

SERVICE DATE – FEBRUARY 7, 2025

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1343X**

**Saratoga Railroad, LLC – Abandonment Exemption  
In Carbon County, Wyo.**

**BACKGROUND**

In this proceeding, Saratoga Railroad, LLC (Saratoga) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Carbon County, Wyoming. The rail line proposed for abandonment extends approximately 23.71 miles from milepost 0.57 in Walcott, Wyoming, to milepost 24.28 in Saratoga, Wyoming (the Line).

The Line's prior owner, Wyoming and Colorado Railroad Company, Inc. (WYCO), was previously granted abandonment authority by the Board in 2006.<sup>1</sup> However, WYCO did not file its consummation notice within a year as required by the Board's regulations at 49 C.F.R. § 1152.29(e)(2) and abandonment authority lapsed. Subsequently, Saratoga acquired the Line from WYCO in 2017, but some portions of the Line had already been sold. Saratoga is now seeking authority to abandon the Line in its entirety.

A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located in central southern Wyoming and runs from Walcott just north of Interstate Route 80 south to Saratoga roughly parallel to Wyoming Highway 130, which lies west of the Line. There are three bridges on the Line at mileposts 0.84, 3.19, and 3.69, all of

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<sup>1</sup> Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyo., AB 307 (Sub-No. 6X) (STB Served May 31, 2006)

which are likely more than 50 years old. The right-of-way ranges from 100 to 200 feet wide. The land adjoining the Line consists of residential, commercial, and agricultural areas.

According to Saratoga, the Line was constructed in 1907 as part of a longer rail line extending to Encampment, Wyoming, by the Saratoga & Encampment Railway Company (S&ER). The Line was originally constructed to handle copper ore, but the associated mine closed shortly after the Line was built. Thereafter, the Line's traffic primarily consisted of shipments of stock and farm products. The Union Pacific Railroad Company (UP) gained control of S&ER in 1928 and absorbed S&ER into UP in 1951. WYCO then acquired the Line from the UP in 1987, as part of a larger purchase. WYCO used the Line to handle shipments of finished lumber and wood chips until the sawmill located in Saratoga closed in January 2003. There have been no shippers, stations, or traffic on the Line since that time.

According to Saratoga, after receiving abandonment authority from the Board in 2006, WYCO removed nearly all rail, track, and cross ties from the existing roadbed; the only remaining track and crossties are located near the bridge at milepost 0.84.

## **ENVIRONMENTAL REVIEW**

Saratoga 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 salvage. Saratoga served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)]<sup>2</sup> implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to Saratoga, no local traffic has moved over the Line over for at least two years, and overhead traffic on the Line has been rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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<sup>2</sup> The E&H Report is available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1343" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on January 13, 2025.

### ***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. Saratoga intends to salvage the only remaining track and crossties, which are located near the bridge at milepost 0.84. As stated above, WYCO already salvaged all other materials from the Line. Saratoga intends to leave intact the three bridge structures on the Line. Further, Saratoga does not intend to alter the contour of the existing roadbed, modify existing drainage systems, remove ballast, or cause any ground disturbance.

Saratoga also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, the Line passes through 100-year floodplains. Accordingly, OEA has included the appropriate offices of the U.S. Army Corps of Engineers (Corps) and the Federal Emergency Management Agency (FEMA) on the service list for this proceeding for their review.

The Line is not located within a coastal management zone. Therefore, no coastal zone consistency review is required.

Wyoming Department of Environmental Quality's Water Quality Division commented that neither a Wyoming Pollutant Discharge Elimination System permit nor a 401 Water Quality Certification would be required for abandonment-related salvage activities. Therefore, no further consultation is required.

Saratoga 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. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.<sup>3</sup> Seven protected threatened or endangered species are located in the area of the proposed abandonment: piping plover (*Charadrius melodus*), a threatened bird; whooping crane (*Grus americana*), an endangered bird; pallid sturgeon (*Scaphirhynchus albus*), an endangered fish; monarch butterfly (*Danaus plexippus*), a proposed threatened insect; Suckley's cuckoo bumble bee (*Bombus suckleyi*), a proposed endangered insect; Ute ladies'-tresses (*Spiranthes diluvialis*), a threatened flowering plant; and Western prairie fringed orchid (*Platanthera praeclara*), a threatened flowering plant. According to the IPaC report, there is no critical habitat for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be

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<sup>3</sup> <https://ipac.ecosphere.fws.gov>, last accessed February 4, 2025

impacted because salvage activities would be limited to a small previously-disturbed area where these species are not likely to be found. OEA is providing USFWS Wyoming Wyoming Ecological Services Field Office a copy of this Draft EA for its review.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities 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: U.S. Army Corps of Engineers; Federal Emergency Management Agency; and U.S. Fish and Wildlife Service, Wyoming Ecological Services Field Office..

## **HISTORIC REVIEW**

Saratoga served the E&H Report on the Wyoming State Historic Preservation Office (State Historic Preservation Office or SHPO).<sup>4</sup> OEA has not heard from the State Historic Preservation Officer (SHPO) and has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA is recommending a condition requiring the railroad 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) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify

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<sup>4</sup> Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overviewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

federally recognized Tribes that may have ancestral connections to the project area.<sup>5</sup> The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Apache Tribe of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; and Standing Rock Sioux Tribe of North & South Dakota. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

### **CONDITIONS**

OEA recommends that the following condition(s) be imposed on any decision granting abandonment authority:<sup>6</sup>

Saratoga Railroad, LLC (Saratoga) 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 project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. Saratoga shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Wyoming State Historic Preservation Office and the public. Saratoga may 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.

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will

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<sup>5</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed February 4, 2025).

<sup>6</sup> 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.

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 rail 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.<sup>7</sup>

### **TRAIL 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.<sup>8</sup>

### **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.

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<sup>7</sup> Board decisions are available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1343" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

<sup>8</sup> Id.

**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.

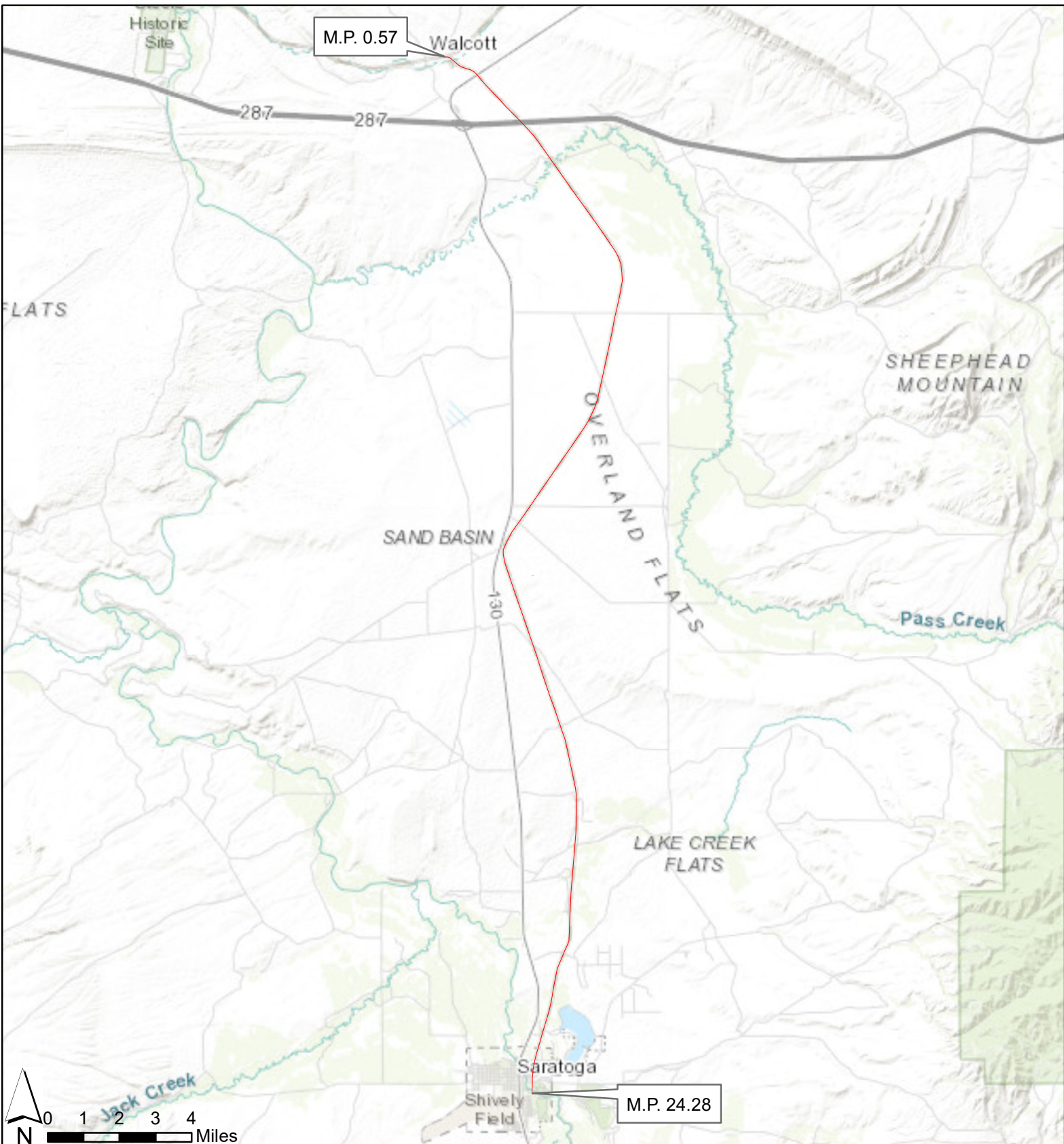
Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1343X. If you have any questions, please contact Adam Assenza by email at [adam.assenza@stb.gov](mailto:adam.assenza@stb.gov) or by phone at 202-245-0301.

Date made available to the public: February 7, 2025.

**Comment due date: February 24, 2025.**

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

Attachment



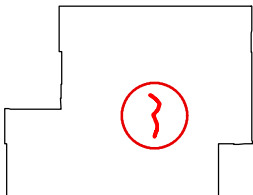
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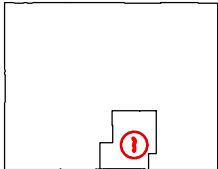
**Legend**

— 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.



Carbon County



Wyoming