

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1344X

**Colorado Pacific Rio Grande Railroad LLC–Abandonment Exemption–
in Rio Grande County, Colo.**

BACKGROUND

In this proceeding, Colorado Pacific Rio Grande Railroad, LLC (CXRG) filed a notice of exemption 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 Rio Grande County, Colorado. The rail line proposed for abandonment extends approximately 26.55 miles from milepost 272.75 near Monte Vista, to milepost 299.3, near Derrick, Colo. (the Line). 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, CXRG 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 a segment of the Alamosa Subdivision of CXRG's system, and crosses through mixed agricultural, residential, and commercial areas adjacent to US 160 and south of the Rio Grande River. According to CXRG, the right-of-way is approximately 50 feet wide.

The Line was originally constructed by the Denver & Rio Grande Railway Company (D&RG) in 1881, part of a longer segment from Alamosa to South Fork. At the time of construction, the Line was narrow gauge. From 1921 through 1996, the Line was part of the Denver & Rio Grande Western Railroad Company, which then merged with Union Pacific Railroad in 1996. CXRG states that it acquired the Line in bankruptcy from the San Luis & Rio Grande Railroad, Inc. in 2022.

CXRG states that there are two bridges on the Line, and it has not been used for rail service since 2007. Based on OEA's desktop review of the Line, it is single track with approximately five bridges and six culverts. No buildings or structures related to the Line are located within the right-of-way.

ENVIRONMENTAL REVIEW

CXRG 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. CXRG served the E&H Report on 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)]¹ 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 CXRG, no local traffic has moved over the Line over the last two years, and there is no overhead traffic on the Line that would have to be 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.

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, CXRG plans to remove the remaining track and ties and leave the bridges and culverts in place. CXRG notified the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) of the proposed abandonment by letter dated February 5, 2025. NRCS responded on February 21, 2025 stating that there are no NRCS Colorado easements within the project area and that the agency has no jurisdiction under Section 106 of the National Historic Preservation Act (NHPA). Accordingly, OEA concludes that the proposed abandonment would have no effect on prime agricultural land because it does not appear to cross any agricultural property.

The Line is not located within a Coastal Zone. Therefore, no additional consultation is required.

CXRG requested comments from U.S. Fish and Wildlife Service (USFWS) Mountain Prairie Headquarters regarding the potential impact of the proposed abandonment to protected

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1344" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on July 1, 2025, and an updated E&H Report was filed on July 22, 2025.

wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. §§ 1531-1544). 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.² Eight protected threatened or endangered species may be present in the area of the proposed abandonment. These include: Canada Lynx (*Lynx canadensis*), Gray Wolf (*Canis lupus*), Mexican Spotted Owl (*Strix occidentalis lucida*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), Yellow-billed Cuckoo (*Coccyzus americanus*), Monarch Butterfly (*Danaus plexippus* (Proposed Threatened)), Silver Spot (*Speyeria nokomis nokomis*), and Suckley's Cuckoo Bumble Bee (*Bombus suckleyi* (Proposed Endangered)). According to the IPaC report, there is no critical habitat for these species along the Line.

After reviewing the IPaC report, OEA has determined that these federally listed threatened or endangered species would not be affected because of the proposed abandonment's limited scope of salvage, the narrow ROW (approximately 50-feet wide), and the previously disturbed conditions within the ROW. OEA is providing USFWS Mountain-Prairie Headquarters a copy of this Draft EA for its review.

CXRG requested comments from the U.S. Army Corps of Engineers (USACE), Southern Colorado Branch for help in identifying whether permits under Section 404 of the Clean Water Act (CWA) would be required for the proposed abandonment. To date, USACE has not replied. Because no instream work is contemplated; no bridge, viaduct, embankment, or tree removal is contemplated; the scope of salvage is limited; no subgrade salvage activities are proposed; no dredging or use of fill in the removal of the track material is contemplated; and no salvage debris will be discarded along the right-of-way or placed or left in streams or wetlands or along the banks of such waterways, OEA believes that abandonment-related salvage activities would not require a permit under section 404 of the CWA, and that no waterways, wetlands, or 100-year flood plains would be affected. OEA is providing USACE, Southern Colorado Branch a copy of this Draft EA for its review.

OEA believes that any air emissions associated with abandonment-related salvage activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment-related salvage 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. Fish and Wildlife Service, Mountain-Prairie Region Headquarters and U.S. Army Corps of Engineers, Southern Colorado Branch.

² U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool (IPaC), <https://ipac.ecosphere.fws.gov> (OEA accessed on July 29, 2025)

HISTORIC REVIEW

CXRG served the E&H Report on the Colorado State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ Based on the information in the Historic Report, the SHPO submitted comments on February 24, 2025 stating that additional information and consultation would be required. Accordingly, OEA is recommending a condition requiring CXRG 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) potentially eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at [www](https://www.stb.gov/resources/environmental/historic-preservation-overview). <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 federally recognized Tribes that may have ancestral connections to the project area.⁴ 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, Comanche Nation, Oklahoma, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, and the Navajo Nation, Arizona, New Mexico and Utah. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITION

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁵

Colorado Pacific Rio Grande Railroad (CXRG) 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

³ 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 overviews historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed July 29, 2025).

⁵ 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.

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. CXRG shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. CXRG 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 the recommended condition is imposed, abandonment of the Line would 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.⁶

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.⁷

⁶ 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" "1344" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

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, Government 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. Brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

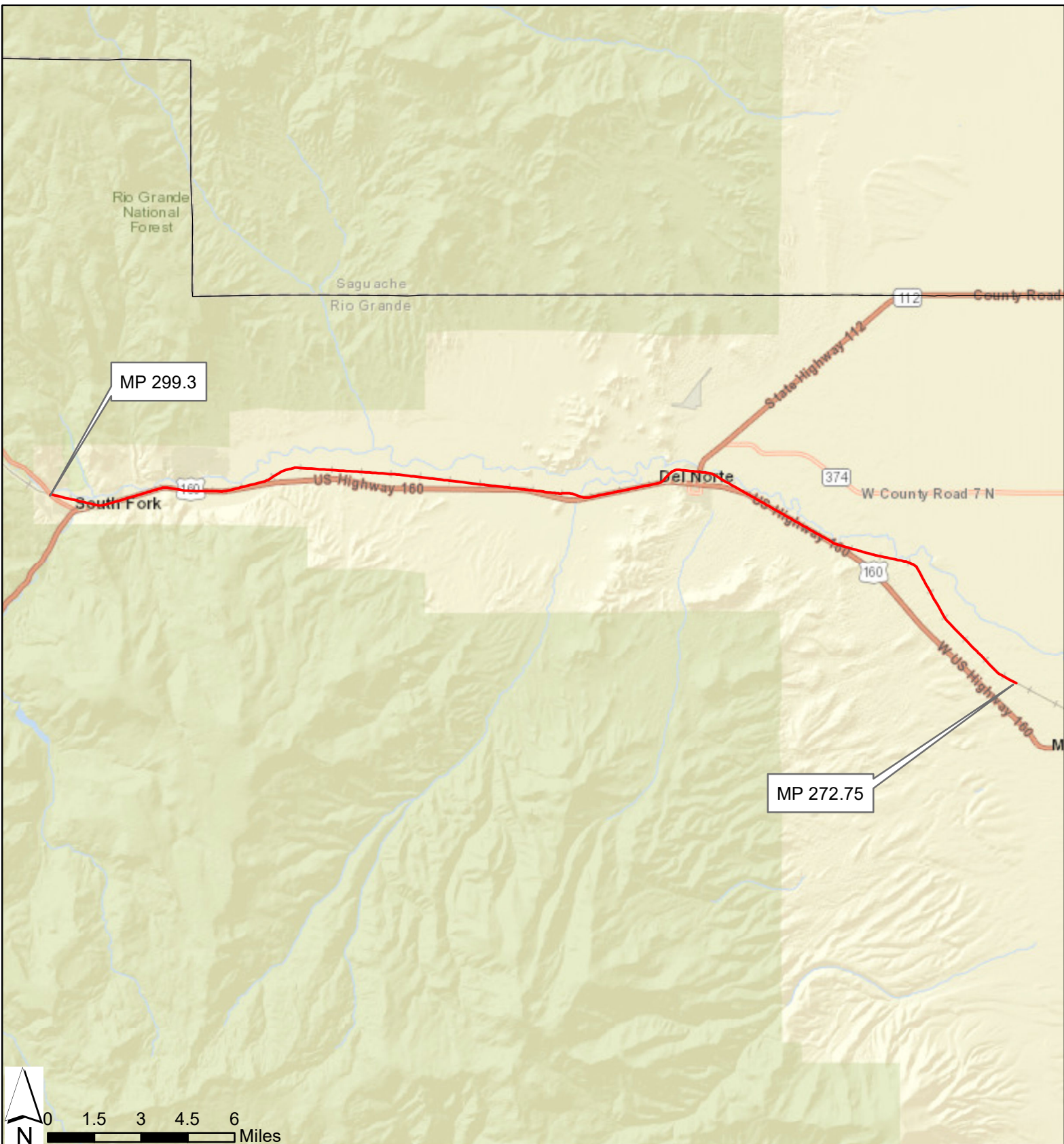
Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environment Filing, Docket No. AB 1344X. If you have any questions, please contact Alan Tabachnick by email at alan.tabachnick@stb.gov or by phone at 202-245-0367.

Date made available to the public: August 25, 2025.

Comment due date: September 9, 2025.

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

Attachment



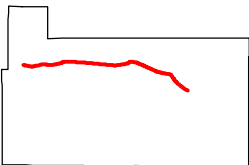
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Legend

— 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.



Rio Grande County



Colorado