

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 351X)

**Union Pacific Railroad Company – Abandonment Exemption –
In Weber and Davis Counties, Utah**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice with the Surface Transportation Board (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 portion of the Hill Field Industrial Lead in Weber and Davis Counties, Utah. The rail line proposed for abandonment extends approximately 6.2 miles from milepost 0.6 to milepost 6.8 (the Line). The Line is located near the city of Ogden between UP's Ogden Yard and Hill Air Force Base, and closely parallels Interstate 15. A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, UP would be able to salvage the track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, there has been no freight traffic over the Line for two years. The last customer, Hill Air Force Base, moved its operations requiring rail service to Alabama in 2019. UP states that there are two bridges on the Line (milepost 0.69 and milepost 6.49) and the track is 90-pound rail. The Line traverses United States Zip Codes 84405, 84067, 84015, and 84056. Based on information in its possession, UP states that the Line does not contain any federally granted rights-of-way. If abandonment authority is granted, UP intends to sell the Line to the Utah Department of Transportation (UDOT) for future development of a hiker/biker trail between mileposts 0.6 to 4.09, and to realign a portion of Interstate 15 near Hill Air Force Base and construct a new entrance to the Base between mileposts 4.09 to 6.8. UP states that UDOT intends to retain the bridge at milepost 0.69, which crosses a waterway, but would remove the bridge at milepost 6.49 for the road improvements.

ENVIRONMENTAL REVIEW

UP submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including abandonment-related salvage activities. UP

provided the E&H Report to a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to UP, no local traffic has moved over the Line for at least two years and there is no need to reroute any overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. If abandonment authority is granted, UP indicates that it has entered into a purchase agreement with UDOT to sell the right-of-way; track; ties; ballast; two bridges; public road crossings and railroad signals, and to assign any existing leases; licenses; or easements. UDOT would then be responsible for obtaining the necessary approvals and permits for its planned improvements of the Line.

UP submitted the E&H Report to the U.S. Environmental Protection Agency, Region 8 (USEPA) and the U.S. Army Corps of Engineers, Sacramento District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from either agency. OEA does not anticipate the need for permits under the CWA because UP does not intend to salvage the Line or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to the USEPA and USACE for their review.

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation is required.

UP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. § 1531 et seq.). To date, USFWS has not provided comments. To identify protected species in the project area,

¹ The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "33" "351" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on March 28, 2023.

OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.² Three protected species are located in the area of the proposed abandonment. The species identified are: the threatened Yellow-billed Cuckoo (*Coccyzus americanus*); the Monarch Butterfly (*Danaus plexippus*), a candidate species; and the threatened Ute Ladies'-tresses (*Spiranthes diluvialis*). The data base indicates that there is no critical habitat for these species. OEA has determined that these species would not be affected because UP does not intend to conduct salvage and thus, would not disturb the underlying roadbed or any structures during the abandonment process. As previously noted, UP intends to sell the Line to UDOT for its planned improvements following abandonment. OEA is providing a copy of this Draft EA to the USFWS Utah Field Office for its review.

The Utah Public Service Commission, Division of Utilities commented that it has no objection to the proposed abandonment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Similarly, any noise related to salvage operations would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S Army Corps of Engineers; and the National Geodetic Survey.

HISTORIC REVIEW

UP submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Utah State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. OEA concurs with the SHPO's no-adverse effect determination.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC) System, <http://ecos.fws.gov/ipac> (last visited April 17, 2023).

to the public through posting on the Board's website at <https://stb.gov>.

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.³ The database indicates that there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Northwestern Band of the Shoshone Nation; the Shoshone Tribe of the Wind River Reservation; and the Shoshone-Bannock Tribe of the Fort Hill Reservation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITIONS

OEA recommends no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line will 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 should not be affected.

PUBLIC USE

Following abandonment and salvage of the 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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁴

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited May 8, 2023).

⁴ Board decisions are available for viewing on the Board's website at <https://stb.gov/> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "33" "351" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

TRAILS USE

A request for a notice of interim trail use (NITU) is 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

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

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 33 (Sub-No. 351X). If you have any questions, please contact Diana Wood by email at Diana.Wood@stb.gov or by phone at 202-245-0302 or 202-934-0388.

Date made available to the public: May 26, 2023.

Comment due date: June 13, 2023.

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

Attachment

⁵ Id.



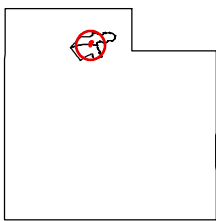
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Legend

— the Line

Note: Maps produced by the STB's
Office of Environmental Analysis
are based on information
provided by the applicant and are
for reference purposes only.



Utah



Weber and Davis Counties