applicable.

Dated this 23rd day of April, 2020.

Respectfully submitted,

s/ Jeremy M. Berman

UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman

General Attorney

1400 Douglas Street STOP 1580

Omaha, NE 68179

(402) 544-4735

(402) 501-0129 (FAX)

jmberman@up.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 343X), was served by First Class U.S. Mail, postage prepaid, on the 23rd day of April, 2020, on the following parties:

State Clearinghouse (or Alternate):

Texas Department of Transportation
Rail Division
125 E. 11th St.
Austin, Texas 78701-2483

State Environmental Protection Agency:

Richard A. Hyde, MC 109
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

State Coastal Management Program:

Texas General Land Office
Coastal Management Program
PO Box 12873
Austin, TX 78711-2873

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Southwest Region (2) Office
P.O. Box 1306, Room 4012
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

National Park Service (Regional Office):

Sue Masica, Regional Director
National Park Service – Intermountain Region
12795 W. Alameda Parkway
Lakewood, CO 80228

Head of Harris County, Texas:

Harris County Judge Lina Hidalgo
1001 Preston, Suite 911
Houston, Texas 77002

U.S. Natural Resources Conservation Service:

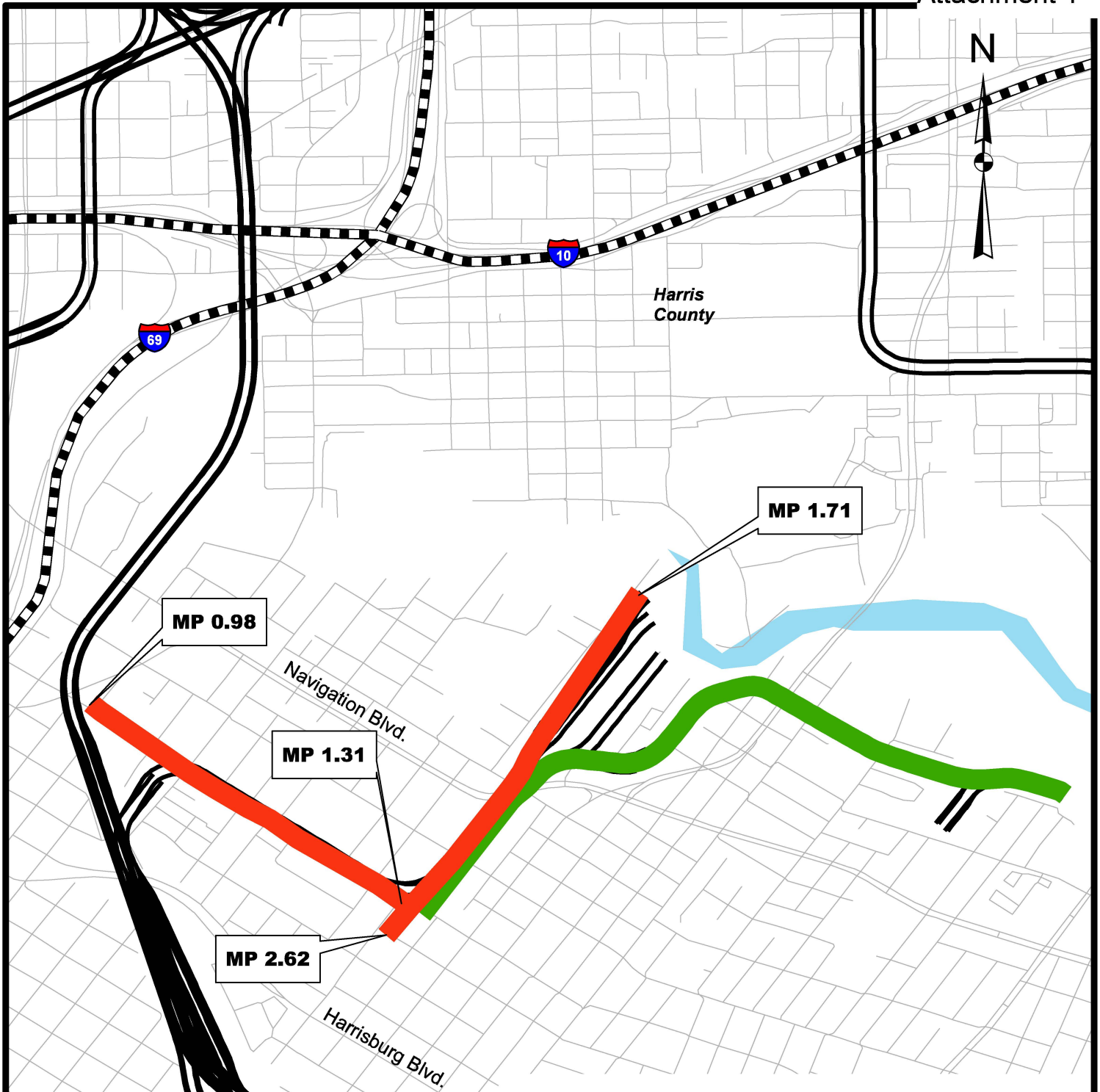
U.S. Natural Resources Conservation Service
101 S. Main Street
Temple, TX 76501

National Geodetic Survey:

Geodetic Services Division
SSMCC-3 #9340
NOAA N/NGS12
Room 9452
1315 E-W Highway
Silver Spring, Maryland 20910-3282

s/ Jeremy M. Berman

Jeremy M. Berman



Legend

- ABANDONMENT
- ASSOCIATED INDUSTRIAL SPUR TRackage
- OTHER TRACKS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

HOUSTON NAVIGATION LEAD DOCKET AB-33 (SUB NO. 343X)

UNION PACIFIC RAILROAD CO.
MP 0.98 TO MP 1.31 & MP 1.71 TO 2.62
TOTAL OF 1.24 MILES IN HARRIS COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO. HOUSTON NAVIGATION LEAD TEXAS

0 0.125 0.25 0.5
Miles



BUILDING AMERICA®

March 27, 2020

State Clearinghouse (or Alternate):

Texas Department of Transportation
Rail Division
125 E. 11th St.
Austin, Texas 78701-2483

State Environmental Protection Agency:

Richard A. Hyde, MC 109
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

State Coastal Management Program:

Texas General Land Office
Coastal Management Program
PO Box 12873
Austin, TX 78711-2873

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Southwest Region (2) Office
P.O. Box 1306, Room 4012
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

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Sue Masica, Regional Director
National Park Service – Intermountain Region
12795 W. Alameda Parkway
Lakewood, CO 80228

Head of Harris County, Texas:

Harris County Judge Lina Hidalgo
1001 Preston, Suite 911
Houston, Texas 77002

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
101 S. Main Street
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National Geodetic Survey:

Geodetic Services Division
SSMCC-3 #9340
NOAA N/NGS12
Room 9452
1315 E-W Highway
Silver Spring, Maryland 20910-3282

Re: Union Pacific Railroad Company--Abandonment Exemption--In Harris County, TX, STB Docket No. AB-33 (Sub-No. 343X)

To Whom It May Concern:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board ("STB") to abandon a portion of the Houston Navigation Lead in Houston, Texas, from Milepost 0.98 to Milepost 1.31 and from Milepost 1.71 to Milepost 2.62, a distance of 1.24 miles in Harris County, Texas (the "Line"). The Line is contained within U.S. Postal Service Zip Codes 77002 and 77003. A map of the proposed abandonment is attached. There are no structures on the Line that are 50 years old or older.

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. Please 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. 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. Please describe any inconsistencies.

STATE COASTAL MANAGEMENT PROGRAM. State whether the proposed action is consistent with the state coastal zone management plan. Please 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. Please describe the effects.

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

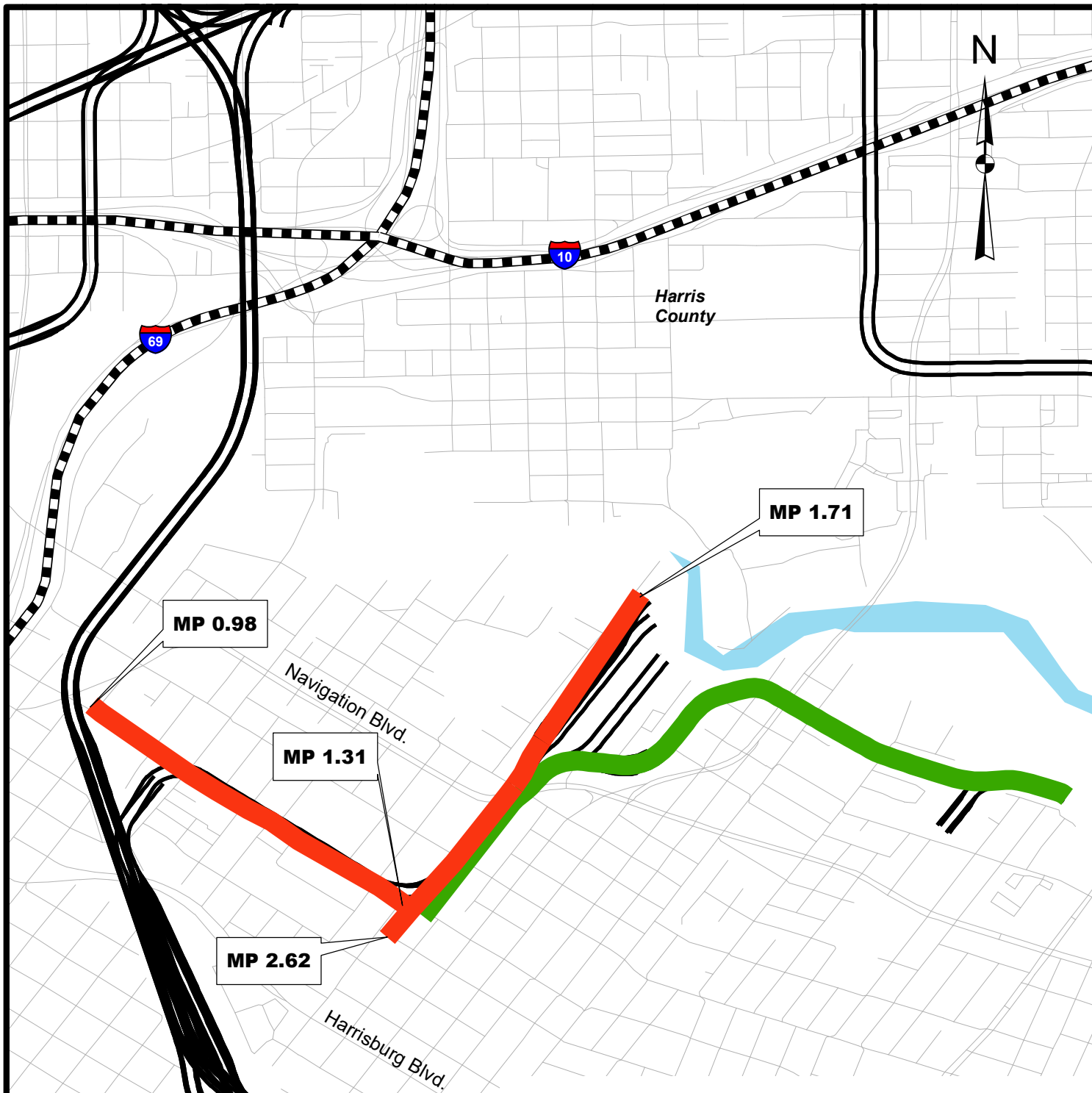
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,

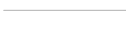
/s/ Jeremy Berman

Jeremy Berman
Union Pacific Railroad
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179
jmberman@up.com

Attachment



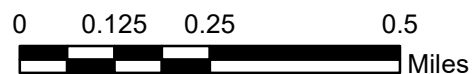
Legend

-  ABANDONMENT
-  ASSOCIATED INDUSTRIAL SPUR TRackage
-  OTHER TRACKS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

HOUSTON NAVIGATION LEAD DOCKET AB-33 (SUB NO. 343X)

UNION PACIFIC RAILROAD CO.
MP 0.98 TO MP 1.31 & MP 1.71 TO 2.62
TOTAL OF 1.24 MILES IN HARRIS COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO. HOUSTON NAVIGATION LEAD TEXAS



United States Department of Agriculture

Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

April 10, 2020

Union Pacific Railroad

*jmberman@up.com*Attention: Jeremy Berman, *via email*Subject: LNU-Farmland Protection
Union Pacific Railroad – Abandonment Exemption
NEPA/FPPA Evaluation
Harris County, Texas

We have reviewed the information provided in your correspondence dated March 27, 2020 concerning the proposed railroad abandonment project located in the City of Houston, Harris County, Texas. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Surface Transportation Board of the U.S. (STB). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site does not involve area of Prime Farmland. Due to these reasons, the proposed project is exempt from provisions of FPPA and no further consideration for protection is necessary. We encourage the use of accepted erosion control methods during the construction of this project.

If you have further questions, please contact me at 254.742.9836 or by email at Carlos.Villarreal@usda.gov (Preferred).

Sincerely,

2020.04.10

A handwritten signature in blue ink, appearing to read "Carlos Villarreal".

09:38:43

-05'00'

Carlos J. Villarreal
NRCS Soil Scientist

Attachment: NA

Re: STB Docket No. AB-33 Houston, Harris County, Texas 

Jeremy M. Berman to: Federal Consistency

04/10/2020 10:56 AM

Thank you for this response. It appears that the rail lines to be abandoned are within the Texas Coastal Zone. I added the rail lines to the attached KMZ file for your reference.

Please let me know if you need any additional information about this project.



CZB with rail lines.kml

Jeremy M. Berman
General Attorney
Union Pacific Railroad
402-544-4735
jmberman@up.com

"Federal Consistency"

* PROCEED WITH CAUTION - This email w...

04/09/2020 03:30:22 PM

From: "Federal Consistency" <Federal.Consistency@GLO.TEXAS.GOV>
To: "Jmberman@up.com" <Jmberman@up.com>
Date: 04/09/2020 03:30 PM
Subject: STB Docket No. AB-33 Houston, Harris County, Texas

* PROCEED WITH CAUTION - This email was sent from outside the Company *

Mr. Berman,

The attached letter was received at the Texas General Land Office. A portion of this project maybe in the Texas Coastal Zone, but it is hard for me to tell from the drawing that was provided. I've attached a KMZ file showing the Texas Coastal Zone. I suggest using this to verify if the project is location within the Coastal Zone.

Allison Buchtien
Federal Consistency
Texas General Land Office
federal.consistency@glo.texas.gov

Please send all Federal Consistency review requests to this email address.

-----Original Message-----

From: Julie McEntire <Julie.McEntire@GLO.TEXAS.GOV>
Sent: Thursday, April 9, 2020 2:47 PM
To: Federal Consistency <Federal.Consistency@GLO.TEXAS.GOV>
Subject: FW: Message from "CC340B-MPC4503"

Hi Jesse and Allison,

We received the scanned letter in the GLO's mail. Just wanted to pass it along in case it wasn't sent to the federal consistency email.

- Julie

-----Original Message-----

From: Janette Gibreal <Janette.Gibreal@GLO.TEXAS.GOV>
Sent: Thursday, April 9, 2020 2:10 PM
To: Julie McEntire <Julie.McEntire@GLO.TEXAS.GOV>
Subject: FW: Message from "CC340B-MPC4503"

Julie This came in the mail not sure how soon you need it.
Janette

-----Original Message-----

From: CC111J-MPC4530@glo.texas.gov <CC111J-MPC4530@glo.texas.gov>
Sent: Thursday, April 9, 2020 1:52 PM
To: Janette Gibreal <Janette.Gibreal@GLO.TEXAS.GOV>
Subject: Message from "CC340B-MPC4503"

This E-mail was sent from "CC340B-MPC4503" (MP C4503).

Scan Date: 04.09.2020 13:51:47 (-0500)
Queries to: CC111J-MPC4530@glo.texas.gov

[attachment "20200409135147977.pdf" deleted by Jeremy M. Berman/UPC]
[attachment "CZB.kmz" deleted by Jeremy M. Berman/UPC]



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

April 14, 2020

Evaluation Branch

SUBJECT: File No. SWG-2020-00259 (Surface Transportation Board Docket No. AB-33, Sub-No. 343X)

Union Pacific Railroad
Attn: Jeremy Berman
1400 Douglas Street, 15th Floor
Omaha, Nebraska 68179

Dear Mr. Berman:

This is in reference to a request to abandon a portion of the Houston Navigation Lead in Houston, Texas, from Milepost (MP) 0.98 to MP 1.31 and from MP 1.71 to MP 2.62, a distance of 1.24 miles in Harris County, Texas (map attached).

The Corps of Engineers (Corps), Regulatory Division, regulates the work and/or structures in/or affecting navigable waters of the United States (U.S.) under the authority of Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Navigable waters of the U.S. include all waters that are navigable today, in the past or reasonably foreseeable future and those affected by the daily tide. The Corps, Regulatory Division, also regulates the discharge of dredged and/or fill material into waters of the U.S. under the authority of Section 404 of the Clean Water Act (Section 404). Waters of the U.S. include aquatic features such as the navigable waters of the U.S., rivers, lakes, streams, tidal and mud flats, and adjacent wetlands. Additionally, activities that affect Federal Interests (federal projects and/or work areas) would also be subject to federal regulation under the authority of Section 14 of the Rivers and Harbors Act (aka Section 408). Section 408 makes it unlawful for anyone to alter in any manner, in whole or in part, any work (ship channel, flood control channels, seawalls, bulkhead, jetty, piers, etc.) built by the United States unless it is authorized by the Corps of Engineers (i.e. Navigation and Operations Division).

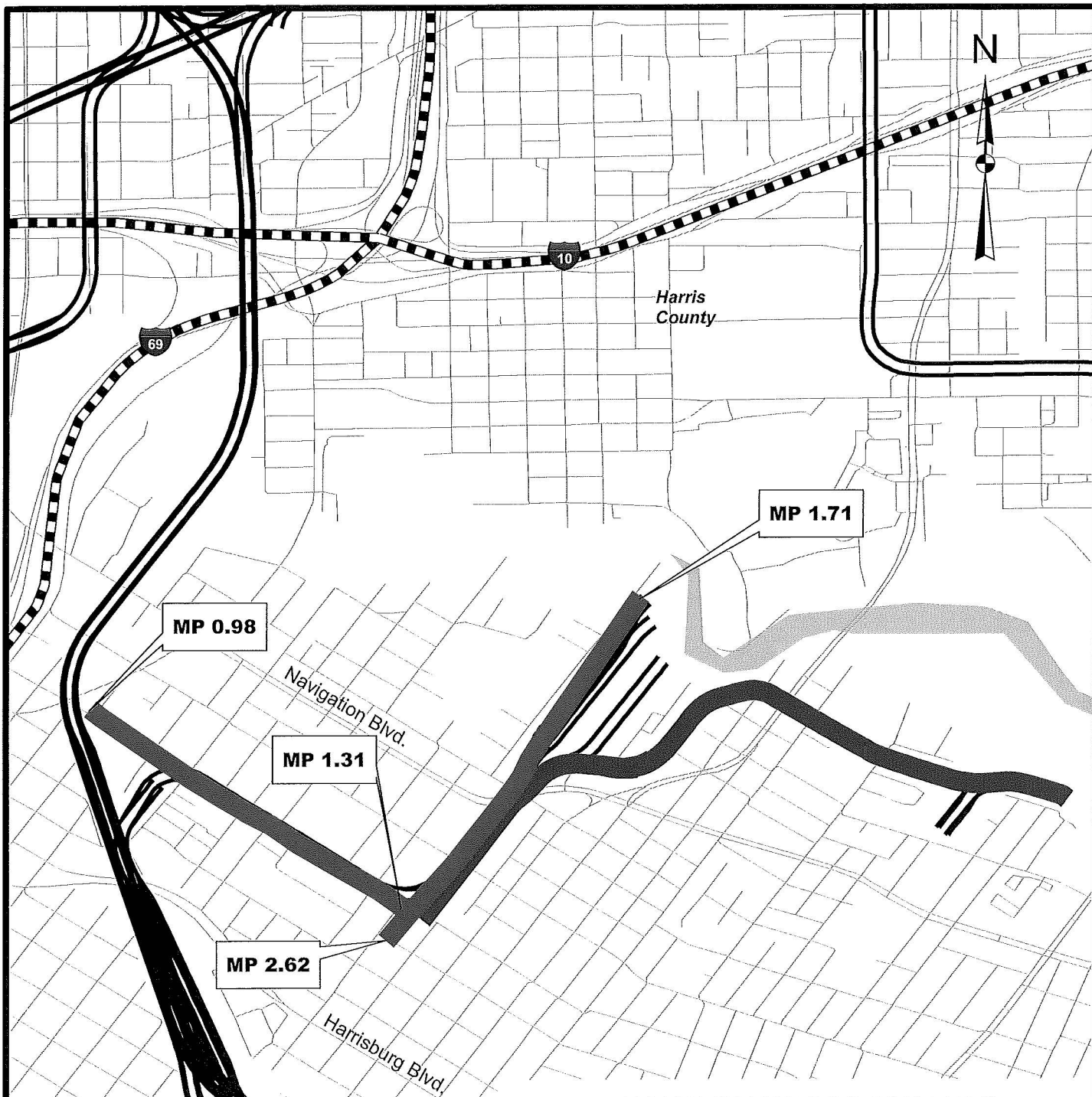
If any activity is performed that triggers any of the aforementioned federal regulations a Department of Army permit will be required prior to the activity occurring. Due to the nature of this request we cannot address any specific requirement but do note that jurisdictional aquatic resources have been located in the vicinity. To address any specific permit requirement we will require specific project details.

This response is not an authorization. Please reference the subject file number SWG-2020-00259 in future correspondence pertaining to this subject. If you have any questions, please contact the Regulatory Hotline at 409-766-3869. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink that reads "Janet Thomas Botello". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Janet Botello
Chief, Evaluation Branch



Legend

-  ABANDONMENT
-  ASSOCIATED INDUSTRIAL SPUR TRACKAGE
-  OTHER TRACKS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

HOUSTON NAVIGATION LEAD DOCKET AB-33 (SUB NO. 343X)

UNION PACIFIC RAILROAD CO.
MP 0.98 TO MP 1.31 & MP 1.71 TO 2.62
TOTAL OF 1.24 MILES IN HARRIS COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO. HOUSTON NAVIGATION LEAD TEXAS

