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Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

April 6, 2022

E-Filed

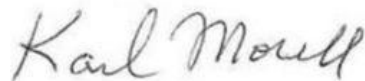
Ms. Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. AB-857 (Sub-No. 3X), Great Western Railway
of Colorado, LLC -- Abandonment Exemption -- In Weld
County, Colorado

Dear Ms. Gosselin:

Attached please find the Environmental Report and Historic Report in the above-captioned matter. Great Western Railway of Colorado, LLC expects to file its Notice of Exemption in this matter on or shortly after June 1, 2022.

Sincerely,



Karl Morell

Enclosures

EXHIBIT D

ENVIRONMENTAL REPORT (49 C.F.R. SECTION 1105.7)

DOCKET NO. AB-857 (SUB-NO. 3X)

GREAT WESTERN RAILWAY OF COLORADO, LLC – ABANDONMENT EXEMPTION – WELD COUNTY, COLORADO

1. *Proposed Actions 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 the 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.

Great Western Railway of Colorado, LLC ("GWRC") proposes to abandon its Welty Branch located between milepost 0.0 at Johnstown, Colorado and milepost 6.2, at Welty, in Weld County Colorado, totaling approximately 6.2 miles (the "Line"). GWRC intends to railbank the Line and leave the rail, track materials, and cross ties in place. In addition, there are no plans of disturbing the underlying roadbed. There are no bridges to be removed and no surrounding waterways.

Previously, in April 2008, GWRC filed to abandon the Line. See STB Docket No. AB-857 (Sub-No. 1X), *Great Western Railway of Colorado, LLC – Abandonment Exemption – in Weld County, CO* (not printed), served May 6, 2008. The requested exemption became effective on June 5, 2008. After being granted six extensions of the deadline to consummate the abandonment, GWRC, on August 28, 2014, notified the Board that, due to recent industrial expansion in the area, GWRC had decided not to consummate the abandonment of the Line.

The Line has not been used for local traffic in many years. The Line is stub-ended and not capable of handling overhead traffic. Therefore, the proposed abandonment will not change rail freight operations on the Line. The Line has been used to store rail cars and GWRC plans to continue using a portion of the Line for car storage.

GWRC continues to believe that there will be industrial expansions along the Line in the near future. Certain "Landowners" are apparently seeking to file an adverse abandonment and salvage the Line. Consequently, GWRC is seeking abandonment authority so the GWRC can railbank the Line and preserve the corridor for future rail service.

A map of the proposed abandonment is attached as Exhibit 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 and freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has moved over the Line in many years and the Line is not capable of handling overhead traffic. Therefore, the proposed abandonment will have no adverse effects on local or regional transportation systems or 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 the 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 §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.

(i) GWRC is confident that the proposed abandonment will be consistent with local land use plans. GWRC contacted the local government of Weld County. *See Exhibit 2.* On January 19, 2022, Mr. Tom Hartwell of the Weld County Planning Service left a voice mail stating that Weld County has no concerns about the proposed abandonment. A copy of this Report is being supplied to the Weld County Commissioners for their information and further comment.

(ii) GWRC contacted the Natural Resource and Conservation Service ("NRCS") and requested assistance in identifying any potential effects on prime agricultural land. *See Exhibit 3.* To date, no response to this inquiry has been received. In 2008, NRCS stated that the "potential impact on prime agricultural land will be none." *See Exhibit 3.*

(iii) The Line does not pass through a designated coastal zone.

(iv) The right-of-way involved does not appear to be suitable for alternative public use other than as a recreational trail since it is located, for the most part, in a rural, sparsely populated area. No State or local entity has expressed an interest in the right-of-way.

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 data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no adverse effect on overall energy efficiency since no local traffic has moved over the Line in many years and the Line is not capable of handling overhead traffic. Any traffic that previously moved over the Line has long ago been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local traffic has been handled over the Line in many years and the Line is not capable of handling overhead traffic.

5. *Air.* (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent 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 10502) 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. (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent 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. (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.

(i) The proposed abandonment will not result in meeting or exceeding these thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding these thresholds.

(iii) The proposed abandonment 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.

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 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.

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

(ii) The proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) GWRC is unaware of any hazardous waste sites or sites where hazardous spills have occurred on or along the right-of-way.

8. Biological Resources. (i) Based on consultations 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 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.

(i) GWRC notified the U.S. Fish and Wildlife Service ("FWS") of the proposed abandonment and requested assistance in determining whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely affected. *See* Exhibit 4. According to FWS, "because there is no construction or disturbance associated with this project proposal, the Service does not need to provide review or comment for it to move forward." *See* Exhibit 4. A copy of this Report is being supplied to FWS for its information and further comment.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests along the Line that would be adversely affected by the proposed abandonment. Nevertheless, GWRC contacted the National Park Service ("NPS") of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 5. To date, no response to this inquiry has been received. In 2008, NPS had no comments regarding the abandonment of the Welty Branch. A copy of this Report is being supplied to NPS for its information and comment.

9. Water. (i) Based on consultation with the 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 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.

(i) GWRC is confident the proposed abandonment will not be inconsistent with applicable water quality standards. The Line does not cross any bodies of water and there will be no salvage operations or impacts on water quality in the area. Nevertheless, GWRC contacted the Colorado Department of Public Health and Environment ("CDPHE") and the U.S. Environmental Protection Agency ("EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. *See* Exhibit 6. To date, no response has been received from CDPHE. EPA stated that GWRC may need to obtain a construction stormwater permit if the abandonment will result in disturbance at least one acre and discharge into state waters." A copy of this Report is being supplied to CDPHE and EPA for their information and comment.

(ii) GWRC contacted the Corps of Engineers ("Corps") concerning these matters. *See* Exhibit 7. To date, no response to this inquiry has been received. A copy of this Report is being supplied to the Corps for its information and comment.

(iii) GWRC believes the proposed abandonment will not require the issuance of any permit under Section 402 of the Clean Water Act. GWRC contacted the EPA concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is

consistent with applicable Federal, State, or local water quality standards. *See* Exhibit 6. EPA stated that it cannot say for sure whether a Section 402 permit will be required. Also, if the abandonment results in work in Waters of the U.S., GWRC may need a CWA 404 permit. A copy of this Report is being supplied to the EPA for its information and further comment.

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

GWRC does not anticipate any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. GWRC will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

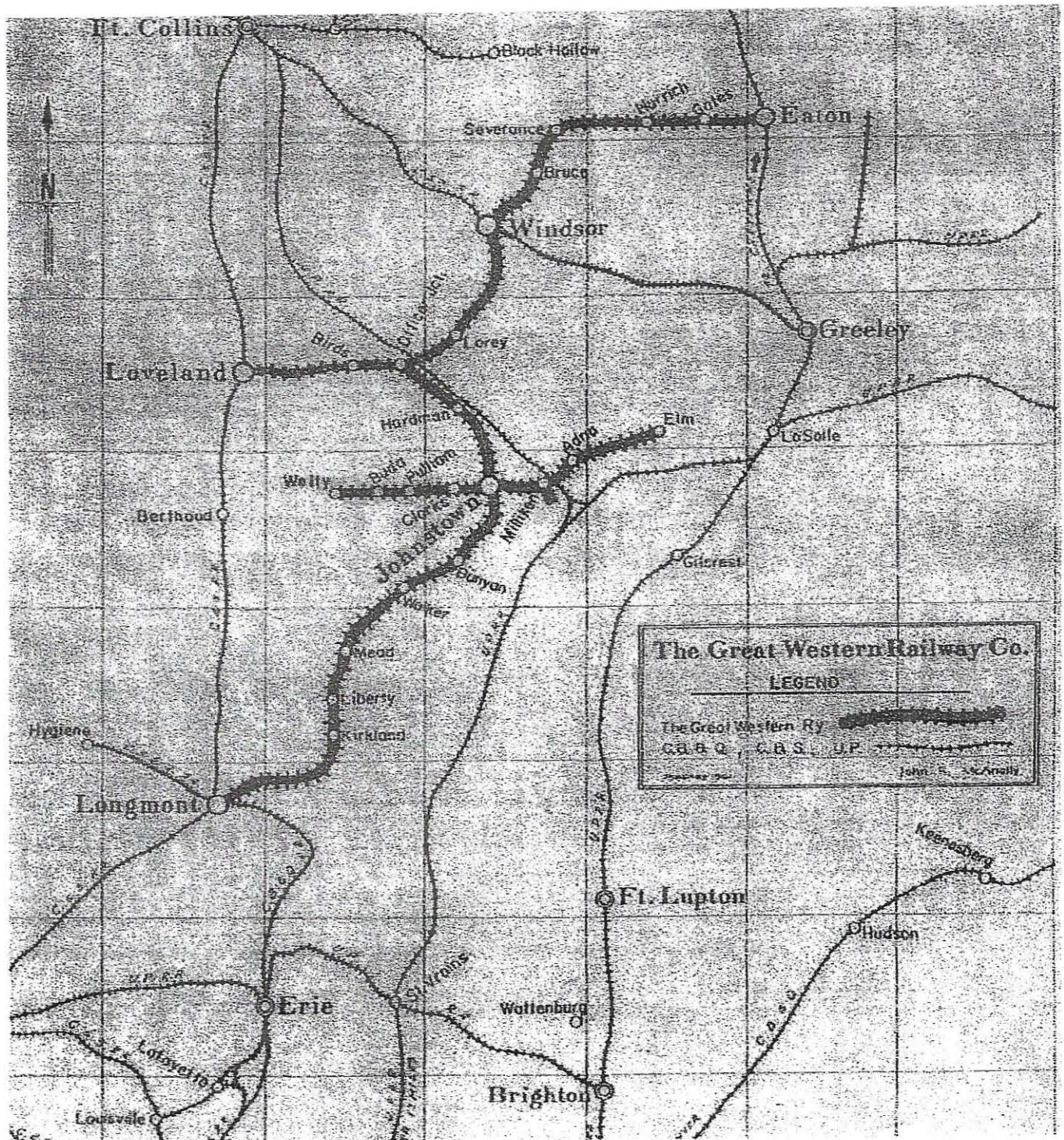


EXHIBIT 1

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

December 23, 2021

Weld County Commissioners
P.O. Box 758
Greeley, CO 80632

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado,
L.L.C.--Abandonment Exemption--In Weld County, CO**

Dear Sir/Madam:

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about February 15, 2022, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell & Associates

440 1st Street, NW, Suite 440

Washington, DC 20001

(202) 595-9045

karlm@karlmorell.com

December 23, 2021

State Conservationist
USDA Natural Resource Conservation Service
Denver Federal Center
Building 56, Room 2400
P.O. Box 25426
Denver, CO 80225-0426

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam:

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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

In 2007, GWRC sought your assistance in the proposed abandonment of this same rail line. A copy of your response is attached.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell & Associates

440 1st Street, NW, Suite 440

Washington, DC 20001

(202) 595-9045

karlm@karlmorell.com

December 23, 2021

U.S. Fish and Wildlife Service

134 Union Blvd.

Lakewood, CO 80228

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County, CO**

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Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell

From: Karl Morell
Sent: Saturday, February 05, 2022 9:25 AM
To: 'Williams, Jennifer M'
Subject: RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado, L.L.C. -- Abandonment Exemption - In Weld County, CO

Thank you for the response. The infrastructure will remain in place. The railroad is planning on railbanking the line as is. The red line on map is correct.

Karl

From: Williams, Jennifer M <jennifer_williams@fws.gov>
Sent: Tuesday, February 01, 2022 9:13 PM
To: Karl Morell <karlm@karlmorell.com>
Subject: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado, L.L.C. --Abandonment Exemption - In Weld County, CO

Hi Karl,

The project referenced in the subject line was assigned to me. Apologies for the delayed response. We are under mandatory telework and only have staff going into the office every 2-3 weeks to check for mail. In addition, we are moving toward 100% electronic project requests. Please submit all future requests to us via email at _____ to ensure a timely review and response.

I see that your meeting is rapidly approaching so I will try to get you a response quickly. We need to know what all is involved with abandoning these particular tracks. Will the infrastructure remain in place? If so, are there any hazards associated with leaving the material? If infrastructure will be removed, please describe the level of ground disturbance that will be involved and whether any construction will occur (for example, building a trail in the place of the railroad).

In the map that you provided, is it just the section I traced in red that will be abandoned?

Karl Morell

From: Williams, Jennifer M <jennifer_williams@fws.gov>
Sent: Thursday, February 10, 2022 12:42 PM
To: Karl Morell
Subject: Re: [EXTERNAL] RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado, L.L.C. --Abandonment Exemption - In Weld County, CO

Hi Karl,

Thank you for contacting the U.S. Fish and Wildlife Service (Service). Because there is no construction or disturbance associated with this project proposal, the Service does not need to provide review or comment for it to move forward. Therefore, the Service will not provide additional response beyond this notification. We appreciate your efforts to ensure the conservation of threatened and endangered species.

Project Number: 2022-TA-0433

Kind regards,

Jen Williams

Dr. Jen Williams ()
Fish and Wildlife Biologist
Colorado Ecological Services Field Office
134 Union Blvd
Lakewood CO 80228
303-236-4758

From: Karl Morell <karlm@karlmorell.com>
Sent: Saturday, February 5, 2022 7:25 AM
To: Williams, Jennifer M <jennifer_williams@fws.gov>
Subject: [EXTERNAL] RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado, L.L.C. --Abandonment Exemption - In Weld County, CO

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Sent: Tuesday, February 01, 2022 9:13 PM

To: Karl Morell <karlm@karlmorell.com>

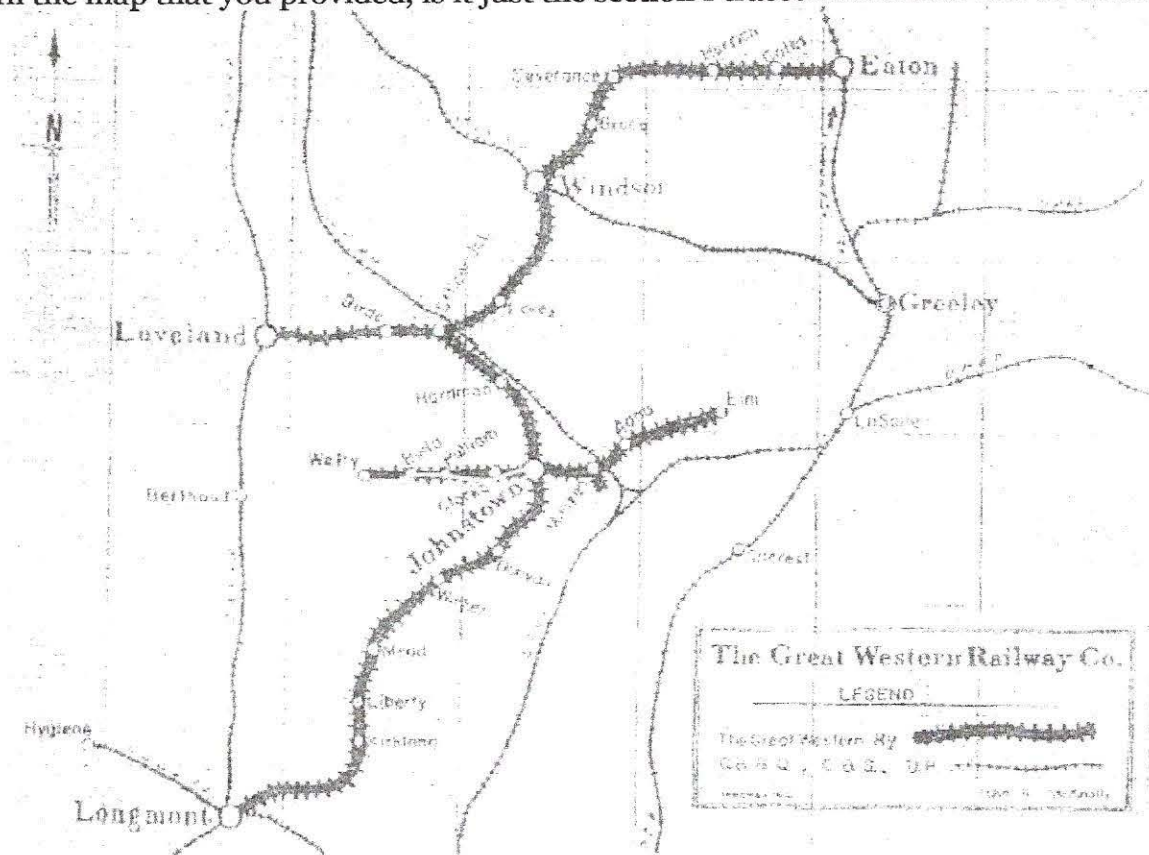
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I see that your meeting is rapidly approaching so I will try to get you a response quickly. We need to know what all is involved with abandoning these particular tracks. Will the infrastructure remain in place? If so, are there any hazards associated with leaving the material? If infrastructure will be removed, please describe the level of ground disturbance that will be involved and whether any construction will occur (for example, building a trail in the place of the railroad).

In the map that you provided, is it just the section I traced in red that will be abandoned?



Thank you,

Jen

Dr. Jen Williams ()
Fish and Wildlife Biologist
Colorado Ecological Services Field Office
134 Union Blvd
Lakewood CO 80228

Karl Morell & Associates

440 1st Street, NW, Suite 440

Washington, DC 20001

(202) 595-9045

karlm@karlmorell.com

December 23, 2021

National Park Service

RTCA Program

1849 C Street, NW

Washington, D.C. 20240

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam:

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about February 15, 2022, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

In 2007, GWRC sought your assistance in the proposed abandonment of this same rail line. A copy of your response is attached.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell & Associates

440 1st Street, NW, Suite 440

Washington, DC 20001

(202) 595-9045

karlm@karlmorell.com

December 23, 2021

Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam:

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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. GWRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

December 23, 2021

U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

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Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Karl Morell

From: Snyder, Shannon (she/her) <snyder.shannon@epa.gov>
Sent: Tuesday, February 08, 2022 6:16 PM
To: Karl Morell
Subject: Great Western Railway Docket No. AB-857 (Sub-No. 3)
Attachments: Scanned from R08-DEN-5137-M01-12-2022-175105.pdf

Dear Karl Morell,

We received your attached letter regarding the Great Western Railway Abandonment Exemption in Weld County, Colorado. In your letter, you are notifying EPA of this proposed action so that we can assist with identifying any potential impacts under 49 CFR Part 1105. The letter does not provide adequate information for us to identify the potential impacts of this proposed action, and the map provided doesn't include any waterbodies to help identify potential water quality standards impacts. However, based upon the provided information, you may need to obtain a construction stormwater permit from the Colorado Department of Public Health and Environment (CDPHE) if the abandonment will result in disturbance at least one acre and discharge into state waters. In your letter it states that you don't believe Clean Water Act (CWA) 402 permits are needed, but based upon the provided information we cannot say that for sure. Additionally, we don't know what the abandonment entails, but if it will result in work in Waters of the U.S. you may need a CWA 404 permit. For further information about the construction stormwater permit here is a link to the CDPHE Colorado Construction Stormwater Permit:

Please let me know if I can be of further assistance.

Shannon

U.S. EPA, Region 8, 8ORA-N
NEPA Branch
Office of the Regional Administrator
1595 Wynkoop Street
Denver, CO 80202-1129
p: (303) 312-6335 / f: (303) 312-7203

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

December 23, 2021

U.S. Army Engineer, Omaha District
1616 Capitol Street, STE 9000
Omaha, Nebraska 68102

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
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