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SERVICE DATE – FEBRUARY 28, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1343X

SARATOGA RAILROAD, LLC—ABANDONMENT EXEMPTION—
IN CARBON COUNTY, WYO.

Decided: February 28, 2025

Saratoga Railroad LLC (Saratoga) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 23.71-mile rail line between milepost 0.57, near Walcott, Wyo., and milepost 24.28, at Saratoga, Wyo., in Carbon County, Wyo. (the Line). Notice of the exemption was served and published in the Federal Register on January 31, 2025 (90 Fed. Reg. 8,733). The exemption is scheduled to become effective on March 2, 2025.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on February 7, 2025, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that Saratoga submitted a combined environmental and historic report and served the report on the Wyoming State Historic Preservation Office (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA stated that it had not heard from the SHPO and therefore had not been able to consider the SHPO's opinion before determining if the rail line may be eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA recommended 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) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed and the Board has removed this condition.

OEA served its Final Environmental Assessment (Final EA) on February 27, 2025, indicating that one new comment was received. OEA states that, on February 24, 2025, the SHPO submitted comments stating that the proposed undertaking is in an area previously surveyed and that the Line was determined to be ineligible for listing in the National Register. The SHPO also noted that prehistoric or historic material may be discovered during the undertaking.

Pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with 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. Accordingly, OEA no longer recommends imposing the Section 106 condition previously recommended in the Draft EA and instead recommends that the Board impose an unanticipated discoveries condition on any decision granting abandonment authority.

Based on OEA's analysis and consistent with its recommendation, this proceeding will be reopened, and the recommended unanticipated discoveries condition 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. Abandonment of the Line is subject to the following condition: 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, Saratoga will immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, Saratoga, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.¹
3. This decision is effective on its service date.

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

¹ 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.