

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 338X)

**Union Pacific Railroad Company– Abandonment Exemption –
In Salt Lake County, Utah**

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board) seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Salt Lake County, Utah. The rail line proposed for abandonment extends approximately 0.5 miles from milepost 743.7 to milepost 744.2 in Salt Lake City, Utah (the Line). By decision dated April 26, 2022, the Board imposed a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108.

The Section 106 historic preservation condition imposed by the Board in its April 26, 2022 decision requires UP to: (a) 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 Effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Utah State Historical Society (SHPO), appropriate federally recognized tribes, and the public; and (c) not file a 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.

Comments

On July 14, 2022, OEA received a comment from SHPO finding that no historic properties would be affected by the proposed abandonment. SHPO also noted that work must be halted within 50 feet of any ground disturbing activity that encounters subsurface archaeological deposits including, but not limited to, prehistoric artifacts or features, human remains, historic building foundations or walls, outhouse/privies, or dense trash deposits until appropriate notifications and assessments are conducted. Accordingly, OEA is recommending that an additional unanticipated discovery condition be imposed on any decision granting abandonment authority.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that UP's proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National

Register.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition that was imposed in the April 26, 2022 decision and impose the following condition upon any decision granting abandonment authority:²

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's abandonment-related salvage activities, the railroad will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the Utah State Historical Society (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested Federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of UP's Report, all relevant correspondence, the Draft EA, the Final EA and this Supplemental Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <https://www.stb.gov/>.

² If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.