

From: [Wood, Diana](#)
To: natalie.lindquist@parks.ca.gov; calshpo@ohp.parks
Cc: wclarkin@up.com
Subject: Union Pacific Rail Line Abandonment and Section 106 Determination
Date: Wednesday, June 14, 2023 12:18:19 PM
Attachments: [AB 33 \(Sub-No. 345X\) Union Pacific rail line abandonment and Section 106.pdf](#)

Hi Natalie,

Whitney Larkin, attorney at Union Pacific Railroad, forwarded your letter (attached) regarding the June 5, 2023 no adverse effect finding in the Union Pacific abandonment in Riverside and San Bernadino Counties (SHPO reference STB_2020_0428_001). This is to notify you that we concur with your finding in the attached Supplemental Final EA issued today and have recommended that the Board remove this condition. The unanticipated discovery condition imposed in the attached July 29, 2021 Board decision remains in place. The next step is for the Board to issue a decision (forthcoming) that officially removes the 106 condition.

Please let me know if you have any questions.

Thanks,
Diana Wood

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423
202-934-0388 New Phone Number

51763
OEA

SERVICE DATE – JUNE 14, 2023

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 345X)

**Union Pacific Railroad–Abandonment Exemption–
in Riverside and San Bernardino Counties, Cal.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

On September 18, 2020, Union Pacific Railroad (UP) filed a verified notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking authority to abandon approximately 0.54 miles of rail line between milepost 7.06 and milepost 7.6 on a portion of the Crestmore Industrial Lead in Riverside and San Bernardino Counties, California (the Line). By decision served July 29, 2021, the Board imposed a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (Section 106 condition).

The Section 106 condition 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 Effect) that are eligible for listing or are listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act (NHPA); (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the California State Parks' Office of Historic Preservation (State Historic Preservation Office or SHPO) and the public; and (c) 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.

Comments

On June 6, 2023, UP submitted a letter from the SHPO dated June 5, 2023 (SHPO reference STB_2020_0428_001). The SHPO indicated that it had completed its review of the

Cultural Resources Assessment Report (CRAR) submitted by UP and concurs with the report's findings. Specifically, the SHPO concurs that the following eight properties are not eligible for listing in the National Register of Historic Places (National Register): (1) the Crestmore Plant Change Room; (2) the UP Railroad spur (CRAR reference P-33-013240); (3) the Bloomington Overhead Powerline (CRAR reference P-33-013239/P-33-016681); (4) 18861 2nd Street; (5) 18854 2nd Street; (6) 18880 5th Street; (7) 18881 5th Street; and (8) Green Acres Memorial. The SHPO also concurs that the following two properties are eligible for listing in the National Register: (1) the Crestmore Plant Office and Laboratory, which is eligible under Criterion C for its Mid-Century Modern architecture; and (2) the Crestmore Plant Medical Office, which is eligible under Criterion C for its early Spanish Colonial Revival architecture. The SHPO further concurs with the CRAR's finding that the proposed abandonment would have no adverse effect on the above National Register-eligible resources.

Accordingly, 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 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(e), consists of UP's historic report, all relevant correspondence, and the EA (Draft, Final and Supplemental Final), which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Conclusion

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition imposed in its July 29, 2021 decision.

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

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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June 5, 2023

VIA EMAIL

In reply refer to: STB_2020_0428_001

Ms. Whitney Larkin
Union Pacific Railroad
1400 Douglas Street, MS 1580
Omaha, NE 68179

Subject: Union Pacific Railroad Company Abandonment Exemption STB Docket No. AB-33 (Sub-No. 345X), Riverside and San Bernardino Counties, CA

Dear Ms. Larkin:

You have provided me with the results of your efforts to determine, for the benefit of the Surface Transportation Board (STB), whether the above abandonment may affect historic properties. You have done this, and are consulting with me, in order to enable the STB to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800. As part of your documentation, you submitted a Cultural Resources Assessment Report (CRAR) for the above project.

The CRAR determined that the following properties are not eligible for the National Register of Historic Places (NRHP):

- Crestmore Plant Change Room
- P-33-013240 – a Union Pacific Railroad (UPRR) spur
- P-33-013239/P-33-016681 – Bloomington Overhead Powerline
- 18861 2nd Street
- 18854 2nd Street
- 18880 5th Street
- 18881 5th Street
- Green Acres Memorial

The CRAR also determined that the following properties are eligible for the following reasons:

- Crestmore Plant Office and Laboratory – eligible under Criterion C as an excellent example of Mid Century Modern architecture.
- Crestmore Plant Medical Office – eligible under Criterion C as an early example of Spanish Colonial Revival architecture

The CRAR also found that the undertaking will have no adverse effect on historic properties.

I have reviewed the documentation furnished and considered your recommendation to the STB that the undertaking will have no adverse effect. Based on that review, I have the following comments:

- 1) I concur with the above determinations.
- 2) I do not object to your recommendation that the undertaking will have no adverse effect on historic properties.
- 3) I would not object to an official finding by the STB that the undertaking will have no adverse effect on historic properties.
- 4) I will assume that the STB has made the above determinations/finding unless I hear to the contrary from them within 15 calendar days after you have furnished them with a copy of this letter.
- 5) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the STB may have additional responsibilities for this undertaking under 36 CFR Part 800.

If you have any questions, please contact Natalie Lindquist at natalie.lindquist@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne', followed by a horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer

SERVICE DATE – JULY 29, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 345X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN RIVERSIDE AND SAN BERNARDINO COUNTIES, CAL.

Decided: July 29, 2021

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.54-mile portion of the Crestmore Industrial Lead in Crestmore, Cal., between milepost 7.06 and milepost 7.6, in Riverside and San Bernardino Counties, Cal. (the Line). Notice of the exemption was served and published in the Federal Register on June 30, 2021 (86 Fed. Reg. 34,830). The exemption is scheduled to become effective on July 30, 2021.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on July 2, 2021, recommending that one condition be imposed on any decision granting abandonment authority. OEA stated that UP served its environmental and historic report on the California State Parks' Office of Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c) and noted that because the SHPO had not yet commented, OEA had not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, OEA recommended a condition requiring UP to 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, or APE) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), has been completed and the Board has removed the condition.

OEA served its Final Environmental Assessment (Final EA) on July 22, 2021. The Final EA notes that two comments were received. First, the Cultural Resources Management Department (CRM) of the San Manuel Band of Mission Indians (SMBMI) comments that, pursuant to Section 106 of NHPA, the proposed abandonment's APE is within its ancestral territory and therefore is of interest to the tribe. Nevertheless, SMBMI notes that no further consultation would be necessary, given the nature and location of the proposed abandonment as well as CRM's present state of knowledge of the area. However, SMBMI requests that, should cultural resources be discovered during salvage, all work related to the salvage process immediately cease pending further consultation and resolution of the matter.

In order to address SMBMI's concern about unanticipated discoveries, OEA, in the Final EA, recommends a condition requiring that, in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, UP immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b) and providing that OEA shall then consult with the SHPO, interested federally recognized tribes, UP, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Second, UP provided a website link to an environmental impact report prepared by the City of Jurupa Valley (City) in December 2019 for redevelopment of the surrounding area, which includes the area of the proposed abandonment. The City's report concludes that the Line is not eligible for listing on the National Register and that redevelopment of the area would result in a less than significant impact. The Final EA states that, although the City's report was thoroughly documented, OEA has not received any correspondence from the SHPO that would indicate the SHPO concurs with the report's findings and conclusions, and OEA has not received comments from the SHPO regarding the proposed abandonment. Accordingly, OEA continues to recommend that the Section 106 condition recommended in the Draft EA be imposed.¹

Accordingly, based on OEA's recommendations, the two conditions proposed in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on June 30, 2021, exempting the abandonment of the Line described above is subject to the following conditions:²

(a) UP 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 Area of Potential

¹ The Final EA also indicates that the unanticipated discoveries condition proposed in response to SMBMI's comment also would address concerns expressed in the City's report about possible prehistoric archeological resources near the project area.

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 the condition set forth in the Final EA is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. UP shall report back to OEA regarding any consultations with the SHPO, any other Section 106 consulting parties that have been identified, and the public. UP shall not file its consummation notice or initiate any salvage activities related to the abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

(b) In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, UP shall immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, UP, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.